

SUPPLEMENTARY QUESTIONS FROM DOMESTIC VIOLENCE INQUIRY

Rural and remote issues.

Victims in small country towns the time factor is a real problem police are often sent to work at the bigger town even to phone your local station more often than not the call will be diverted to the larger centre police station. For instance Tullamore police phone would be diverted to Parkes police station Parkes is over 100 kms away. This is the situation in most small country police stations. The next most pressing point is that many of the officers are not trained nor have much experience with the complexities involved with domestic violence especially the effect on the children that have to witness it. Because help is so far away in both time and distance I think the risk assessments carried out for the protection of police officers should be afforded to the victims of the abuser if the police choose not to apprehend and charge the abuser. I find it ludicrous that police feel Kevin Smith is such a risk to their own member's safety that they can't attend to a call unless there are at least 4 officers present and only in daylight hours. My eldest daughter had an occasion to phone the ACT federal police for assistance it took the police over half an hour to come to her home she phoned me and I tried to keep her calm. When the police finally arrived there were 6 of them they stated they had to wait for back up because of the risk assessment on the system. At this stage he still had never been charged with a single thing he had done to us. By the time police arrived the person banging on her door was gone but there was no reassurance that we could ever expect any protection from any police force. My youngest son discovered Kevin Smith inside his house in Tarago NSW. He had broken into the house while they were out my son called the police expecting them to apprehend and charge him, the police attended his property looked Kevin Smith up on the computer system in their police car they berated my son for not warning them that Kevin Smith was considered dangerous. The NSW police left my son and his partner to their own devices. The police told Duncan to take out an AVO and maybe trespass was a possibility. He told my son it was not a police matter it was just a family domestic. There are too many occasions of police inaction to mention here.

The next thing that needs to change immediately is the fact that the victims including the children are taken from the home to either family, friends or to a women's refuge. If the police feel it is serious enough to require that they recommend that action why haven't they charged the perpetrator with the abuse. The victim of the abuse ends up giving up trying to get help because the inaction by the police only causes the abuser to grow with their abuse and the fact their behaviour is seen as being sanctioned by the police only reinforces their attitude and puts the victims at more risk for calling and reporting on them. NSW need to follow Tasmania's lead on who should have to leave the home the children don't need to suffer the trauma of having to leave all that they know, they have been put through enough already. The other thing is that if the women is taken to a refuge she loses any local support she may have had and the children loose contact with school friends and even lose their pets. This in turn puts pressure and guilt on the mother forcing her to return to the abuser. There is also very limited medical or counselling available even women's services are only available in the bigger centres. Women in controlled abusive relationships don't often have access to transport to get to these centres often 100s of kilometres away. Control freaks govern access to car keys and car in my case the front gate was always padlocked and he had removed the mail box so he had full control of who I was able to communicate with. In remote areas

you are able to post letters by putting a flag out for the mail man to collect outgoing mail. If you still have a mail box. My abuser had the phone set up so he could tell if it had been used. It got so bad I wouldn't even answer the phone unless he could hear so he didn't accuse me of telling anyone what was going on.

In remote stations the officer is limited socially and it often becomes a conflict of interest when the officer needs to deal with the abuser the officer may play sport, drink at the pub, be best mates with the brother of the abuser or the abuser himself. This is a very real problem in country stations let alone the inbuilt reluctance for police to get involved in domestic violence. Christine Nixon writes about this in her recent book FAIR COP she changed this attitude in Victoria to the benefit of the victims. In my case the reluctance to get involved was the catalyst then came hiding the facts and covering up the inaction of the past when it got out of control!! If you want a more comprehensive insight into my family's ordeal the full transcripts from my trial might be informative.

District Court before Judge Hoskins SC 13/May/2008 Regina v Catherine Smith.

Policing

On the first instance police were reluctant to act because they negotiated with him on the phone to surrender his fire arms with a promise that they would take him to the hospital NOT to gaol. Smith told the children good bye and said that he was going to the (funny farm) for treatment. I have provided a copy of that report which said he wasn't mentally ill even so the police have used his so called depression as their excuse to off load him every time I called them for help with one exception.1990 I had called police for help the incident escalated to the point where one of the officers took on their usual practice of talking to the local Doctor about Smiths excuse of mental illness when Smith got hold of the other police mans gun from his holster threatened to kill me if I ever left him, he got off 5 shots in the presents of my 4 children and me. The police locked Smith up this time they charged him with stealing the gun he was acquitted of that charge he should have been charged with the attempted murder of me.

I strongly recommend that specialist police trained to deal with domestic violence should be in every station at least until the perception of domestic violence changes through education. Their needs to be some sort domestic violence file accessible from the police vehicle so the officer knows the history which would be useful with assessing the situation. Linked as there is for driving or criminal record checks on police computer systems after all domestic violence actually is a CRIME. In my case it was revealed during the court proceedings by the police officer that attended my property on many occasions that there was only ever one time that domestic violence was ever recorded as domestic violence obviously there needs to be something done about the police system of book keeping or lack of it. In the country police stations officers are rotated quite often and with the lack of proper record keeping the new officer has no knowledge of past police involvement or warnings given to the abuser which in turn grows the abuse with no consequences for their behaviour.

Lack of awareness of domestic violence actually being a crime against the children needs to be addressed as a very important issue. If this very important issue is dealt with much the same way cigarette smoking has. I think an advertising campaign on going, not a flash in the pan as is the usual

case with domestic violence advertising. It should work as well as it has to make smoking socially unacceptable. Advertising with the focus on harm to the children witnessing their mother being emotionally and physically abused would not be as much of a turn off to the community as the present domestic violence advertisement campaign has been. Children need the protection of the whole community it is not just domestic violence or a private matter as it seems to be perceived at present.

Their needs to be an inquiry from doctor, nurse, hospital level perspective. Police are known for not properly recording domestic violence incidences or in fact not recording it at all. There are no seamless services in place between the agencies dealing with this issue it is all so fragmented that is one of the things that causes the victims so much trauma. After a perpetrator is released from the medical facility there is no report back to the police as to whether the perpetrator is dangerous or not.

ADVOs

Some police are reluctant to issue ADVOs some police still to today refer victims to take them out on their own behalf at their local court Chamber of Magistrate. How can the figures on reporting domestic violence to police be accurate if the police don't document it officially and these cases never see a court room? Only the most extreme violent cases get a mention in Family Court. Because my abuser is always so difficult to deal with police just ignore his behaviour put him in the to hard basket as do most government departments when dealing Personality Disorder People. All professional people need to be educated to recognise a Physio path and learn how to deal with them instead of giving in to them leaving their victims at their Mersey. It is a known common fact the louder, more difficult, more persistent this sought of person behaves the more likely that they get their own way. This only grows the Physio paths cunning behaviour I have personally witnessed this MANY times even at the district court level as everyone witnessed during his recent many bail hearings, trial and sentence.

The courts don't enforce penalties for breaches of ADVOs there are too many warnings given to abusers.

There should be different degrees of severity stated on ADVOs some sought of scale, one size doesn't necessarily fit all and they should be numbered to show how many ADVOs have been issued against that person either past or at present.

Family Court should better take into account past ADVOs and partner violence history when deciding access issues. Many child murders take place during Family Court hearings or access visits. This is another important issue where lack of police records on DV is putting vulnerable children back into harms way. When will family court start to listen to the children? Children are NOT all brain washed by lying mothers. The saying "out of the mouth of babes" needs to be listened to IT has stood the test of time!

GPS tracking

I worry about the over use of these devices they should only be used in extreme cases otherwise it would be impossible to police it would also be unaffordable. I think they could be very useful in conjunction with the ADVOs distance limits for the protected person or to stay away from a

particular location. They would make it a lot more difficult for the stoker to stork their victim. False security and complacency by both victims and police could also be a problem in some cases.

Early intervention at school level

Domestic violence needs to be discussed at different school levels but it should most defiantly not be left to class room teachers they don't have the training and a crash course would be a dangerous direction to take, a trained councillor would know how to recognise a child victim and have the skills to deal with the child. A Child Protection Professional would have the necessary resources to discretely investigate the background. Children victims may gain a false feeling of trust and confide in someone untrained to deal with the complexities of child safety with these vulnerable children caught up in violent family situations.

If intervention is deemed necessary it is imperative that the family be protected. Children are trained to keep family violence secrete and the consequences for not keeping the secrete could be more dangerous than the violence already endured by the victims. I stress this is a very vulnerable area that needs very careful consideration my children and I lived with this fear every day. Every time someone came to our home we were watched and the visitor was always within his hearing such was his paranoia.

Courts

My recent experience with the court is not something I would wish on my worst enemy. It was not the fact that I had to relive the traumatic experiences again. It was the way the accused was allowed to control the proceedings.

1. The trial start got postponed 2 times because he wanted to represent himself the judge arranged for a solicitor to talk to him then adjourned the trial. He agreed to being legally represented and legal aid appointed a barrister then he was given another month to brief the new team. Then the day the trial was due to commence we were informed that he had sacked the barrister so he was given another adjournment. The second barrister was appointed and given one week to prepare. The third time I had travelled to Sydney he refused to come up from the cells his barrister talked his way around it he managed another adjournment. The jury got sent home and asked to come back after the long week end. I was ready to give my evidence 4 times before we even got started. The accused demanded that special transport be made available at a later time in the mornings because he said he felt tired and unwell and unless that happen he would need short days. The judge agreed to do her best to accommodate his needs. At the start of day 2 of my cross examination he sacked the 2nd barrister so the jury got sent home for the 3rd time there had to be a court appointed reader to cross examine me he found out he was not allowed to do it. That took a few days to sort out with everyone on standby.

It was a lucky dip every day to see if he would come to court when he did attend he only had minimal cross examination questions prepared for the reader which in turn caused lots of delays and adjournments. He was never required to produce Dr Certificates on the occasions he didn't show up or just say he was too tired to continue so another adjournment we all get sent away again. .

The most disturbing aspect of the trial was the fact that because he sacked his 2nd barrister the judge thought it unfair to him to conduct his defence from the dock even though that was his informed choice. He spent the whole trial at the bar table right up until and including the Jury Verdict. This in spite of the fact that he is classified (E) he was an escapee from Goulbourn gaol. I and my adult children had to walk past him whilst he was unrestrained in an unlocked court room with the door wide opened some of the time. It was a far more nerve-racking experience than it should have been. He also directly cross examined his own children THEY ARE ALSO HIS VICTIMS. His behaviour whilst I read out my Victims Impact Statement was appalling and in contempt of the court NONE OF THIS SHOULD HAVE BEEN ALLOWED BY THE TRIAL JUDGE. In my opinion he made a mockery of the court and was sanctioned by the court to control and abuse me and my family again. This is one of the reasons we need specialist courts and legal representatives to deal with domestic violence cases. It was so obvious there was a lack of understanding by the trial judge of domestic violence. Which in turn unnecessarily further traumatised me and my family.

I have been told by reliable sources that NSW is considering dispensing with the jury system. I say thank god for the jury system. If this does occur it is even more important that specialist domestic violence courts with specialist judges be available. Domestic Violence Victims in remote and rural areas are over represented in the Bureau of Crime Statistics In both violent abuse and DV homicides.

Early intervention and prevention

The only thing I can say on this subject and I have written about this earlier. If only the police had treated domestic violence for the crime that it is and stop being so reluctant to get involved. And became involved at the first opportunity things would not have escalated to the degree that they did and my family and I may not have had to live the lives we have been forced into to survive. I have been advised on many occasions by women working within a domestic violence capacity if I want justice and protection I should move to Victoria. I was told that the first time I went to a refuge in the early 1980, that phrase is common in domestic violence circles. I was even told the same thing this year when I attended court. This is a real blight on the corrupt NSW system in dealing with domestic violence.

Other

I Don't believe those figures that might be the truth on the books but me and anyone I discuss this topic with don't agree with the figures .More importantly the method of getting the figures .As I said earlier only 1 documented entry and only in a police officer's note book had even used the word domestic violence. I have had at least 18 police involvements over the years how many of these cases don't get on the record then they go down as unreported. Unreported my eye more like ignored or covered up! Like me, how many people give up calling police because of past experiences with police inaction? How many estranged wives-partners end up murdered by these physio paths then the police release to the media they didn't know he was a threat. I personally find those stories very hard to take considering my first hand experience and knowledge of this subject.

` Women's Issue`

I really haven't had any experience in this area or know anyone that has but because same sex relationships are discriminated against in the first place. What hope would they have given the attitude society already has on domestic violence without the extra prejudices. I suppose the problem with men experiencing domestic violence is again education or lack of it.

After Australian Story went to air in 2008 I received notes from men saying there was no help for them and they were ridiculed by the police when they tried to get protection from domestic violence.

When I really think about it EDUCATION and ACCOUNTABILITY is the only answer in my mind.

Justice will prevail
Catherine Smith