

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: Mt Druitt Family Violence Response and Support Strategy
Leadership Group

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Mt Druitt Family Violence Response and Support Strategy (FVRSS)

Submission to NSW Inquiry into DV trends and issues in NSW

Standing Committee on Social Issues

Legislative Council, NSW Parliament

Email: socialissues@parliament.nsw.gov.au

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We write on behalf of the Mt Druitt Family Violence Response and Support Strategy Leadership Group.

The Mt Druitt Family Violence Response & Support Strategy (FVRSS) was announced in 2002 by the NSW Government as part of the Community Solutions and Crime Prevention Strategy. It is a partnership between government and non-government organisations involved in service provision to people affected by family violence in Mt Druitt. Participating agencies include

- Western Sydney Local Health District (Mt Druitt Community Health Centre and Women's Health Advisor)
- Mt Druitt Local Area Command, NSW Police Force
- Family and Community Services - Community Services
- Mt Druitt Probation and Parole
- Housing NSW
- Women's Activities and Self Help House Inc
- Mt Druitt Family Violence Service
- Rosie's Place
- Relationships Australia, Westmead
- Mt Druitt Family Referral Service
- Junaya Family Development Services
- Family Worker Training and Development Programme
- Western Sydney Women's Domestic Violence Advocacy Service
- Pacific Island Mt Druitt Action Network

The FVRSS Leadership Group is comprised of director-level representatives of each participating organisation. The role of the Leadership Group is to:

- *promote* and maintain constructive and collaborative interagency relationships, and consider and devise appropriate responses to any issues that may arise for participating organisations in implementing the FVRSS
- *support* service system improvement processes so that victims are safer and those who use violence in the family are more accountable for their behaviour
- *maintain policy and procedural frameworks* for the FVRSS and participating organisations in responding to family violence
- *collect and share data* to inform strategic planning and to enable monitoring of FVRSS implementation
- *drive an active annual strategic planning* and progress tracking process to review and implement the FVRSS objectives
- *review and evaluate* FVRSS implementation and achievements as required
- *develop, coordinate and promote interagency training* and the production of joint resources
- *develop, coordinate and promote community education* and violence prevention initiatives
- *make recommendations on gaps* in service delivery and violence prevention for Government action and law reform.

1. Strategies to reduce breaches & improve compliance with ADVOs including :

a. Use of GPS bracelets

- This initiative may have merit as a deterrent and evidence collecting tool. Specifically the value in being able to provide evidence of breaches which is currently very problematic, especially for cases of stalking and/or intimidation.
- We recognise that such a measure is not about stopping the violence per se, but increasing the chances of a successful breach prosecution, when there is evidence that an offence has occurred.

- With that said, it would be imperative that victims of violence were not given false impression that their immediate safety was guaranteed or enhanced by such a measure.
- Such a strategy would clearly have resourcing implications which would need to be addressed to ensure adequate monitoring, compliance and evidence gathering. Cost and monitoring of such an initiative are concerns, particularly if resources are taken from frontline services for victims. Further cost benefit analysis would need to be undertaken to ensure it was a viable option.
- There may be other options such as resourcing SHLV projects to install CCTV - with remote monitoring by an external agency to a) ensure there is a response if there is a breach and b) to remove the onus from the woman to report and 'manage' the violence (as well as avoiding potential hyper-vigilance of women with such equipment installed in the home). For this option to be a viable alternative there would need to be statewide coverage of SHLV programs (which does not currently exist), as well as funding enhancement for equipment.

b. Whether existing penalties for DV are adequate

- There are a range of violent behaviours and therefore a range of responses/interventions are needed.
- Overall adequate penalties are available but anecdotal reports from local workers as well as clients, indicate they are inconsistently applied. We would suggest that it is well known that interpretation of evidence and subsequent application of legislation by Magistrates is subjective, and therefore penalties applied in similar scenarios differ from court to court. This would bolster an argument for a DV Court that would facilitate a more consistent, predictable and reliable approach to these matters.
- Penalties at times can appear to minimise the history of a perpetrator, discount the likelihood of recidivism and/or the escalation of violence that often occurs. This ignores

the dynamics of violent relationships that are a cumulative process of intimidation, fear and control, which may culminate in a specific assault or incident. Such an assault or incident must be viewed in context for appropriate responses and penalties to be applied.

- Minimum sentencing on DV matters, such as Breach ADVOs, needs to be reviewed to ensure there is a strong and consistent message given to offenders. Penalties, such as a Section 10A Dismissal for a Contravention of an ADVO charge, after an offender has been told they will be in serious trouble if they breach their ADVO, are not appropriate. This just reinforces to an offender that they can keep getting away with it, with no consequences and can continue the violence with no fear of reprisal.
- Breaches of Bail and Breaches of Bonds are often dealt with lightly, or dismissed. It appears that Magistrates see another conviction (i.e. on the offence or offences that initiated the breach of Bail or Bond) as adequate punishment and thus the breach is dismissed. This weakens the deterrent value of bail and bonds and thus weakens efforts to improve women and children's safety.
- Many women have stated they feel trapped after finally getting the courage to ring the police only to have them send the offender home again even angrier than before, placing them more at risk. One strategy might be that when police have intervened in the home and taken the perpetrator back to the station for questioning, and/or to prepare an AVO, that an exclusion order is immediately applied, and for there to be a releasing address for the offender that is not the residence of the victim.
- Where alcohol is a factor (affecting between 30% - 40 % of callouts to police for domestic violence), it should be mandatory to include as a condition of an AVO that the perpetrator should not return home under the influence of alcohol (waiting up to 12 hours after consumption before returning home, assuming an exclusion order is not also in place).

2. Early Intervention Strategies to prevent DV

- Primary prevention strategies are few, poorly resourced and coordinated. Government needs to adequately fund and value prevention programs as well as community development positions and projects.
- There is evidence that DV can be prevented – it requires significant sustained attitude change towards domestic violence and violence against women and children. The evidence indicates that this kind of change is potentiated by co-ordinated action of government at National, State and Local level.
- Both financial and political resources must be increased to implement recommendations from the plethora of research that has repeatedly demonstrated that prevention and early intervention strategies are the most cost effective response to stopping domestic violence. Please note that resources are NOT needed for further research – resources for implementation are the priority area for action.
- Community Education is needed however significant barriers need to be addressed for this to be successfully implemented, including the nature of funding agreements, pressure of direct service and (lack of) commitment from government and or management of agencies. Youth services in particular have an important but inadequately developed prevention role, in regards to supporting young people to develop skills and knowledge for healthy relationships.
- If the aim is reducing violence against women; holding perpetrators accountable for the violence they use; and shifting the emphasis toward primary prevention and early intervention; it is essential that 'men' play a more prominent role in the system response.

- Domestic and Family violence is not the core business of any single agency. The most effective response will be through a collaborative effort of relevant services and the community itself.
- The whole community has a responsibility to work towards the prevention of domestic violence and to demonstrate the unacceptability of all forms of violence.
- If a greater focus is to be placed on prevention then it is sensible to start by providing a greater level of support to those women who are caring for the next generation. Intergenerational disadvantage is created/compounded by structural barriers, such as inadequate housing, employment, education and income support. Ineffective and inflexible system responses trap families in a cycle of welfare dependency, which can then be compounded by disenfranchised communities and families experiencing lack of hope, low aspiration and sense of despair.
- Attitudinal change and improved responses from human service agencies is required, and in particular decision makers and bureaucracies, that currently
 - demonstrate a 'blame the victim' mentality;
 - deliver judgemental and punitive customer service; as well as
 - subjective and inconsistent interpretation and application of policy.

3. The increase in women being proceeded against by Police for DV related assault

- Anecdotal reports from local workers and clients suggest that there has been an increase in cross applications or private applications by perpetrators that are vexatious in nature.
- It is of concern that the police (and court) have limited capacity to recognise 'acts of self defence' by victims of systematic, ongoing violence. Therefore responses to such acts which punish the woman for defending themselves, again shifts responsibility from the

perpetrator to the victim. It has long been a concern that the system fails to protect women and children from violence, and makes them responsible for keeping themselves safe. Yet, the system also punishes the victim when they are driven to extreme responses based on fear.

- Anecdotally, workers and clients have reported an increase in punitive responses by police to female victims who refuse to provide statements or pursue police actions.

4. Any other relevant matter

Systems

- We are concerned about the apparent devaluing of the NSW Police D&FV Coordinators positions, and their lack of coordination and collaboration with other service providers. We also believe their geographical boundaries are unrealistic and may contribute to the problem.
- We deeply regret the loss of NSW's VAW program and recommend you immediately reconvene the Violence Prevention Coordination Unit.
- Improved coordination and interface with the Child Protection system is needed. In particular what may appear to be punitive practices by FACS that effectively hold women responsible for the violence in the home need to be addressed.
- Improving police response by ongoing implementation of recommendations from 2006 NSW Ombudsman Report Domestic Violence: improving police practice.
- Improved interface with Family Court (acknowledging this is a Commonwealth Institution) the NSW government needs to take measures to ensure that AVO's and other violence related charges are not compromised by Family Court rulings. The New York model deals with domestic violence all at once in their justice system: criminal charges for assaults are dealt with in the same court as well as child custody disputes

so that the needs of the children are carried through consistently (rather than the disputes seen in NSW courts where domestic violence is not always followed through with when Family Law matters are dealt with).

- With NGOs now providing the bulk of government funded 'early intervention' programs for families in NSW, we are concerned to see increasing restrictions being placed on staff of these programs working on DV issues within the community. Our experience is that services engaged with women and mothers will inevitably be working with violence. Funding conditions and/or policy which restrict the provision of holistic support, education and advocacy for women and children affected by DV compromises the safety and wellbeing of families, and leads to duplication of services (where women are forced to seek additional support at another agency that is 'allowed' to provide a response to DV).

Service expansion/resourcing

- Unlike other states, for example Victoria, there is no consistent service delivery platform for responses to domestic violence in NSW. We have examples of services that are effective and responsive, but isolated, such as the Mt Druitt Family Violence Service. In our local community this means comprehensive, high quality DV specific services are provided to half of our LGA (Mt Druitt) but not to the other half (Blacktown). Another example being SHLV. We have 18 sites, but not statewide coverage. All this means that you get a different response depending on where you live in NSW. It is unacceptable that we cannot guarantee access to a DV specific service for all women and children attempting to escape domestic violence. There needs to be serious consideration given to developing a statewide service system responding to domestic violence, similar to that existing for sexual assault. The Victorian experience has been that this has worked best by funding NGO's to deliver DV services.
- Commitment to ongoing funding of successful pilots. Pilot funding should include options for renewal where outcomes are met and the programs are found to fill gaps

within the existing service system. Currently too many resources are wasted in developing high quality services that cannot be sustained due to fixed term funding. Funding should not be tied to election cycles, and effecting change around the levels of violence in our community requires recognition that sustainable outcomes will only be achieved with ongoing service provision.

- Responses that are focused on maximising client choices and offer flexibility to individualised need are more likely to succeed and demonstrate sustainable outcomes than those where individuals are forced to 'fit into a box' where their needs are not fully met. There need to be multiple, flexible entry points into service support for women affected by DV. This is particularly needed for women who choose to stay in relationships where they are subjected to violence as they require flexible and safe support for their families.
- It is critical that responses to women and children impacted by violence are informed by a trauma framework that acknowledges the psychological impact of domestic violence. This psychological impact has been identified most clearly by Judith Herman (Trauma and Recovery 1992) where she parallels victims of sexual assault and domestic violence with prisoners of war. In understanding the psychological unravelling that emerges from such a state of "captivity" (Herman) it becomes clearer, not only how impossible it is for victims of such abuse to escape their captor but also the ongoing impact of such physical and psychological terrorism. Such terrorism will cause ongoing thoughts & behaviours including hyper vigilance, anxiety, agitation, physical and emotional exhaustion, psychological constriction in relationships, intrusive thoughts, fear inducing memories, emotion dissociation where voluntary thought is suppressed, denial or minimisation of reality, undifferentiated fear (feeling scared about everything all the time), and a breaking down of values and ideals. Rather than labelling such behaviours as symptomology it is important that they are seen as understandable responses to the impact of the trauma that victims of violent crime have been subjected to.

- This framework would better inform current expectations of such clients to attend to practical issues and “perform” tasks without addressing the intensely debilitating impact of the trauma they carry. Without such a framework there may also be a simplistic belief that physically leaving an abusive environment will give people an immediate sense of safety without understanding that “safety” in real terms for victims of violence needs, especially at a psychological and cognitive level, time and intervention to enable them to make connections to the trauma they have been subjected to, the ongoing impact and their sense of self, and the ability to connect to others in meaningful ways. For example, a trauma framework would see the behaviours of a client who is on guard and super alert for possible dangers as understandable and protective responses rather than as “difficult”, “unreliable”, “non communicative”, “oppositional”, “disinterested” or “hostile”.
- An understanding of this trauma framework is imperative for police, in particular domestic violence officers, police prosecutors, and Magistrates determining DV cases. A lack of understanding about the impact of DV on women can lead individuals in these roles to have ‘expectations’ of, and make ‘judgements’ about DV victims that are often inappropriate, if not shaming and re-victimising. Negative experiences of the criminal justice system can deter women from making further attempts to access support to improve their safety.
- Perpetrators of violence should have access to appropriate services, yet not at the expense of, and separate to women. Perpetrator programs must be accountable to women and children support services, and be available at a range of key intervention points, for example, when a man seeks support for his abusive behaviour, on the first verbal DV incident attended by police, at the first initiation of an ADVO, and on the first conviction for a DV criminal charge.
- Interventions for perpetrators need to be placed in a feminist framework which identifies DV as significantly different to anger management or couple conflict/dysfunctional relationships and places responsibility for the violence with the perpetrator. We are aware that minimum standards are being developed for Men’s Behaviour Change

Programs. It is hoped these would address the concerns that exist around some previous and current programs. We anticipate that those Standards would be within a holistic framework that incorporated principles from feminist, trauma and attachment theories (as supported by current research).

- Failure to ensure domestic violence responses include strategies and services for perpetrator intervention means that women (albeit at times unintentionally) are still being held responsible for ending violence.
- Evidence of the overall effectiveness of perpetrator programs is unconvincing and further evaluation of programs in Australia is warranted (Babcock, Green, and Robie, 2004; Day, Chung et al., 2009). The increasing complexity of clinical research into the dynamics of intimate partner abuse has called for the question of 'do treatment programs work' to be broadened to 'which treatment works for which abusers in which situations'.
- Flexible service delivery options, for both victims and perpetrators, which prioritise women and children's safety while assessing and intervening in men's use of violence on a case by case basis, is the optimal intervention model for domestic violence.
- Development of accessible programs to fill the gap of therapeutic and support services for children and young people who have and/or are experiencing violence. The absence of funding in the Blacktown LGA (and statewide) for therapeutic programs for women and children who have experienced domestic violence denies them the opportunity to rebuild their lives and ensure a healthy trajectory for them and their children.
- We strongly support the maintenance of services such as the Integrated Domestic and Family Violence Services which work in collaborative partnerships with Police and other community partners to provide a broad range of support and case management to women and children coming into contact with the criminal justice system.

- Addressing the gap in lack of counselling services, and in particular long term support, for women, children and young people.
- Research clearly demonstrates the risk of homelessness for women and children escaping domestic violence and the long term impact these consequences can have on families including poverty, disrupted education and dislocation from social and support networks. Having already experienced significant trauma, and often with few independent financial resources this client group require prompt access to stable and secure housing in order to ensure their safety and minimise the ongoing consequences of the violence they have experienced. This can result in women (and families) coming under the scrutiny of Community Services for failing to protect and keep safe, their children.
- Lack of a timely response to women and children's needs for safety results in women and children living transient lifestyles which includes living with relatives and friends, sleeping rough, or moving between temporary accommodation and refuges. Women, particularly those with children, often end up having to make the very difficult decision between continuing moving between friends and family or between refuges (when their length of stay has expired), or returning to unsafe homes.
- Increased SAAP services are required, ensuring that places are available to meet demand. This must include an increase in accommodation for men, so that police and courts are able to exclude them from the family home to ensure the safety and wellbeing of women and children.
- More flexibility in SAAP services is required:
 - Independent living units (as opposed to communal living settings)
 - Capacity to have families stay together including adolescent boys
 - brokerage funds for clients to meet other needs arising out of homelessness including storage costs; removalist costs; accommodation for pets etc

- Enhancement of Housing NSW response including
 - Longer term assistance i.e. extend the 1 year Start Safely Subsidy for longer period of time to provide families with stability and secure tenure.
 - Increased access to emergency accommodation.
- Expansion of Court Advocacy Scheme to provide support for women during hearings and prolonged court processes.
- Expansion of specialised DV courts as well as training and practice notes for Magistrates to improve their understanding of DV issues and family dynamics, including ways in which perpetrators manipulate the legal system.
- We strongly support increased access to the Staying Home Leaving Violence programs. We support the trend to increasing Exclusion Orders, and holding the perpetrator responsible for the violence.
- Extended window for victims of DV to access Centrelink crisis payments. Currently this is available for 1 week. Many women who are unaware of the payment do not access services within this timeframe and when advised by services find themselves ineligible. This is despite the fact they may be experiencing significant financial distress and may owe money to family and friends who have provided immediate assistance during a crisis. (We acknowledge this is a Commonwealth initiative but believe the government has a role to play in raising this issue and advocating for change).
- Early intervention initiatives that can provide financial assistance (eg with rental arrears) before the situation becomes a crisis. For example, many services only offer eligibility for material aid for rental arrears when the client has received an eviction notice, or disconnection notices for utilities. At this point the situation can already have spiralled out of control and is more difficult and time consuming to resolve.

Police

- Ongoing implementation of recommendations from 2006 NSW Ombudsman Report Domestic Violence: improving police practice.
- Have a specialist Domestic Violence Court (tribunal). This court would include an overall layout that is DV victim friendly and include registration areas and victim safe rooms that are close to the court for easy access.
- Have a Domestic Violence Magistrate. A Magistrate that has specialist knowledge in DV related matters and deals with DV matters. One who understands the varying needs of the victims in relation to interim and exclusion orders from the family home (specifically when it involves children).
- Have a night or out of sessions court for Domestic Violence matters (similar to a weekend bail court at a central location). It is envisaged that the Persons in Need of Protection (PINOPS) would be more favourable. A more timely appearance that allows the PINOPS injuries, trauma and demeanor (fears/concerns) be seen by the Magistrates first hand.
- That victims of DV be declared vulnerable persons by the courts so their evidence can be recorded and given in court (similar to guidelines in the Children's Evidence Act).
- Allow senior members of the Police (Commissioned Officers - Inspector and above) to issue Interim Apprehended Violence Orders that restrict the behaviour of suspected persons in relation to PINOPS (and children) before matters are heard by the courts. The lawful authority would be in the same context that Police already have in making Bail decisions, cautioning juveniles, confiscating motor vehicles, issuing infringement notices and court attendance notices, etc. This process would still have strict controls but be a more timely process than is currently in place and be completed by someone who is on scene and who is fully aware of the circumstances.

- Increase the number of DVLOs across busy commands with high reporting of domestic violence.
- Increase the number of specially trained DV Officers to ensure a DV Officer is available in LAC's 24 hours a day, 7 days a week (including coverage for officer's leave).
- Increase the status of DVLO's to recognise the importance of the police response to domestic violence, and attract and retain skilled and experienced officers in the role.
- Roster DVLO's and DV staff to match high reporting periods in LAC's (eg evenings and weekends).
- Increase the number of female Aboriginal Community Liaison Officers.
- Ensure LAC's are resourced adequately to facilitate their active participation in partnerships with appropriate stakeholders including collaborative models of case coordination and victim care with partner agencies.
- Ensure ongoing, high quality DV training for all police officers that focuses on the impact of DV on women and children as well as the investigation and processing of DV related offences.
- Provide specialised training for Police Prosecutors. Resourcing of this role should incorporate time for them to meet with victims prior to domestic violence hearing matters to get a firsthand knowledge and understanding of the issues.

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