

Written Submission for Royal Commission into Domestic, Family and Sexual Violence

When I heard about the RC for Domestic and Family Violence I knew I had to provide some input. Although personally, I have only ever had to deal with domestic abuse on a very minimal scale. I have served in the [REDACTED] and then served [REDACTED] years with [REDACTED]. I have witnessed, and dealt with domestic abuse for many years. And can see the failures. I have left [REDACTED] so I CAN say something. There are many other [REDACTED] members still serving who CANNOT say something as they have been gagged and fear any retribution if they say something. But I see their frustration with the "System". So I asked the wider community of colleagues of their input. Which I will include in this submission.

I will basically lump the responses into your terms of reference, Prevention, Early Intervention, Response, Recovery and Healing, and working together, if there is a response that fits.

Response

"Not enough staff in FVIS to cope with the gazillion DV jobs."

This would have to be one of the biggest problems in SA Police. When a victim was murdered at the Adelaide Convention Centre in [REDACTED] the Coroner was scathing towards SA Police. Police never did enough to locate the suspect. Yet the justice system permitted the offender to attend a function where his estranged wife would be. How is that protecting the victim? The victim and family knew the suspect was at the convention centre yet didn't call Police, made no attempt to leave so was the victim in fear? Needless to say failures on every side, recommendations made led to the response of SA Police to create new Family Violence Sections. So took countless members and placed them in a new section to deal with Domestic Abuse. And started the new Intervention Order (PIIO) and Risk Assessment.

In regional areas, the staffing can be one officer in FVIS at a large 24 hour station. At [REDACTED] there was basically a huge area created to house all the new staff. Then there was confusion. General Patrols believed the new "FVIS" staff were the ones going to the DV jobs. Where in reality FVIS basically monitored the DV Paperwork. As always, extra work is given to the general duties members to follow up. Staffing. There is that word again. Taking general patrols off the road to do FVIS follow ups does not give the community confidence in Police.

To take these response investigations seriously, medium and high risk DV investigations should be dealt with and followed up by FVIS members. They have access to information systems that general patrols don't have access to, which could be vital information on locating an offender. Low risk follow ups can be dealt with by General Patrols, as general patrols are the ones taking ALL or most of the initial domestic violence reports (low, medium and high risk).

If "there is no staff" to cover the investigations, then you will never stop domestic violence.

“I just hope the judiciary gets the first bollocking in the RC for not being tougher, instead of giving the Judges big payrises make them work for it by not being soft.”

Again, this is a very common theme. Not only with DV but with any offence. We all know the prisons are full so we can't hold offenders responsible with appropriate punishment. The frustration of all Police, victims, family is the lack of justice that our justice system enforces. This means the Police criminal justice section is too busy “filing” matters when the officer's downstairs have done all the hard yards in locating and arresting the suspect.

“I put in a submission in relation to changes of police powers in a PCO file for dv and haven't heard much from it. XX who passed away was running it. Basically it was a power that we could enter and check welfare of people if there was a suspected domestic incident.”

There are many jobs requiring a “check on welfare” on a suspected victim of DV. A concerned neighbour may call, a family member may call asking Police to check on another family member as they have witnessed DV in the relationship. Or a member of the public may call as they have witnessed something in the car next to them, or at a shopping centre. Anything. If the people being checked on refuse to open the door, Police don't have the power to do anything. Other than try and talk through the door to convince them to open the door. If there is enough “risk”, Police powers should be able to break entry to check on a suspected victim. I'm not talking about an argument type of job, I'm talking about “I saw a man dragging a woman into a car and he was punching her” type of job.

Unless Police witness the assault, or witness an injury there is simply a “no offence domestic abuse report” submitted. Hopefully, FVIS follow up to ask, is everything ok?

Recovery and Healing

“Rehabilitation for the men. Life after survival for the women (and men). Navigation through the court process. I'm still being financially abused, our financial settlement is very ambiguous, [REDACTED] was final orders.....

Basically the house is still both of ours...

I now want to refinance the house, and unable to, as he won't sign documents

Sending me abusive texts after receiving documents from my conveyer

Men need to be accountable for their actions, my children and I all suffer from PTSD”

This is in no way “recovery and healing”. You have a victim that is still having to deal with the offender eight years after the final orders were struck. Each time she has to attempt to sort or deal with her conveyancer or offender, she (and her kids) are re-traumatised. A victim can not truly be “free” until every matter with the offender is dealt with appropriately.

When this matter went to court, the whole property matter should be taken out of the hands of all involved. We all know how vindictive men and women can be after a relationship failure. Of course documents won't be signed, because it's that extra bit of control the offender has over the victim, and the justice system has allowed it to continue. To truly lessen the domestic abuse, take all matters away from the victim and offender and put it in the hands of let's say an advocate or mediator who works towards a fair result for all involved.

“Hey, I saw your post about DV.. I thought I'd give you my opinion. I think there needs to be stricter guidelines around it. My sister recently left a relationship and got the DV payment \$5k. She didn't need the \$5k but it was there because 'everyone else takes it'. She's 2 months out, still talks and associates with her ex, and is now thinking of going back.. its just too easy as if it happens again the money will be there for her.. I believe there's a rise in numbers because it's easy money.. Don't get me wrong, there's definitely people out there that need it, but the guidelines and criteria need to be stricter.”

If the government thinks that throwing money at a “victim” is the answer, then they really need to look at their advisors. Similar to the whole “Baby Bonus” scam, can you not see that people will take advantage? Women were swapping partners and having a child to get money from the government. Maybe you should actually live or work and actually speak to people in the low socio-economic areas? People use the government for personal gain, and you give it to them! Same as public housing, they destroy or trash a house, then they get another one at tax payers expense.

Giving hand outs is not the answer. Better control overall is the answer. Which I will get to at the end of this submission.

“Honestly.... I think it's just really hard to get the help that you need. And expensive. It's expensive to leave, get the help you need and move on etc. Yes there's the DV helpline etc but I've known a few people who have tried to call and couldn't get hold of anyone or to be told there's no services available in their area. Or that they've wanted and tried to leave but were told they couldn't take their kids with them thereby forcing them to stay in close vicinity of the perpetrator. And I mean I've called up for some general advice on things and while I know stuff from work they kind of made it sound so hard and that it wasn't worth trying to leave. I think it's great that there's so many different organisations that are a part of it. But I think DV should be universalised where you call one service and from that service it gets allocated to a local case manager etc. I understand that rural DV is a different kettle of fish because they are limited by resources and help time. But offering assistance from 2-3hrs away is crazy especially when there's support and social services in the town. I'm not sure police interrupting the DV process as we were doing in Elizabeth actually helps (ie arrest now and deal with it later) I tend to think it puts the victim offside a bit. I think there should be more listening and working with the victim which is what I had the opportunity to do while regional. But as soon as Adelaide police got involved their hard lining process completely alienated them and the victim wanted nothing to do with the police process and returned to the abusive relationship. Maybe police DV support isn't the answer and that there should be a non police section that deals with the recovery and healing process. So should DV recovery and healing and victim follow up be a police issue? I wonder if we re traumatise them with our constant follow ups etc. Not wholly DV but and this is controversial but I kind of think that there should be a mandatory review by your doc to hold a firearms license etc. probably a bit of a headache and while I'm aware that people can just make it seem they are ok for the appointment it would prevent some issues especially rural. Community support is so important. Which is why I love living in the country. And it's

amazing how much support the community can throw behind someone. But it makes it difficult for someone to leave as they don't want the town to know their dirty laundry. I do think that as police we tend to favour one gender over the other. And it's wrong that you can be pulled over the coals when you say they're both as bad as each other. Sometimes it's both are toxic for each other. But I'm not sure it's a police issue at times. Especially if there are no offences etc. it's almost as if we've made it our issue and I think yes we take that preliminary report but it should be passed to another non police department who can offer the support, recovery and counselling services required to help someone move on from this. Difficult question you've got there and I wonder if city/country have different requirements."

"The media have a lot of trumped up stuff that's for sure. If you think about violent firearms offences and defence label the offender with MH and that he wasn't doing well for some time etc. but I mean if people were having regular reviews then maybe it would have been picked up. And I think of how many suicides by firearms we go to. I get that it's extra work for the medical profession but really it's getting people the need and removing a potentially dangerous person from having them. Even if it is only for the meantime. I know of several in XX where the woman was the perp etc. but it always got to a really dangerous and hazardous point before the man actually reported something. The whole imbalance of power stuff... I feel a lot of police get caught on the physical imbalance of power which unfortunately a lot of the time pretargets men as the perpetrator. I can be pretty jaded with sapol at times.... But I stand by the opinion of if we are preoccupied with health issues, and social issues... at what point do we have the time to deal with criminal issues? And then there's the whole DV issue of if it's not a criminal physical act of abuse we are really hands tied. I can't remember if in Elizabeth but psychologically controlling even stalking behaviour in the XX with a willing and engaging victim XX response was and has been come back when he's physically assaulted you. Otherwise hands are tied and there's nothing we can do and then external service won't do anything since sapol has no jurisdiction or "willingness" on the behalf of sgts or prosecution to proceed. So then these people men inclusive of women are stuck on this cycle of unable to leave because they don't have the support."

In a nutshell, everything in the last comment above by a country officer pinpoints all issues that will prevent any form of recovery and healing, and also prevention, early intervention and response.

"It is so frustrating as a cop, dealing with DV, and the courts are useless. That's one of the biggest problems - we work hard to track down and arrest offenders, yet the court is far too lenient and let's them out. An intervention order or bail conditions do nothing to prevent them offending again. They don't care and will do what they want. One of my issues is not only that I've been the victim of sexualising assault and a violent rape, but now the bastard has gone to the family court, lied about our relationship, and the court has accepted his application to go after my assets, of which he has no entitlement to in any way. We weren't married, we weren't de-facto, but his lies now cause me to be retraumatised constantly, and is going to cost me up to \$50,000 to defend. That's if I don't lose everything. It's a form of legal harassment, and even though the court has been provided with tons of evidence negating all his lies, I'm going through hell. On top of the criminal crap. He also puts in false police complaints against me, so attacking me in every way he can, with no consequences to him.

The court says its not a breach of the intervention order or bail conditions. It's not just the physical, mental etc abuse that needs to be stopped - that's only part of it - it's also the 'legal' harassment that they get away with that nobody does anything about. So many women, like me, are abused, then retraumatised by ongoing harassment and nothing is done. Even as a cop, I can do nothing but fight back.”

People forget that even people in roles of law enforcement can be victims of abuse. Even members of parliament can be victims of abuse. The shame of hiding it from the public, work colleagues etc would take a toll on anyone. To go to work and arrest a perpetrator of domestic violence yet, not doing anything or saying anything about the offences committed towards yourself by someone would make anyone fall in a heap. To actually finally report the matter, then be treated in a way similar to the comment above shows why victims do not report (especially men) or go back to the offender, or simply disappear or worse, suicide.

I will now address each reference to try and explain why I feel you will never stop Domestic, Family and Sexual Violence, unless drastic unconventional methods are enforced.

Prevention and Early Intervention

Of the responses I received, none were in relation to prevention or Early Intervention. Policing at this time is not about prevention or Early Intervention, it's reactive. Unless the signs are obvious, no one knows about the abuse. The key would be education. I remember learning about domestic violence when I was in school in the late 80's. What is taught now? Are they taught that both Men and Women are victims of domestic violence?

From the Department of the Premier and Cabinet website, it states that South Australia has almost 430000 immigrants from more than 214 countries practicing 128 religions. That was in 2021, we all know there has been so many more migrants post COVID. What education were the new arrivals given in relation to our laws? Were they even told that domestic violence, assaults, rapes etc are illegal in Australia? How many refugees were included in the migration numbers? What education do refugees get when processed? Given that the statistics also show that second behind Christianity, the highest religion is Islam, Hinduism, Buddhism and Sikhism. In years gone by the multi-cultural community of Australia has worked towards stopping violence against women. With the influx of new migrants it will take elders of the community to make sure violence is not tolerated under Australian Laws. Community Leaders will say this is happening, however there are always those community members that take their religion very seriously. The Koran states “permitted to hit his wife”. How do you stop religion?

Areas such as Africa deemed it acceptable to sexually assault a black woman as it was deemed part of life. Sexual Assault is considered legitimate by young men in South Africa as it helps Mental Health. Childhood marriages in rural India involve marriage and sexual relationship with a child. Sexual coercion is illegal, but accepted by and sanctioned by personal laws defined by individuals. Research in Cross-Culture needs to be undertaken to enable all to understand the significance of cultures and violence.

The biggest intake has been immigration from India, also a large intake from Africa. Two of the countries mentioned above and their cultural views on violence. Over the last three years, what has the crime statistics shown? Higher violence. These are two cultures that have shown that have no regard about violence against women. As it is cultural, there is absolutely no respect towards our justice system and offences will continue regardless. To make any change towards stopping violence against women, that cultural view in itself needs to be changed.

Response

Response needs to be swift, and hard. No bail for offences of a domestic violence nature. Even with the Intervention Orders put in place by SAPOL to immediately prevent any contact, the offender and victim get it changed immediately through a good lawyer. How is that protecting the victim? Maybe there needs to be one force. Remove SAPOL all together and make all police Federal. All will have same access to same systems that will immediately show records of persons moving interstate. As everyone hates police nowadays, maybe follow ups into domestic violence should be completed by an agency outside of Police? I reported domestic violence between two [REDACTED] I worked with, when she turned up to work with a black eye. Stating her husband had hit her and thrown her across the room the previous night. It was brushed under the carpet and nothing was done about it, even though I reported it to [REDACTED] If [REDACTED] can't respond appropriately to [REDACTED] [REDACTED] how can they respond to others?

Recovery and healing

Does everyone have access to a Convicted Domestic Violence Offender Register? Does everyone have access to the same support?

From a law enforcement point of view, you will never stop Domestic, Family and Sexual Violence. Different generations have different views. Different cultures have different views. Different religions have different views. You can't change people's values, they know right and wrong but will still do what they want regardless because that is society now. You only have to look at the news each night to see that. You only have to look at people in the community around you to know that. There is no reaction to any action. No punishment. No responsibility for one's actions.

Unless the people supposedly running this State take a hard line on any form of discipline nothing will change. There should be "No Tolerance". You can continue to go in the direction of education and early prevention, but domestic and family violence is within closed doors on most occasions. How do you prevent that?

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