

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: Jenny's Place Women and Children's Refuge Inc
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Jenny' Place Women and Children's Refuge Newcastle

A response to the Inquiry into domestic violence trends and issues in NSW 2011

Jenny's Place is a women and children's refuge in Newcastle. It offers crisis accommodation and two services separate to the refuge: Newcastle Domestic Violence Resource Centre and Newcastle Domestic Violence Community Education. Jenny's Place has serviced the Newcastle community in regards to domestic violence for 34 years.

An inquiry into trends and issues in NSW concerning the issue of domestic violence is essential in helping to end the cycles of domestic violence which plague our communities. It is with great interest in the outcomes of this inquiry that we respond to the ideas brought forward. Although there is mention of early intervention, the focus appears to be on law and order as a tactic to solving the prevalence of domestic violence. This raises many questions around the effectiveness of harsher law and order as a strategy for addressing the horrifying reality of Australian families being unsafe in their homes, where at times, these homes are likened to a war zone. I will address each point separately and then conclude with suggestions and ideas at the end of our response.

1. Strategies to reduce breaches and improve compliance with Apprehended Domestic Violence Orders (ADVOs), including:

a. the use of GPS bracelets

a) Compliance with AVO's is a serious issue and most certainly needs to be addressed. We under no circumstance condone the use of G.P.S systems to avoid breaches of AVO's. If someone's actions are serious enough to warrant a G.P.S, they should be in jail. Does the victim have to wear one? If yes, this can act as a double victimisation. Some commentary has mentioned that this could be the case? The issue of G.P.S's cannot be seen in isolation from privacy issues, freedom of association, monitoring and surveillance. The question of what is done with this information and how it is used always comes into question when ideas of monitored surveillance are used to address issues of crime.

There are some pro's to the idea of using G.P.S to track perpetrators and attempt to halt AVO breaches but the questions it raises around privacy are not superfluous . What is the line between legal and illegal tracking? Who decides the difference? What is done with the information of movement? Where is it stored and who has access to it? The possibility of the information recovered about a perpetrators whereabouts does not just inform authorities of his actions, it determines the whereabouts of his associates. The possible misuse of this information is a reality and ensuring that this does not happen is hard to determine.

Do trackers stop the cycle of violence? It may deter physical forms of abuse but stalking through other mediums is always possible, ie public phones, internet and email. What if it is family violence, would you track the whole family? If it monitors within a range of the victims house and usual areas, how do you allow for random instances in the street? How much money would this cost to implement and who would oversee its implementation?

At what point in an AVO process is the perpetrator encouraged to find or referred to services to not only look at anger management but to attend groups and see individual caseworkers that are therapeutic and focus on not only owning behaviour and looking a ownership and controlling behaviour but working to understand how they learnt it and how

they can change it. It must be done within a context of women's rights and challenge learnt gender norms. Taking responsibility for actions is must. Change in behaviour is just as important and law and order is necessary but not an intervention that creates change unless interventions are occurring in jail and post release.

b) whether existing penalties for domestic violence are adequate

If someone has perpetrated domestic violence and these actions have warranted jail time then they should spend time in prison. We are not advocating that penalties for domestic violence are not important. It raises many questions about approaches to stopping cycles of domestic violence. The issue here we believe is rehabilitation and what is happening in the prison system to ensure behaviour is not repeated. As length of jail time is on a case by case judgement it is hard to determine what 'adequate' entails. Is time in jail resulting in the lessening of domestic crimes perpetrated when released? Are victims just as unsafe when the perpetrator leaves jail? If so, what is or isn't happening in our prison systems to ensure that behaviour is challenged, worked through and changed?

Domestic violence is a societal issue. The individualisation of crime places most emphasis on the individual committing the crime rather than looking at what social indicators are creating relationship dynamics that are violent, unequal and oppressive. As socialised beings, behaviour patterns must not be seen outside of what has created them. People must be accountable for their actions, hence jail time is required and law intervention necessary for the safety of women and children or whoever is the victim of domestic abuse and to ensure AVO's are not broken, however is this working?

When raising the issue of penalties in relation to domestic violence we need to be asking: Is it working now? If not, why would harsher penalties assist in stopping the problem? How do these penalties assist a victim to not enter back into a domestic cycle and how does it deter perpetrators from not moving onto another relationship that has the same power and control dynamics? Where are men's services that specifically look at sexual abuse and domestic violence in the home as children?

2. Early intervention strategies to prevent domestic violence

This is the key to bring a halt to domestic violence in relationships. However we also need more crisis and post crisis services for men and women. Early intervention is essential to breaking cycles. For early intervention to be successful we need to be addressing many other issues that may come with domestic violence, homelessness, drug addiction, mental health issues, child sexual abuse and assault. Behavioural patterns in relationships are learnt and response to conflict is also learnt through our developmental stages as children and taken into adulthood.

Many factors can lead to perpetration of domestic violence and people being victims of domestic violence. Early intervention at all stages of life cycle across gender lines is necessary. We advocate for more services for men who are violent but not at the cost of women's services. Government budget allocations or penal consequence need to be reflecting the intentions they have to address domestic violence but also all social issues that undermine a person's ability to function and reach self-actualisation. No issue stands in isolation and we must address a plethora of issues in our community to allow for domestic violence to be addressed in a way that is long lasting. If you look at the issue of homelessness, the lack of availability of housing stock is a great deterrent for a woman leaving a domestic violence relationship. Also when you look at the availability for crisis shelter for homeless men and women, it becomes clearly evident leaving a domestic violence relationship is influenced by many other factors that lead to that situation being maintained and hard to escape. Given crisis shelters are short term, individuals are then left with the challenge of securing long-term accommodation.

Women's refuge workers can be the first to tell you the rate of success for women applying for private rental when in crisis accommodation is very low. Prioritisation of funding all aspect of community services is essential to any realistic catalyst for change. The police have the power to remove men from the house (as they should) but if there is no way for the man to re-establish himself outside of rough sleeping, couch hopping and instability, his options are bleak. What is needed is a holistic approach to early intervention in addressing all causes of domestic violence. Most of the time this results in a woman and/or children leaving the house and rendering themselves homeless.

Domestic violence does not discriminate but options become more limited if you live in poverty, have no support networks, suffer drug addiction, have mental health issues, were sexually abused as a child or you grew up in a domestic violence home. We need an all systems approach alongside understanding the complex nature of each case, for perpetrator and victims of domestic violence including children.

3. The increase in women being proceeded against by police for domestic violence related assault.

A challenge for domestic violence theorists and those working in the field is to attempt to understand the dynamics of domestic violence and the variables that have long been ignored in conceptualising and understanding domestic violence and the approaches to domestic violence. When understanding the nature of most domestic violence occurrences it is gendered. Statistics and services can tell you that if using reported accounts of domestic violence it is mainly men perpetrating violence against women. In some cases it may be the woman who has been violent and the man may be in a domestic violence relationship with the woman as perpetrator.

However, given current knowledge many questions are raised in regards to the trends in women being proceeded against by police-

What is motivating the arrests of women when police arrive at a call addressing domestic violence? On what grounds and what evidence is resulting in the woman being arrested? What knowledge and understanding of the nature of domestic violence is being used to determine the arrest of the woman? Has the notion of a woman using self-defence been considered when arresting or proceeding against a woman in regards to domestic violence perpetration? Is there a history of domestic violence known to the police where the woman has been charged with domestic violence? Does this woman have previous avo's she has taken out against someone or had placed on herself? Does this woman have a history of violence and assaults? Does the woman have a history of accessing domestic violence services? Has the perpetrator got a history of domestic violence? Due to the very way domestic violence works, there is a power imbalance. Domestic violence cannot be seen as 'two people having a fight' as that negates the very nature of the cycle of violence, the use of power and control and actually demonstrates understating of domestic violence that is bond in myths that are all too common in our community.

Women can be violent. No-one can deny that women can assault, harm and cause fear in a person. Men can suffer domestic violence. In regards to statistics on this, we need to be aware that reported domestic violence of women perpetrating against men is low. That is not to say it doesn't happen. It is to say that we need to be acknowledging that this can and does occur but when you look at the statistics on the prevalence of violence against women at the hands of men, you need to be using available theories, knowledge and information on the nature and prevalence of domestic violence to be determining who is the perpetrator if it is unclear when the case is under investigation. Here lays questions around police response and understanding of domestic violence and the complex nature in which it manifests.

4. Any other relevant matter.

There are many other matters that are relevant to addressing domestic violence, police response and the nature, dynamics and make up of relationship patterns that are unequal and abusive.

1) Police response and education

Workers at Jenny's Place have seen the need for breaches of AVO's to be acted upon immediately. It has become evident that often they are not. This leads to AVO's not being taken seriously by perpetrators of violence as there is a common held belief that there are no consequences. This leaves women in danger coming to the conclusion that the AVO is just a piece of paper and is ineffectual and futile in ensuring the safety of women and their

children. This is a serious issue which we have become aware of through our partnership with the police, the refuge and the resource centre.

Responses to domestic violence require compulsory training of police on DV. Years ago all police had to have 2 weeks training and it was comprehensive. The police commissioner stated that 75% of their workload involves DV in some way. Police need to have a comprehensive understanding so they can respond appropriately so that further incidents can be prevented. They need to learn that asking a woman in front of the perpetrator details of abuse or if they want him charged will result in further abuse once the police leave. They need to know that women who are abused often have had all self-worth destroyed through abuse whether it be verbal or physical and cannot stand up or speak up for themselves or their children. A comprehensive knowledge base is necessary for all police to ensure responses are relevant, informed and accurate.

Funding intervention services and education

To address the issue of domestic violence services must be funded. The plethora of issues that people face in regards to disadvantage, poverty, social isolation etc must be met with community services that are ongoing and funded enough to be effective. Outreach services such as our DV Resource Centre are a form of early intervention and a service that is often the first contact a client has had to discuss her/ their individual situation. This is where the parent learns about healthy/unhealthy relations, their options etc. Both adult & child are referred to the individual services they require and receive the support to live violent free lives in the future. I will use the resource centre as demonstration of a current domestic violence service that may close due to lack of funding. The service requires ongoing and permanent funding and will close at the end of the year if funding is not granted. Although the service has worked with over 500 individuals in its first six months of operations, its future rests on being able to source funding. Any service that has proven to be effective in intervention addressing domestic violence must have its funding continued and be prioritised in government funds and budgeting. The resource centre is unique in that it responds to all domestic violence enquiries not just women.

Community education is also essential as a preventative measure and is easily linked in with DV outreach services where not only one to one & families are provided with early intervention and prevention but the education component extends to the wider community including schools, child-care centres, universities, Tafe, work places and through community media campaigns. This is a multi-faceted issue and requires a wide range of solutions.

Encompassing understandings of difference in working with victims and perpetrators of domestic violence

The manifestation of domestic violence and the make-up of the types of relationships where it can be present require a more comprehensive approach beyond the current focus and

understanding of domestic violence. Much work is needed theoretically and practically in creating a complex comprehensive understanding of

a) Same sex domestic violence-

b) Children and domestic violence

c) Parents and carers as victims

d) Children and adolescents as perpetrators

Intervention and prevention at AVO point of crime

At times when an AVO is put in place there appears to be a gap in intervention for the perpetrators. Current ideas around anger management as a means of intervention for perpetrators and also the suggestion of G.P.S use in this inquiry seem to miss the point of what domestic violence is, the cycles evident and the need for therapeutic intervention to change behaviour not just reprimand it. Intensive courses that don't just focus on anger that would include group work and individual work could be made mandatory for any man that has been put on an apprehended violence order.

Currently it is process to ring women when police have responded to domestic disputes. This is a partnership between NSW police and Women's services. This is a great thing. My question around this is there no process for someone to ring the perpetrator. See what is happening for him, refer him to a worker, provide access to therapeutic casework and encouragement and support toward changing behaviour. Perpetrators benefit from abusive cycles but that doesn't mean they can't and won't change if given the opportunity. At no point besides in the courts is the perpetrator made to be responsible and accountable for his actions except consequences of action like prison. If we are expecting relationship dynamics to change we must be addressing core causal factors and this involves working with men.

Conclusion

An inquiry into the trends regarding domestic violence is essential. We need to be looking at what is not working and coming up with innovative ways to address this issue in the community. A holistic approach to understanding and working with both victims and perpetrators is necessary to pave a way for a safer society both in the home and outside of it. Ongoing funding for community services is essential to addressing the issue of domestic violence-it will not be solved by building more prisons.

Shannon Hall

Newcastle community domestic violence educator

on behalf of Jenny's Place Women and Children's Refuge Inc