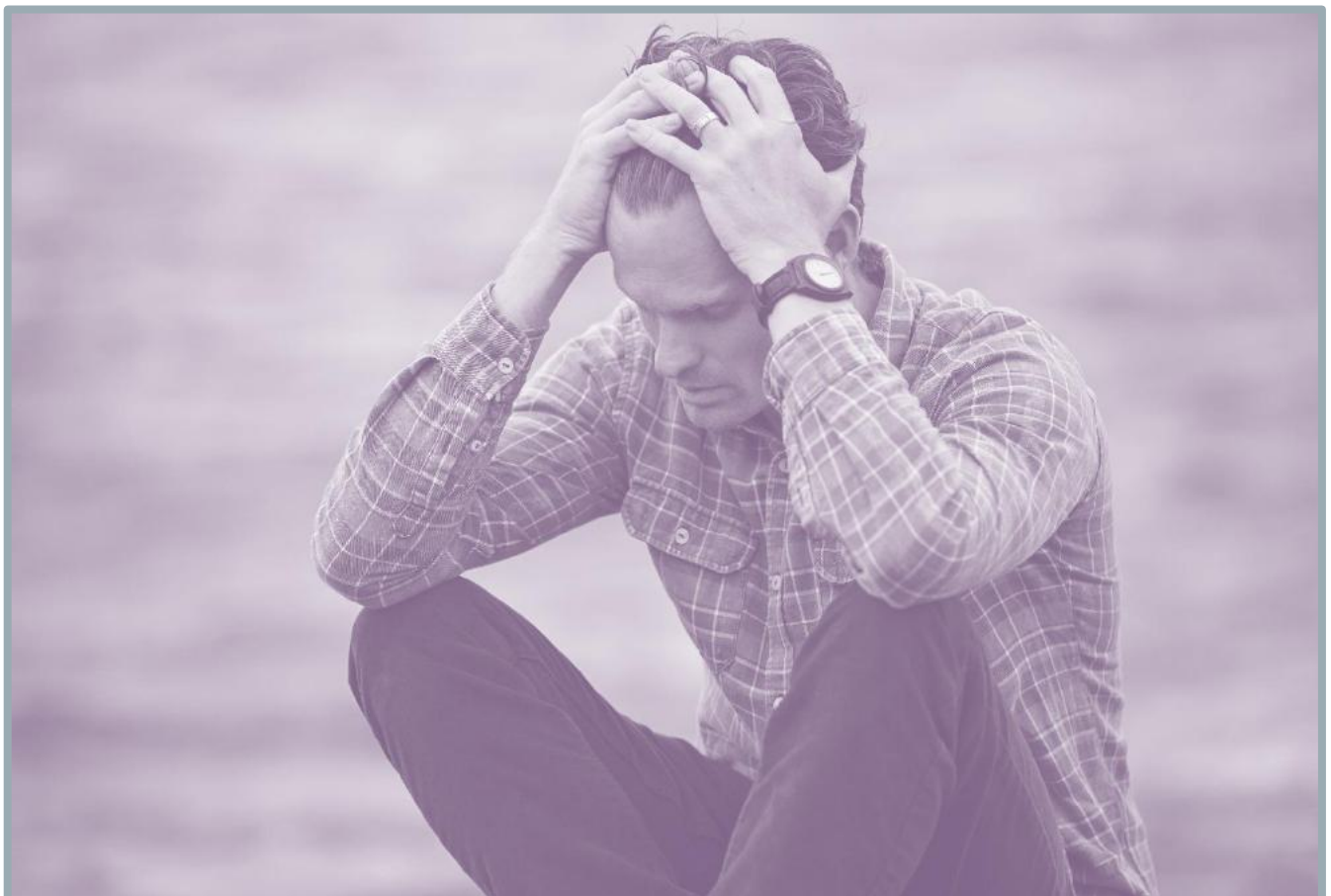


Submission to the Queensland Government

Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence



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Executive summary

No to Violence welcomes the announcement of the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence ('the Commission') as part of Queensland's recently announced suite of structural reforms. We also support the extension of the deadline for submissions to be returned. It is vital that this inquiry is informed by the expertise of the domestic and family violence sector, as well as the voices and lived experiences of victim-survivors.

As Australia's national peak body for organisations that work with perpetrators of family violence, No to Violence knows that police play a critical role in identifying and responding to the perpetration of family violence.

The Queensland Police Service (QPS) has made notable improvements to its domestic and family violence response in recent years. There are, however, significant and pervasive barriers that limit the QPS' ability to effectively and consistently respond to domestic and family violence. It is important that QPS understand the extent to which these cultural barriers shape the systems that identify and monitor domestic and family violence work.

This submission expands on our 2021 submission to the Women's Safety and Justice Taskforce ('the Taskforce'). Our submission was sent directly to the Taskforce and is available on our [website](#).

Summary of recommendations

No to Violence recommends that as part of its undertaking, the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence should:

1. Measure attitudes that pose a barrier to consistent and appropriate responses to domestic and family violence, including but not limited to sexist, racist, homophobic/transphobic, and far-right attitudes and beliefs held by QPS staff.
 - The Commission should map attitudes across all units
 - The Commission should map the ways in which harmful attitudes and beliefs are held on a systemic and individual level
2. Map all existing training for all Queensland Police Service officers to undertake specialist training in domestic and family violence including the availability and uptake of training on the gendered nature of family violence across different cohorts within QPS
3. Conduct an audit of QPS capability, capacity, and structures to respond to the needs of First Nations peoples and communities, including but not limited to
 - An audit of the proportion of QPS staff who identify as First Nations
 - An audit of QPS responses to domestic and family violence incident where one or more people identify as First Nations
 - An assessment to understand how existing attitudes and structures contribute to the over-representation of First Nations people in the carceral system
4. Consider the extent to which QPS systems and structures respond to domestic violence, including the extent to which QPS has made changes to systems and structures in the wake of recent reports and action plans, such as *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* or Queensland's Domestic and Family Violence Prevention Strategy 2016-2026.
5. As part of its inquiry, conduct an audit of complaints or other internal inquiry against Queensland Police Service (QPS) officers to ascertain:
 - Prevalence of perpetration of domestic and family violence by members of the QPS
 - QPS responses to reports of perpetration, including availability of confidential reporting mechanisms and independent investigations of QPS staff accused of domestic and family violence
 - Extent to which QPS officers who were identified as perpetrators faced consequences, including but not limited to being required to take leave, reassigned their tasks, demoted, or removed from office.
6. Consider the extent to which the QPS sets and monitors its performance against specific targets for responding to domestic and family violence
7. Consider the extent to which the QPS collects, monitors, and analyses the complaints it receives regarding the handling of domestic and family violence cases

8. Consider whether QPS should be required to publicly report on the implementation of recommendations made by systemic Death Review analyses
9. Investigate the ways in which complaints involving a QPS staff member, especially where the QPS staff member is identified as the perpetrator, are handled.
10. Consider the ways in which such complaints are investigated, including the extent to which investigations of QPS staff for suspected and/or reported domestic and family violence are undertaken by an independent body/investigator.

Recommendations

No to Violence welcomes the announcement of the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence ('the Commission') as part of Queensland's recently announced suite of structural reforms. No to Violence recognises the critical role that QPS plays in responding to and identifying perpetration of domestic and family violence. This inquiry is therefore crucially important: thanks to the advocacy of victim-survivors, victim-survivor services, and the domestic and family violence sector at large, we know that police culture is often a root cause of inconsistent identification of and inappropriate responses to domestic and family violence.¹

We also know that in far too many cases, first responders fail to provide an adequate response. For example, in 2017, the Domestic Violence Death Review revealed that of the 27 women murdered by an intimate partner in Queensland, nearly 50% had previously been misidentified by Queensland police as the predominant aggressor.² Misidentification of the predominant aggressor carries significant consequences: not only does it enable the predominant aggressor to perpetrate systems abuse and manipulation, thus further harming the victim-survivor, but it also means the perpetrator is not captured in any meaningful way by either the criminal justice and family violence systems. The data demonstrates that this has fatal and avoidable consequences for many women.

The following sections outline our recommendations to the Commission, focusing on addressing cultural issues within the Queensland Police Service and the capability, capacity and structure of the QPS to respond to domestic and family violence. We also provide feedback on the adequacy of the current conduct and complaints handling processes.

Exploring the existence and extent of cultural issues within the Queensland Police Service relating to the investigation of domestic and family violence

No to Violence welcomes the mandate for the Commission to explore the extent to which cultural issues within the QPS impact the investigation of domestic and family violence. Existing evidence suggests that there are significant cultural barriers to effective, consistent, and timely investigation of domestic and family violence within the QPS.³

Attitudes and beliefs

In exploring the culture of QPS, No to Violence encourages the Commission to consider the following:

1. The prevalence of harmful attitudes that create and maintain a culture where victim-survivors fear they will not be believed. This attitudinal assessment should include:

¹ Douglas, 'Policing Domestic and Family Violence'; Smee, 'Queensland Police Investigated after Sexist, Racist and Homophobic Facebook Posts'; Smee, 'Call for Urgent Review of Queensland Family Violence Police Procedures after Attempted Murder Charges Laid'; Smee, 'Queensland Police Union Condemned over Claims DVOs Used to Get Advantage in Family Court Disputes'.

² Domestic and Family Violence Death Review and Advisory Board, 'Domestic and Family Violence Death Review and Advisory Board - Annual Report 2016-2017'; No to Violence, 'NTV Discussion Paper: Predominant Aggressor Identification and Victim Misidentification'.

³ Douglas, 'Policing Domestic and Family Violence'; Smee, 'Queensland Police Investigated after Sexist, Racist and Homophobic Facebook Posts'; Smee, 'Call for Urgent Review of Queensland Family Violence Police Procedures after Attempted Murder Charges Laid'; Smee, 'Queensland Police Union Condemned over Claims DVOs Used to Get Advantage in Family Court Disputes'.

- a. Prevalence of gender inequitable attitudes and beliefs within QPS
- b. Prevalence of racist attitudes and beliefs within QPS
- c. Prevalence of homophobic/transphobic attitudes and beliefs within QPS
- d. Prevalence of far-right and/ or extremist ideologies within the QPS
- e. Prevalence of rape and violence-supportive attitudes within the QPS
- f. To what extent and in what ways does QPS respond to sexist, racist, homophobic/transphobic and far-right beliefs and attitudes expressed by its members?
 - i. This could include via social media, in conversation, in incident reporting and through other mechanisms.

Understanding the prevalence of these harmful attitudes is important in understanding the culture of QPS. Sexism, racism, homophobia and transphobia, all of which inform far-right ideologies, underpin domestic and family violence. It is vital that the QPS develop a baseline understanding of staff attitudes and belief systems as their presence is a barrier to effective and consistent responses to domestic and family violence.

Training and uptake

It is also important that the Commission understand the ways in which QPS combats these harmful attitudes. No to Violence urges the Commission to consider the following:

2. Opportunities for and uptake of training regarding gendered nature of domestic and family violence for QPS
 - a. Disaggregating uptake by role, rank, age, gender, geographic location, time in office, and race would support a more intersectional understanding of the ways in which different cohorts within QPS are learning and seeking information
 - b. Additional data on any correlation between introduction of specific training and positive changes in police culture or practice in responding to domestic violence would be beneficial.
 - c. To what extent is family and domestic violence training mandatory? To what extent is it routine? At what stage/s in an officer's career do they receive such training?

It is important to note that domestic and family violence training must extend beyond the procedural elements of responding to and recording domestic and family violence incidents. The QPS should consider the extent to which training is informed by learnings from services who work with both victim-survivors and perpetrators, developed through an intersectional feminist perspective, and connected to broader gender equity work.

The NSW Auditor General’s audit of the NSW Police Force, published in 2022, found that a lack of system level policy or oversight has significant impacts on the quantity and quality of specialist and frontline police responding to domestic and family violence.⁴ With this in mind, the Commission should consider the extent to which systems-level oversight of the quality and quantity of staff, as well as the quality and quantity of training and regular skills-checks, influence the ability of QPS to respond to domestic and family violence.

Examining cultural issues identified with QPS relate to the investigation of domestic and family violence, and contribute to the overrepresentation of First Nations people in the criminal justice system

No to Violence supports this area of inquiry. First Nations people are over-represented in the criminal justice system, and evidence suggests that First Nations people receive harsher punishments for domestic violence than their white and non-Indigenous counterparts.⁵ For instance, a Sentencing Spotlight on non-fatal strangulation Aboriginal and Torres Strait Islander men who are found guilty of non-fatal strangulation are more likely to be sentenced to prison, and to receive longer prison sentences, than non-Aboriginal and Torres Strait Islander men found guilty of the same offence.⁶

No to Violence recommends that the following be considered:

3. Consider the extent to which QPS culture promotes consistent and appropriate responses to domestic and family violence in incidents where one or more person identifies as First Nations including but not limited to:
 - a. Proportion of QPS staff who identify as First Nations, disaggregated by unit and rank
 - i. To what extent are Cross Cultural Community Liaison Officer positions allocated according to assessments of population requirements?
 - ii. To what extent are Cross Cultural Community Liaison Officers more effective, appropriate, or relevant than specific Aboriginal Community Liaison Officers (or comparable)?
 - b. Audit of QPS responses to domestic and family violence incidents involving one or more First Nations people
 - i. To what extent do gender and racialized stereotypes impact responses to domestic and family violence incidents where the perpetrator is a First Nations person?

⁴ Audit Office of New South Wales, ‘Police Responses to Domestic and Family Violence’.

⁵ Bond, Singh, and Kajlich, ‘Not a One-Way Street: Understanding the over-Representation of Aboriginal and Torres Strait Islander Peoples on Charges of Assaults against Public Officers’; Jeffries and Bond, ‘Taking the Problem Seriously?’

⁶ 83.1% of Aboriginal and Torres Strait Islander men sentenced for non-fatal strangulation received prison sentences, compared to 78% of non-Aboriginal/Torres Strait Islander men; Aboriginal and Torres Strait Islander men received an average of 24.1 months in prison compared to 22.7 months for non-Aboriginal and Torres Strait Islander men. Queensland Sentencing Advisory Council, ‘Sentencing Spotlight on Choking, Suffocation or Strangulation in a Domestic Setting’, 7–9.

- ii. To what extent do gender and racialized stereotypes impact responses to domestic and family violence incidents where the victim-survivor is a First Nations person?
 - iii. To what extent do gender and racialized stereotypes impact ability of QPS to accurately identify the predominant aggressor?
 - iv. Review of systemic issues arising from Death Review inquiries specific to First Nations victims and perpetrators.
- c. An assessment to understand how existing attitudes and structures contribute to the over-representation of First Nations people in the carceral system
- i. Audit of QPS recommendations for sentencing for domestic and family violence incidents involving one or more First Nations people

No to Violence notes that the Auditor General’s audit of the NSW Police Force found limited opportunities for service users, including victim-survivors, to provide feedback on their experiences with NSW Police Force. This meant there was limited opportunity for NSW Police Force to improve their services.⁷ The Commission should consider the extent to which all, and First Nations services users in particular, are able to safely and confidentially provide feedback on their experiences and the improvements QPS could subsequently make.

Assessing the capability, capacity and structure of the QPS to respond to domestic and family violence, having regard to initiatives undertaken by the QPS in responses to previous reports and events

Approximately one in ten victim-survivors report domestic and family violence to the police.⁸ Research indicates that this significant under-reporting is due in large part to police culture: “victims express a variety of reasons for not reporting incidents of DFV to police, including...feeling that they will face discrimination from the police.”⁹ Unfortunately, we know that many victim-survivors face discrimination and disbelief when reporting to the police, and that reporting to the police does not necessarily prevent further harm. Too many women and children have been murdered after reporting violence to the police, including Nolene Beutel, Antony Way, Tania Simpson and her daughter Kyla, Elsie Robertson, Doreen Langham, and Kelly Wilkinson.¹⁰

Queensland’s domestic and family violence sector and police responses have been shaped by key documents, including the *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* report and Queensland’s Domestic and Family Violence Prevention Strategy 2016-2026 and subsequent action plans.¹¹ No to Violence recommends that the Commission develop case studies that speak to reforms implemented by QPS, and the ways in which QPS capabilities, capacities,

⁷ Audit Office of New South Wales, ‘Police Responses to Domestic and Family Violence’.

⁸ Douglas, ‘Policing Domestic and Family Violence’, 32.

⁹ Douglas, 33.

¹⁰ Smeed, “A Very Broken System”.

¹¹ Special Taskforce on Domestic and Family Violence in Queensland, ‘Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland.’; Queensland Government, ‘Domestic and Family Violence Prevention Strategy 2016-2026’.

and structures have changed to improve responses to domestic and family violence, identifying gaps that remain.

For instance:

Systemic changes

4. To what extent has QPS meaningfully changed their systems and structures in response to significant events, including *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* and the Domestic and Family Violence Prevention Strategy 2016-2026, and these and other intimate partner homicides?
 - a. To what extent do existing case studies suggest that these reforms have been implemented? That these reforms have been successful in responding to similar cases?
 - i. To what extent has reporting of domestic and family violence changed since implementing these reforms?
 - ii. To what extent have QPS changed their ability to effectively and consistently respond to diverse victim-survivors, including victim-survivors who might be labelled 'antagonistic' or 'non-cooperative'?
 - iii. To what extent have cases of coercive control and escalating violence been effectively responded to?
5. To what extent does QPS have the capability, capacity, and structures in place consistently and effectively respond to domestic violence?
 - a. What evidence exists to suggest that QPS effectively and consistently responds to domestic and family violence?
 - b. To what extent do victim-survivors feel supported when reporting domestic and family violence, and making subsequent reports, to QPS?

Domestic and family violence reporting and monitoring

6. To what extent does QPS monitor its performance against specific targets for domestic and family violence?
 - a. For instance, to what extent does QPS monitor follow-up for victim-survivors of family and domestic violence? For perpetrators?
 - b. To what extent are follow-ups mandated? To what extent is there system level oversight of these follow-ups? To what extent do follow-ups occur?
7. To what extent does QPS collect, monitor, and analyse the complaints it receives regarding the handling of domestic and family violence cases?

8. Should QPS be required to publicly report on the implementation of recommendations made by systemic Death Review analyses?

Examining the adequacy of the current conduct and complaints handling processes against officers to ensure community confidence in the QPS

As noted in our response to Question 52 in our submission to the Taskforce (page 9), No to Violence recommends the introduction and maintenance of a confidential reporting mechanism to enable members of the community to safely report domestic and family violence incidents and concerns where a QPS member is identified as the perpetrator.

No to Violence also recommends that QPS ensure an independent investigator handles all complaints where a QPS staff is accused of domestic and family violence.

Handling complaints against QPS staff

9. The Commission should investigate the ways in which complaints involving a QPS staff member, especially where the QPS staff member is identified as the perpetrator, are handled.
 - a. Conduct an audit of reports identifying members of the QPS as respondents in a domestic and family violence complaint
 - b. Noting the response to complaint, including if, where, and by whom the investigation is carried out
 - c. Noting the consequences for the QPS staff identified

Independent investigations of QPS staff

10. The Commission should consider the ways in which such reports are investigated, including the extent to which investigations of QPS staff for suspected and/or reported domestic and family violence are undertaken by an independent body/investigator.
 - a. To what extent are investigations into QPS staff carried out at the station where the accused police officer is stationed? To what extent does this pose a confidentiality or conflict of interest?
 - b. To what extent do QPS staff accused of domestic and family violence face consequences for their behaviour?
 - c. To what extent do the existing structures of QPS pose a barrier for victim-survivors to get justice in cases where QPS staff are perpetrators of domestic and family violence?

QPS plays a significant role in the frontline identification of and response to domestic and family violence. All victim-survivors need to be confident that their reports will be taken seriously, and that perpetrators will be held accountable for their choice to use violence—regardless of, and perhaps especially when, that perpetrator is a member of the QPS.

No to Violence welcomes the announcement of the Commission, and the opportunity to submit feedback. We look forward to supporting the Queensland Government on its ambitious and important reform plan.

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