

ANROWS

Inaugural National Research Conference
on Violence against Women and their Children

Improving legal & justice responses to violence against women

Presenter:

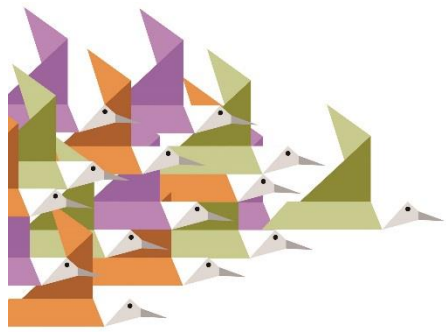
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Central Queensland University

Facilitator:

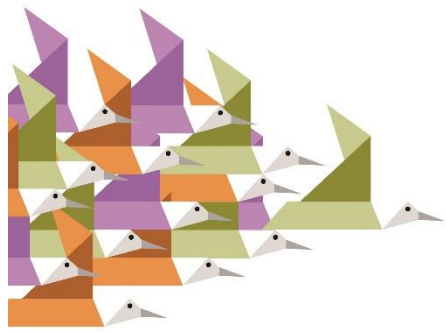
Liz Snell

Women's Legal Services Australia



Domestic and family violence protection orders in Australia: an investigation of information sharing and enforcement with a focus on interstate orders

- Associate Professor Annabel Taylor
- Dr Nada Ibrahim
- Dr Heather Lovatt
- Shellee Wakefield
- Katrina Finn



Acknowledgements

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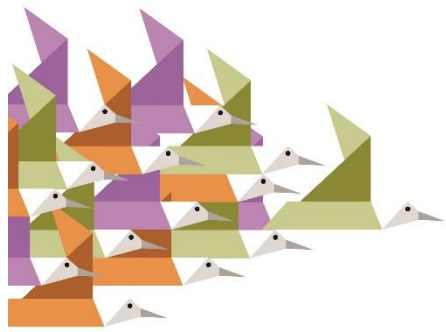
- Research participants: women victim/ survivors of domestic violence and professionals working to support them

- Advisory Group established for 4.1 justice responses:

Professor Harry Blagg, Margaret Chandler (Manager Safe at Home, TAS), Professor Anne Cossins, Sue Coxon (DCCSDS), Professor Heather Douglas, Professor Jennie Morgan, John Hinchey, Gabe Scattini (DCCSDS), Shirley Slann, Professor Julie Stubbs, Professor Jane Wangmann and Kylie Woodward (Victims of Crime, ACT)

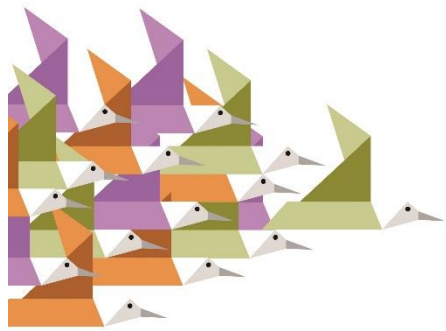
- ANROWS

Trishima Mitra-Khan, Mayet Costello, Huetta Lam, and Heather Nancarrow



Background

- “Improving legal and justice responses to violence against women” was identified as a research priority (4.1) in the ANROWS Research Priorities 2014-15 released in May 2014.
- Following national consultation by ANROWS underpinned by the *National Plan to Reduce Violence Against Women and Children* three justice-related themes emerged:
 1. enforcement of protection orders;
 2. information sharing specific to protection orders; and
 3. cross-border issues of enforcement of protection orders.

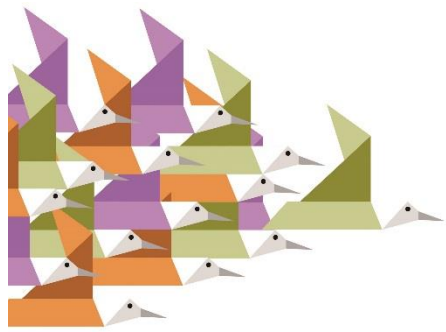


Literature review

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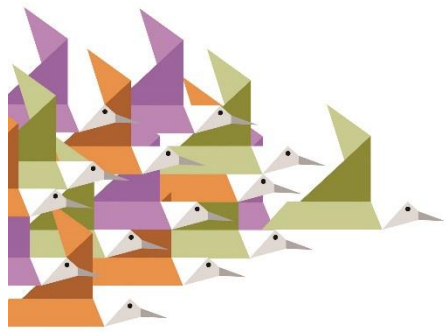


- Data collection has been informed by an extensive scope of relevant research and writing primarily from Australia on enforcement of protection orders (Taylor, Ibrahim, Wakefield, & Finn, 2015).



Research Design

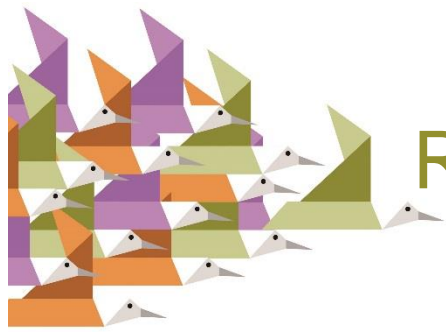
- Key research questions
 - Method: online survey and interviews
 - Sample/ recruitment
 - Data analysis
- **This is a staged approach to analysis with
1. online survey
 2. qualitative results from online survey
 3. interviews with victims
 4. Interviews with victim advocate organisations



Research Design: Key research questions

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1. What are the experiences of professionals in the enforcement of domestic violence protection orders including cross-border situations?
2. What do professionals perceive to be the facilitators of and barriers to protection order enforcement?
3. What are the existing collaboration/ information sharing strategies utilised within and across agencies, and across states, in the enforcement of protection orders?

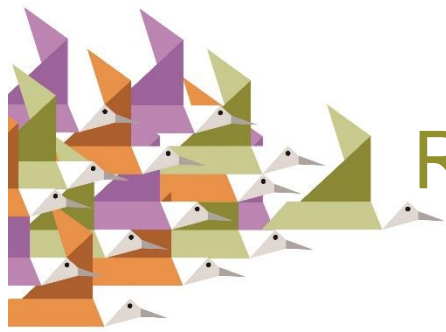


Research Design: Sample/ recruitment

Online quantitative survey:

Professionals including police, magistrates, lawyers and victim and court advocacy services across Australia.

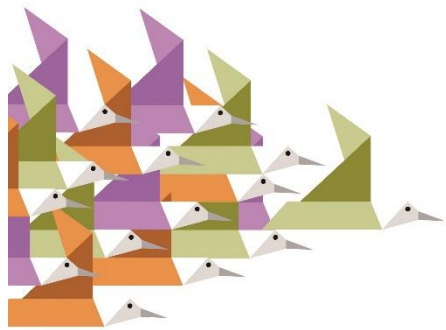
- Police (Additional ethics approval required): Queensland, WA, Tasmania, ACT, NSW, Victoria
- Magistrates: Queensland, WA, ACT, NSW, Victoria, SA
- Women's legal services (including Indigenous and CALD): All jurisdictions
- Advocacy services: All jurisdictions recruited through national and jurisdictional telephone help lines



Research Design: Sample/ recruitment

Qualitative interviews (target 50) via telephone and face-to-face

- Women from Queensland, NSW, NT and Victoria who have experienced cross-border enforcement of protection orders
- Service workers who assist these women
- Recruitment: purposive and snowball sampling through specialist women's services across four jurisdictions



Data analysis: PRELIMINARY ONLY

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Quantitative survey: SPSS version 22.

- Descriptive statistics: sociodemographics of participants.
- Cross-tabs run for selected variables to identify preliminary differences according to professions/ jurisdictions.
- Qualitative analysis for open-ended questions – ‘other’ and ‘additional information’

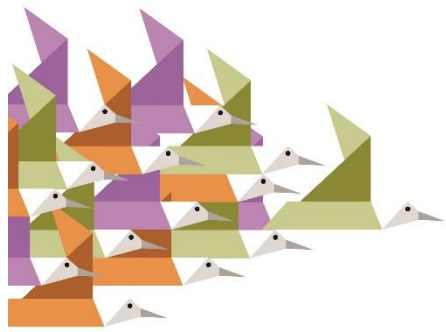
Qualitative: NVivo software. Analysis: open questions to participants

- Three themes: knowledge, attitudes and experiences.
- Multiple methodologies to analyse e.g. semantic, thematic and latent analysis (Braun & Clarke 2006)
- Analysis: compare and contrast perceptions of professionals under the thematic headings/ find facilitators and barriers to enforcement.

Anticipated: quantitative and qualitative analyses will be triangulated so that the results from one aspect will be used to enrich the information/ understanding of the other.

Table 1.2 Summary of professionals according to states/territories (N=785)

| Professional Occupation | State/Territory | | | | | | | | Total |
|--|-----------------|-----|-----|----|----|----|-----|-----|-------|
| | QLD | NSW | VIC | SA | WA | NT | TAS | ACT | |
| Police | 16 | 44 | 289 | 2 | 42 | 1 | 0 | 93 | 487 |
| Magistrate | 7 | 25 | 5 | 2 | 10 | 1 | 0 | 1 | 53 |
| Lawyer | 32 | 8 | 8 | 9 | 14 | 8 | 8 | 9 | 96 |
| Victims' advocate | 39 | 19 | 7 | 0 | 17 | 2 | 3 | 10 | 98 |
| Researcher/student | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 |
| Policy/government worker | 1 | 0 | 7 | 1 | 0 | 0 | 0 | 2 | 11 |
| Advocate other - child protection, indigenous, perpetrator | 6 | 3 | 3 | 1 | 4 | 0 | 0 | 15 | 32 |
| Total | 104 | 100 | 321 | 15 | 87 | 12 | 11 | 132 | 785 |



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Legislative
considerations



| Summary of Legal considerations by occupation | | | | | | | | | |
|---|-----------|----------------|----|--------------------|----|----------------|----|-------------------------|----|
| | | | | | | | | | |
| | | Police (N=484) | | Magistrates (N=53) | | Lawyers (N=95) | | Victim Advocates (N=98) | |
| | | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % |
| DVPOs keep victims safe | | | | | | | | | |
| | Always | 5 | 1 | 0 | 0 | 1 | 1 | 0 | 0 |
| | Often | 112 | 23 | 18 | 34 | 23 | 24 | 18 | 18 |
| | Sometimes | 300 | 62 | 31 | 58 | 63 | 66 | 67 | 68 |
| | Rarely | 61 | 13 | 4 | 8 | 7 | 7 | 12 | 12 |
| | Never | 6 | 1 | 0 | 0 | 1 | 1 | 1 | 1 |
| Definition of DV adequately captures behaviours of people perpetrating DV | | | | | | | | | |
| | Always | 104 | 21 | 13 | 25 | 23 | 24 | 9 | 9 |
| | Often | 241 | 50 | 32 | 62 | 51 | 53 | 44 | 46 |
| | Sometimes | 113 | 23 | 6 | 12 | 17 | 18 | 30 | 31 |
| | Rarely | 26 | 5 | 1 | 2 | 5 | 5 | 12 | 13 |
| | Never | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |

Summary of Legal considerations by occupation (cont...)

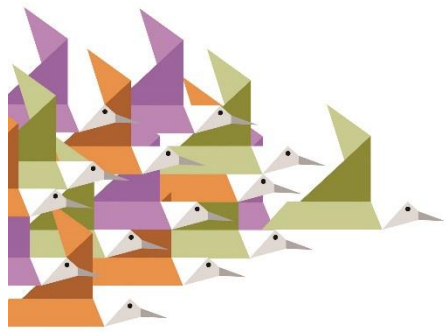
| | Occupation | | | | | | | | |
|--|------------|----------------|---|--------------------|---|----------------|---|-------------------------|---|
| | | Police (N=484) | | Magistrates (N=53) | | Lawyers (N=95) | | Victim Advocates (N=98) | |
| | | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % |

Legal personnel have an understanding of risk factors that predict future DV (e.g strangulation, sexual violence, history of violence)

| | | | | | | | | | |
|-----------|--|-----|----|----|----|----|----|----|----|
| Always | | 20 | 4 | 2 | 4 | 6 | 6 | 0 | 0 |
| Often | | 151 | 31 | 16 | 31 | 31 | 32 | 23 | 24 |
| Sometimes | | 203 | 42 | 23 | 45 | 47 | 49 | 49 | 51 |
| Rarely | | 102 | 21 | 10 | 20 | 12 | 13 | 24 | 25 |
| Never | | 9 | 2 | 0 | 0 | 0 | 0 | 1 | 1 |

Child custody decisions in family law tend to reinforce the safety provisions of DVPOs

| | | | | | | | | | |
|-----------|--|-----|----|----|----|----|----|----|----|
| Always | | 4 | 1 | 1 | 2 | 3 | 3 | 0 | 0 |
| Often | | 103 | 21 | 8 | 16 | 16 | 17 | 11 | 11 |
| Sometimes | | 245 | 51 | 29 | 59 | 54 | 57 | 38 | 39 |
| Rarely | | 119 | 25 | 11 | 22 | 20 | 21 | 44 | 45 |
| Never | | 12 | 2 | 0 | 0 | 1 | 1 | 4 | 4 |



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Police



Summary of police enforcement issues by occupation

| | Police (N=433) | | Magistrates (N=50) | | Lawyers (N=89) | | Victim Advocates (N=89) | |
|--|----------------|---|--------------------|---|----------------|---|-------------------------|---|
| | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % |

Police have adequate knowledge of the dynamics of DV

| | | | | | | | | |
|-------------------|-----|----|----|----|----|----|----|----|
| Strongly agree | 103 | 24 | 2 | 4 | 1 | 1 | 0 | 0 |
| Agree | 280 | 65 | 24 | 48 | 23 | 26 | 25 | 28 |
| Uncertain | 25 | 6 | 20 | 40 | 23 | 26 | 17 | 19 |
| Disagree | 24 | 6 | 2 | 4 | 36 | 40 | 37 | 42 |
| Strongly disagree | 1 | 0 | 2 | 4 | 6 | 7 | 10 | 11 |

Police provide victims/survivors with useful information on actions they can take for DVPO breaches

| | | | | | | | | |
|-------------------|-----|----|----|----|----|----|----|----|
| Strongly agree | 126 | 29 | 3 | 6 | 2 | 2 | 2 | 2 |
| Agree | 280 | 65 | 25 | 50 | 34 | 39 | 37 | 41 |
| Uncertain | 19 | 4 | 15 | 30 | 24 | 27 | 28 | 31 |
| Disagree | 6 | 1 | 6 | 12 | 23 | 26 | 17 | 19 |
| Strongly disagree | 1 | 0 | 1 | 2 | 5 | 6 | 6 | 7 |

Summary of police enforcement issues by occupation (cont..)

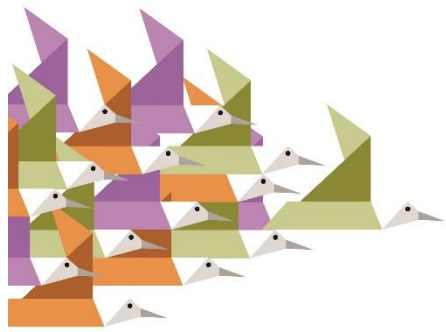
| | Police (N=427) | | Magistrates (N=46) | | Lawyers (N=89) | | Victim Advocates (N=91) | |
|--|----------------|---|--------------------|---|----------------|---|-------------------------|---|
| | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % | <i>n</i> | % |

Police respond to and enforce DVPO breaches – holding perpetrators accountable

| | | | | | | | | |
|-----------|-----|----|----|----|----|----|----|----|
| Always | 123 | 29 | 5 | 11 | 3 | 3 | 2 | 2 |
| Often | 238 | 55 | 30 | 64 | 25 | 28 | 18 | 20 |
| Sometimes | 63 | 15 | 10 | 21 | 41 | 46 | 51 | 57 |
| Rarely | 6 | 1 | 2 | 4 | 19 | 21 | 17 | 19 |
| Never | 0 | 0 | 0 | 0 | 2 | 2 | 2 | 2 |

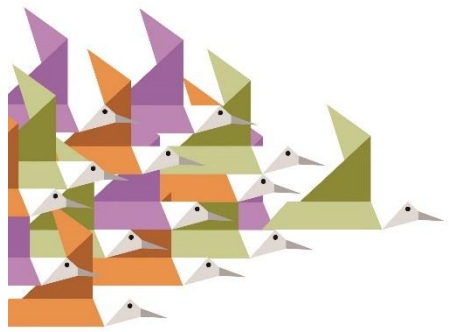
Police are consistent in policing of DVPO breaches

| | | | | | | | | |
|-----------|-----|----|----|----|----|----|----|----|
| Always | 96 | 22 | 5 | 11 | 1 | 1 | 3 | 3 |
| Often | 209 | 49 | 18 | 39 | 15 | 17 | 10 | 11 |
| Sometimes | 99 | 23 | 18 | 39 | 34 | 38 | 37 | 41 |
| Rarely | 20 | 5 | 5 | 11 | 29 | 33 | 35 | 38 |
| Never | 3 | 1 | 0 | 0 | 10 | 11 | 6 | 7 |



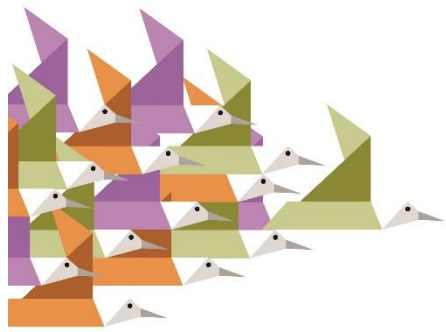
Victims' advocates





Cross-border and information sharing



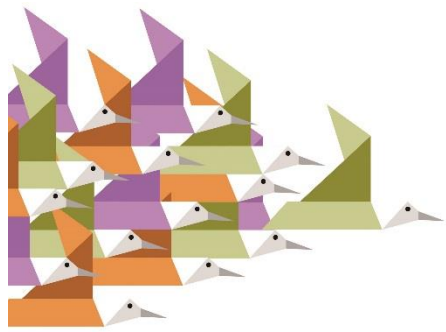


Preliminary findings: qualitative*

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Legislation

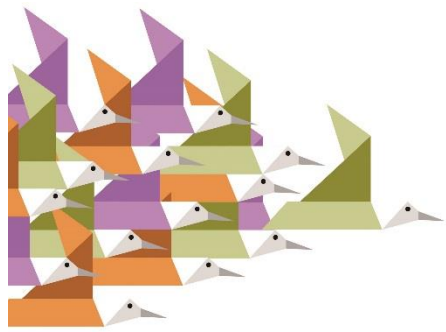
- *“I went... (through) three states, the hospital was in New South Wales, the hotel was in Queensland and I was from Melbourne, Victoria. So none of it relates, none of it has any connection. New South Wales can’t computerise documents to Victoria. Melbourne won’t service interstate AVOs, they won’t serve anything...”*
- *“...one magistrate court’s saying one thing, another one’s saying something else. One state’s saying this and that... come on, you know, you’re not making us feel safer...”*
- *“It should be a nationwide thing, so if you do have an AVO you don’t have to worry about putting in interstate and things like that, because a lot of people don’t even know that.”*



Preliminary findings: qualitative*

Information sharing and support

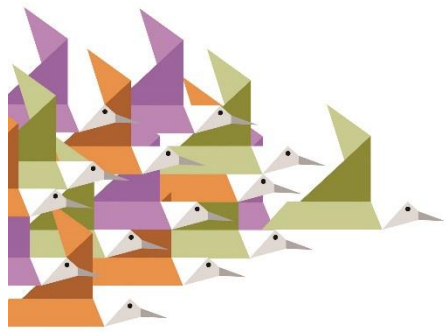
- *I had to do it all. The interstate, stuff, there was not much help basically. I had legal aid but when I moved over here (Queensland) I couldn't get the funding for a video link by the time court came around from Western Australia...legal aid refused basically... and so the restraining order in Western Australia was dismissed because I couldn't appear in court.”*
- *“There are no easily accessible information sharing protocols between agencies within states, let alone interstate...” (legal service)*



Preliminary findings: qualitative*

Registering orders across borders:

- *“It’s too much stress..it’s too much bloody stress, that I didn’t want to go back to police and to court, I didn’t want to make statements. I just wanted to go home. I’d had enough”*
- *“I had no choice but to go back to the court just so I could get proof the order has been served. You have to take the whole lot (interstate). That’s the stuff that we don’t know – it sound’s easy but it isn’t....we should be told”.*



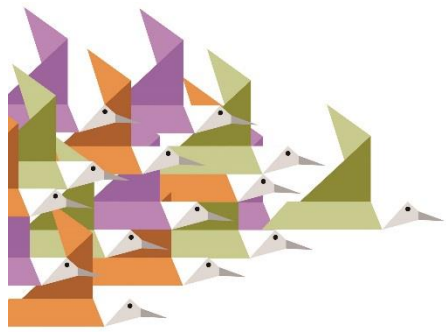
Preliminary findings: qualitative*

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Policing and Enforcement

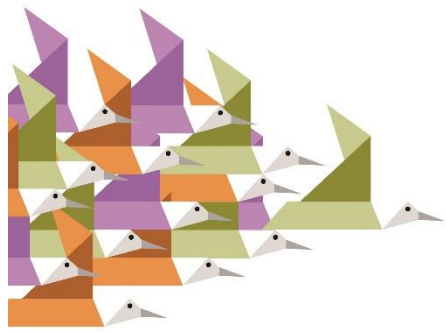
- *“Fabulous. The lady (Police Officer) who applied for it was amazing. She wouldn’t let me back out of it... because I had pressure from my ex partner to back out, to tell them I didn’t want it anymore. And she wouldn’t back down. And that changed my life”.*
- *“They just said to change my phone and calls couldn’t hurt me and they didn’t know if he was in the state. They were (expletive) death threats but I was too frazzled to record them and the calls came up as from a private number”*

*These findings are indicative only as at February 2016.



Conclusions 1

- These very preliminary findings indicate that there is concern about enforcement of protection orders shared by the majority of the respondents across a wide range of enforcement provisions.
- Given the safety considerations involved any ‘never’ results are very concerning. While they may be a small number nevertheless they indicate systems which are not working in the way they were intended.
- Not unexpectedly there are professional differences on perspectives of enforcement but also a high level of shared views in key areas.



Conclusions 2

- There is agreement about the value of specialist victims' advocacy services and shared recognition they generally have inadequate resources.
- There is general agreement that interstate enforcement is problematic.
- Victims' views highlight the gaps in service provision overall and illustrate the multifaceted nature of their support needs.
- Victims also described the effects of lack of information-sharing and how this instrumentally impacts on their ability to achieve safety.