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Background



Intervention orders play a central role in the protection of victims of family and domestic violence. An effective and accessible approach to intervention orders is essential to ensure the safety of all victims.

This paper is based on the **Powerful Interventions research** report "Improving the use and enforcement of Intervention Orders as a tool to addressing family and domestic violence in South Australia" by the University of South Australia in collaboration with Uniting Communities. The Powerful Interventions research involved consultation with people with lived experience and service providers in the family and domestic violence sector. The research highlights a range of opportunities for improving the intervention orders system including opportunities for the South Australian Police (SAPOL), and the Magistrates Court. This recommendations paper is also based on the outcomes of the Uniting Communities' Powerful Interventions Workshop held in July 2022, underpinned by the depth of experience developed through the organisation's long-standing domestic violence support services.

The opportunity for police improvement is a significant component of this recommendations paper. The police play a pivotal and challenging role in the intervention orders system as a key part of the South Australian response to family and domestic violence.2

Most intervention order applications are made by police;

between 2021 and 2022, 85% of domestic violence-related applications for intervention orders were police issued and 6% were court applications by police. In comparison, 9% were private intervention order applications.³

Therefore, it is important that current police policies and practices ensure the safety of victims of family and domestic violence.

State government commitments

The South Australian government has recently reinstated \$800,000 in funding to the Women's Domestic Violence Court Assistance Service to assist women in obtaining, varying, or removing an intervention order. Continued and increased funding for legal services is vital as the research demonstrated the importance of victims having legal representation when navigating the intervention orders system. Additionally, the state government has allocated \$1,000,000 in funding to establish two domestic violence early intervention and recovery hubs in the north and south of Adelaide to support and empower victims.⁵ It will be crucial for these domestic violence hubs to have staff extensively trained in family and domestic violence who then understand the intervention order process and provide opportunities to connect with police officers to report abuse. The state government has recently announced their intentions to proceed with the criminalisation of coercive control and the implementation measures required with this. Uniting Communities along with other organisations in the domestic violence sector will actively support the state government to progress this legislative change.

Courts Administration Authority of South Australia, Intervention Order Statistics, < https://www.courts.sa.gov.au/publications/statistics/

Police



Service provider:

"There needs to be more training and a consistent response from [the South Australian Police]. I have had many clients who have reported a negative experience from an officer when they attempted to report and not been listened to or been brushed off before complete disclosure had occurred, which has been the reason they stopped reporting to police and the severity of the domestic violence increased."

Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.93

Recommendation 1:

SAPOL should increase training in family and domestic violence and trauma-informed responses for all police officers (including police prosecutors)

This could involve expanding the 5-day course that family violence staff receive to all police officers or developing new training courses (in collaboration with domestic violence services and those with lived experience).

Rationale:

Research shows that victims of family and domestic violence experience inconsistent responses from SAPOL officers. While some experiences with officers are positive, particularly from the Family Violence Investigation Unit, there are many reports of substandard and negative responses.⁷ The first response with the police is crucial and can define the victim's participation and experience within the intervention order system and whether they seek help in the future.8 It is vital that all police officers receive ongoing in-depth training and development on family and domestic violence. Training will better equip them to understand the complex causes and experiences of family and domestic violence so they can respond effectively to domestic violence reports.9

Abuse can present in multifaceted and complex ways, making it important for officers to be well-informed. Training will help officers identify abuse and respond in a trauma-informed way that will increase the safety of the victim.

The amount of ongoing training police receive should be proportionate to the extent of the issues. Police respond to a high rate of family and domestic violence reports; according to June 2022 data, there were 10,037 family and domestic abuserelated offences against a person reported or becoming known to police between the 2021-2022 rolling year, which is 42% of total offences against the person. 10

As victims often receive a positive and trauma-informed response from officers from the Family Violence Investigation Unit, it would be beneficial for all officers to receive the same 5-day training course. It is important that police prosecutors also receive more training as they are presenting the application to the court on behalf of the applicant and determine whether applications have sufficient grounds to ask the court for an order.11

Training should involve education on:

- the different forms of physical and non-physical forms of abuse and the impact this has on victims
- trauma-informed care and practice e.g. victim and defendant are interviewed separately at the incident of family and domestic violence
- the intervention order process so that accurate information about intervention orders (police issued and private) is given to all victims, that includes information about the process, their rights, and likely outcomes. 12

¹²Sarah Moulds and Rian Yohanesh, Powerful Interventions, p. 158.

- the current specialist support services available to victims so that police can provide immediate referrals at the time of the first report of a family and domestic violence or request for an intervention order. ¹³ Supplying pamphlets and written information is important, but it is useful for police to provide in-person assistance by explaining the specialist services available
- how to identify the primary aggressor in response to an incident of family and domestic violence (including manipulation tactics used by perpetrators)
- the gendered lens of family and domestic violence; is significantly experienced more by women and perpetrated by men. This includes the power dynamics and varying impacts: women are significantly more at risk of serious injury and fatality.

Note: Refer to appendix I for interstate examples of developments in police training.



Recommendation 2:

Update internal police policy on what constitutes grounds for issuing an interim intervention order and applying for court applications on behalf of victims (to include non-physical forms of abuse).

Rationale:

Current police policy says that for police to be an applicant for someone for a court order or issue a police interim intervention order, there must be some element of criminal offending or threat of offending. ¹⁴ This means that police will not assist victims to obtain an intervention order unless there is evidence of physical abuse or harm to property (or the threat of such offending). This does not align with the legislation, which outlines non-physical forms of abuse as grounds for obtaining an intervention order. Section 6 of the Intervention Orders (Prevention of Abuse) Act 2009 says "there are grounds for issuing an intervention order against a person (the defendant) if it is reasonable to suspect that the defendant will, without intervention, commit an act of abuse against a person." ¹⁵ In Section 8, the Act outlines broad terms for what constitutes abuse including physical, sexual, emotional, psychological, or economic abuse. The Act goes into further detail on examples of emotional or psychological harm and other forms of non-physical abuse. 16

Currently, police tell victims who want to obtain an intervention order on the grounds of non-physical forms of abuse that they have to apply directly to the Magistrates Court. For a victim, this can imply that their abuse is not serious enough, which can have unintended consequences for victims. As one service provider highlights, "being told that your abuse is not serious enough or there is no abuse identified is one of the most damaging things that can happen. It can impact the relationship of trust with the police going forward."17

Not only can non-physical forms of abuse have detrimental impacts on victims, but it is also an indicator of intimate partner homicide. The NSW Domestic Violence Death Review Team (DVDRT) states that in 111 out of 112 cases of intimate partner homicides between 2008 - 2016, the relationships had been characterised by the perpetrators' use of coercive and controlling behaviours towards the victim, sometimes over many years, including emotional and psychological abuse. 18

It is important that this policy change be accompanied by training that covers the different forms of abuse that sit under the Intervention Orders (Prevention of Abuse) Act 2009 to ensure police have the appropriate knowledge. This will be important for police to fully understand the powerful and detrimental impacts of coercive control so that officers can make clear and safe decisions regarding the welfare and safety of the victim.

¹³Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.158.

⁴South Australia Police, Intervention orders, https://www.police.sa.gov.au/your-safety/intervention-orders

¹⁵ Intervention Orders (Prevention of Abuse) Act 2009, Version 7.7.2022, P.7,

¹⁶ Intervention Orders (Prevention of Abuse) Act 2009, Version 7.7.2022, P.B., ... TSarah Moulds and Rian Yohanesh, Powerful Interventions Report, p.77.



Service provider:

"There seems to be different ways that police interpret what is an actual breach worth prosecuting or not"

Sarah Moulds and Rian Yohanesh, Powerful Interventions, p. 120.

Recommendation 3:

SAPOL to improve the consistency of their response to breaches of intervention orders by conducting internal training for all front-line operational officers.

Research indicates that there are inconsistencies in how police respond to reports of breaches of intervention orders.¹⁹ Service providers and those with lived experience say there is an internal 'unwritten policy' applied by some police of only giving out warnings for 'minor' breaches of an intervention order instead of being referred to court, alongside a culture of not taking breaches seriously, particularly forms of non-physical acts of abuse.²⁰ In the Uniting Communities Powerful Interventions Workshop 2022, SAPOL highlighted that when they become aware of issues with their performance, they can provide training courses on these issues to all frontline operational officers. Therefore, training that focuses on responses to breaches of intervention orders will help SAPOL to address this issue. Consistency is vital because when the protected person/s feels breaches are not taken seriously, they can be reluctant to report breaches in the future, putting at risk their safety.21 Additionally, defendants are unlikely to follow the conditions of the intervention order if they believe the breaches will not be taken seriously.



Recommendation 4:

Require police to notify protected person/s when a defendant is being served with an intervention order (or shortly after the defendant has been served) so that the protected person/s can take steps to ensure their safety.

Current internal police policy directs that officers should, wherever possible, advise a protected person/s once an order has been served on a defendant.²² When it is a police-issued interim intervention order this happens immediately as the protected person/s receives a copy of the order from the police.²³ However, for court-issued orders, where the police later serve the order, police will try to inform the protected person/s as soon as they can after the service of an order on the defendant.²⁴ Despite this being internal police policy, research suggests that this is often overlooked, with many service providers reporting that the protected person/s was not notified.²⁵ There were reports that the protected person/s only finds out if they contact a police station or in some cases directly from the defendant.²⁶ When the protected person/s is unaware that the intervention order and its associated protections are in place, they are vulnerable to abuse. It is vital that police notify the protected person/s when the defendant has been served the order promptly so they can put in place protective measures in anticipation of retaliation from the defendant or the defendant's family or friends.²⁷

As one service provider highlights, "at the point of service, the victims are often in danger and terrified and should be informed at each and every stage of proceedings by police."28 Service providers indicated that sometimes the police do this well, for example, in the Family Violence Investigation Section, where they have given the protected person a text updating them on proceedings.²⁹ However, service providers have seen countless situations where no information or notification is given.³⁰



¹⁹Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.23.

OSarah Moulds and Rian Yohanesh, Powerful Interventions, p. 153. ²¹Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.92.

²²As per correspondence with SAPOL. ²³As per correspondence with SAPOL

²⁴As per correspondence with SAPOL

²⁶Sarah Moulds and Rian Yohanesh, Powerful Interventions, p. 108. ²⁷Sarah Moulds and Rian Yohanesh, *Powerful Interventions*, p.108.

²⁸Sarah Moulds and Rian Yohanesh, Powerful Interventions, p. 107. ²⁹Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.108

³⁰Sarah Moulds and Rian Yohanesh, Powerful Interventions, p. 108.



Recommendation 5:

Improve support at police stations, including access to private space and family violence officers.

Rationale:

Private space

Currently, when victims of family and domestic violence attend a police station to report abuse, they do not always have access to private space but must instead present evidence of abuse to the police officer at the front counter. It is important for private space to be available so that victims feel supported to provide evidence and are not expected to make their complaints in a public area, in full view of others in the police station (where others in the room can hear them). When victims of family and domestic violence come into a police station, they should automatically be accompanied to a private room to make their statement.

Greater access to family violence officers

A lack of access or direct pathways to the Family Violence Investigation Section at police stations was identified by service providers and those with lived experience as an issue.³¹ There are many reports of victims being turned away at police stations and receiving dismissive responses.³² Family violence officers could be stationed at selected front counters or available 'on call' at police stations when reports of family and domestic violence come in, which ensures they are managing these reports not officers at the front counter. Alternatively, when reports of domestic violence come in, immediately an appointment is made with a family violence officer. This process needs to be streamlined so the victims have greater accessibility to family violence officers who have specialised training. This is crucial as the research shows that experiences with family violence officers are more positive and a smoother process for victims.33

Alternatively, assign one police station in each region of Adelaide (north, east, south, west) a dedicated family and domestic violence reporting police station so victims know where to go for support. This support involves family violence officers being present at the front counter. Furthermore, these dedicated police stations should ensure victims speak with family violence officers in a private space, out of view of the public. 24-hour police stations would be most suitable. Importantly, support should still be available at all police stations, but specialised support would be available at these stations.



Recommendation 6:

Increase funding for SAPOL to translate information booklets on intervention orders into other languages.

Rationale:

Many Cultural and Linguistically Diverse (CALD) people are not able to access information about intervention orders in their first language.³⁴ Currently, the SAPOL information booklet for victims on intervention orders is only available in paper format in English with some translated versions available in other languages online.35 This disproportionately affects CALD victims who require written forms of communication and lack access to digital technologies. In the 2021 census, 19% of households in South Australia used a non-English language, making up a notable proportion of the population.36

³¹Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.76.

¹²Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.77. 33Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.21

³⁴Sarah Moulds and Rian Yohanesh, *Powerful Interventions*, p. 150.

South Australia Police, Intervention orders. https://www.police.sa.gov.au/your-safety/intervention-orders 36Australian Bureau of Statistics, South Australia QuickStats, published 2022., https://www.abs.gov.au/census/find-census-data/quickstats/2021/4

Courts



Queensland judicial education:

"Relevant material is continually provided to Magistrates via the Judicial Virtual Library including domestic and family violence related webinars, research reports, discussion papers and conference materials. The Chief Magistrate produces a regular Newsletter for Magistrates containing domestic and family violence research and reports and case law and legislation updates."

Recommendation 7:

Increase trauma-informed family and domestic violence training for all Magistrates and court staff (including court officials/registry staff).

Rationale:

Magistrates

Research indicated there were inconsistencies in the level of knowledge Magistrates had of family and domestic violence.³⁷ Further training into the complexities and dynamics of family violence will inform the Magistrate when court matters involve family and domestic violence. Ongoing training will develop their practice with the newest information available. Consideration should be made to the Queensland Courts' judicial education, which arranges professional development opportunities for Queensland Magistrates on domestic and family violence-related topics.³⁸ This includes a dedicated two-day annual Domestic and Family Violence Conference for Magistrates presiding over domestic and family violence lists.³⁹ Furthermore, domestic and family violence-related sessions are scheduled for the Magistrates Annual State and Regional Conferences.40

Court staff

The research demonstrated that victims had varied experiences with court staff.⁴¹ Court staff vary in their knowledge of family and domestic violence and trauma-informed practice.⁴² All court staff (including those outside the Family Violence Court) are required to provide support to a victim of family and domestic violence at some stage which is why it is necessary that they understand the complexity of the issue and how to implement trauma-informed practices and communication. It is important that training is not once-off but ongoing to ensure knowledge is up to date.

Training should involve education on:

- the intervention order process so that accurate information about intervention orders is given to all victims, that includes information about the process, their rights, and likely outcomes.⁴³
- the current specialist support services available to victims so that court staff can provide immediate referrals when a request for an intervention order is made. Supplying pamphlets and written information is important, but it is useful for staff to provide in-person assistance by explaining the specialist services available so victims can make an informed decision.

Queensland Courts, Judicial education – Domestic and Family Violence, published October 2021.
 Queensland Courts, Judicial education – Domestic and Family Violence, published October 2021.
 Queensland Courts, Judicial education – Domestic and Family Violence, published October 2021.
 Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.22.

⁴²Sarah Moulds and Rian Yohanesh, Powerful Interventions, p.22



Recommendation 8:

Require court staff to provide immediate referrals to specialist support services for victims at the request for an intervention order (including legal support and other support services)

Rationale:

Currently, if a female victim is applying for a private intervention order and does not have legal representation, court staff will refer victims to the Women's Domestic Violence Court Assistance Service or other legal services. This occurs informally but it is important that a formal internal policy is implemented that requires court staff to make immediate referrals to support services, to reduce the varying experiences reported by victims in the Magistrate's Court, guaranteeing a consistent experience for all applicants and potential applicants. ⁴⁴ This ensures that victims are aware of the support available to them when applying for an intervention order which includes both legal support and other specialist support e.g. counselling (including those provided by the Legal Services Commission, Uniting Communities, Women's Legal Service SA and Women's Safety Services SA).

Other recommendations



Recommendation 9:

Criminalise coercive control.

Rationale:

Criminalising coercive control will ensure that all forms of abuse are recognised as unlawful and draw attention to the detrimental effects of coercive control on the victim. Coercive control comprises of the many tactics and strategies that perpetrators of family and domestic violence have used as a means by which to control their partner and family members. Coercive control has considerable impacts on the emotional and psychological well-being of the victim. Improving systemic responses to coercive control is crucial to the welfare and safety of victims of family and domestic violence. Extensive consultation with victims and survivors of family and domestic violence including First Nations and CALD communities is required.



Recommendation 10:

Increase the number of family and domestic violence trained interpreters available to police, courts, and lawyers, particularly in suburban and regional areas.

Rationale:

This will ensure that no matter which part in the intervention order system, First Nations and CALD victims have the necessary support. Relying on relatives to translate for police is problematic as they may be connected or sided with the perpetrator. An impartial third-party interpreter is required so that First Nations and CALD victims have a chance to speak for themselves. It is important that interpreters receive family and domestic violence training on trauma-informed practices and are required to declare a conflict of interest if the interpreter is known to the client or the client's immediate or extended family. This can help to ensure that First Nations and CALD people will not face backlash from their own community, which is important as First Nations and CALD victims can fear being isolated from their community if they seek help and may hinder them from initiating action or seeking support.



Recommendation 11:

Invest in increased service provision to support victims through the intervention order system.

This includes specialist legal services and counselling.

Rationale:

This ensures that victims have the appropriate legal representation when obtaining, varying, or removing an intervention order. Furthermore, specialist support such as counselling services provides the necessary support victims of family and domestic violence need when navigating the intervention order system and recovering from their abuse.

Appendix 1: interstate examples of developments in police training

Western Australia

- · In 2019, the Western Australian government invested funding to deliver family and domestic violence training to frontline police officers in conjunction with the development of a family violence code of practice for the Western Australia Police Force. 48
- Following the recent inquest into the murder of Hannah Clarke in Queensland, Western Australia's police minister is examining how the states force handles domestic violence cases. A spokesman for WA Police Minister Paul Papalia said the Family and Domestic Violence Response Teams content and duration of training was now "being explored" in consultation with an external training provider with expertise in family violence. The Spokesperson said, "This inquest, and other recent reports on family violence are being reviewed for their applicability to WA Police Force policy and practices." Face- to-face training is now under way. "The WA Police Force recognises the importance of ensuring appropriate, consistent training for officers dealing with family violence, particularly those working in specialist family violence teams."49

Victoria

 The Victorian Police have established a Family Violence Centre of Learning with external academic governance to improve family violence education at all levels of Victoria Police. This involves training for all police officers to improve the way they respond to family violence. The centre has completed a review of education for new police recruits and commenced foundational family violence recruit training for all new police officers. Victoria Police has developed four separate education packages on family violence. These include Family Violence Dynamics for completion by all Victoria Police employees, two Family Violence Essentials packages for employees in supervisory roles and Understanding Family Violence in the Aboriginal Community.50

Training for Victorian Police officers also involves a simulation centre that includes live simulations of family and domestic violence situations.51

Northern Territory

· A joint application by the Northern Territory Police, health and frontline services has resulted in the State Government funding the Tangentyere Council, Women's Safety Services of Central Australia and NT Legal Aid, to develop up to a week of training on family and domestic violence for police. The initial training will be followed up with 10 educational modules to be completed over five years at a rate of two modules annually.⁵²

Tasmania

· In Tasmania, all police officers receive training at the Tasmania Police Academy, including an entire learning module dedicated to the issue of family violence. External stakeholders and speakers are sought as a matter of course to provide perspectives and understanding beyond the application of legislation. Training is ongoing once a recruit graduates and leaves the Police Academy. There is family violence refresher training and presentations conducted on a District Level at least every 18-24 months.53

Queensland

 In May 2022 premier Annastacia Palaszczuk announced an independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence as recommended by the hear her voice report by the Women's Safety and Justice Taskforce.54 The taskforce recommended an independent commission of inquiry to examine widespread cultural issues within the Queensland Police Service relating to the investigation of domestic and family violence.⁵⁵ The final report on this inquiry will be submitted in October.56 The inquiry has since revealed 1928 officers who had not started their domestic and family violence policing enhancement training.⁵⁷ Audits and inquiries of this kind may be useful in South Australia.

^{*}Government of Western Australia, Media Statements, \$30.9 million boost to tackle family and domestic violence, published April 2019, https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/04/30-point-9- million-dollar-boost-to-tackle-family-and-domestic-violence.aspx>

⁶⁹Source for all information: Holly Thompson, WAtoday, Ministr['] orders WA Police domestic violence training review in wake of Clarke inquest, published August 2022, https://www.watoday.com.au/national/western-australia/minister-orders-wa-police-domestic-violence-training-review-in-wake-of-clarke-inquest-20220802-p5b6ne.html.

Source for all information: Victorian Government, Victoria Police establish a Family Violence Centre of Learning, published May 2020, < https://www.vic.gov.au/family-violence-recommendations/victoria-police-establish-family-violence-centre-learning>.

| Silpohn Silvester, The Age, How a \$55,000 baby is helping police train for family violence, published April 2021, <a href="https://www.theage.com.au/national/victoria/how-a-55-000-baby-is-helping-police-train-for-family-violence-train-family-violence-train-for-family-violence-train-family-violence

²⁰²¹⁰⁴²²⁻p57lgz.html>

⁵²Samantha Jonscher, ABC News, Northern Territory police and health staff to undertake domestic and family violence training, published July 2022, < https://www.abc.net.au/news/2022-07-11/domestic-violence-training-for-nt-police-revamped/101225002>.
53 Source for all information: Tasmania Police, *Training RTI-2821*, published 2022, https://www.police.tas.gov.au/uploads/RTI-2821.docx.

⁵⁴The State of Queensland, The Commission of Inquiry, published September 2022, https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20voice">https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20voice">https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20voice">https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20voice">https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20voice">https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20voice">https://www.qpsdfvinquiry.qld.gov.au/#:~:text=The%20Commission%20of%20Inquiry,%2C%20'Hear%20her%20'Hear%20'H

sswomen's Safety and Justice Taskforce, Hear her voice – Queensland's women heard loud and clear in Taskforce's first report, published 2021, < https://www.womenstaskforce.qld.gov.au/about-us/news/news-items/hearher-voice-queenslands-women-heard-loud-and-clear-in-taskforces-first-report>

⁵⁶Queensland Government, Independent Commission of Inquiry into Queensland Police Service to domestic and family violence, published 2022, https://www.qld.gov.au/about/newsroom/independent-commission-of-inquiry-into-queensland-police-service-responses-to-domestic-and-family-violence>.

⁵⁷Cloe Read, Brisbane Times, Almost 2000 Qld police officers yet to start domestic violence training, published July 2022, https://www.brisbanetimes.com.au/national/queensland/almost-2000-qld-police-officers-yet-to-domestic-and-family-violence

start-domestic-violence-training-20220712-p5b0ws.html>.



