Domestic and Family Violence Death Review and Advisory Board

Meeting Communiqué

Intimate Partner Homicides

The Domestic and Family Violence Death Review and Advisory Board (the Board) is responsible for the systemic review of domestic and family violence deaths that have occurred in Queensland. The Board’s role and function are outlined in the Coroners Act 2003 (the Act).

The purpose of the Board is to identify common systemic failures, gaps or issues and make recommendations to improve systems, practices and procedures that aim to prevent future domestic and family violence related deaths.

On Tuesday 1 November 2016, the second case review meeting of the Board was convened. The Board considered four intimate partner homicides, and one bystander homicide, that occurred between 2011 and 2015.

This Communique provides a brief summary of these discussions, and outlines key themes and issues identified at this review meeting. Preventative recommendations made by the Board with respect to these deaths will be made to the Minister, and published on an annual basis, in accordance with the Board’s statutory reporting requirements.

Case Characteristics

This second case review meeting considered the context and circumstances of four intimate partner homicides, where a female deceased was killed by their current or former male partner. It also included one bystander homicide of a male who was killed by his partner’s former husband, as the history of intimate partner violence and help-seeking in this case was extensive, and shared parallels with the other deaths considered by the Board.

All deaths occurred in the middle of an actual or intended relationship separation, where there was an identifiable prior history of intimate partner violence. There were also other significant similarities across the cases including:

- Prior episodes of domestic and family violence between the deceased and offender had come to the attention of multiple agencies (police, courts, health and social services) in all cases.
- In four of the five cases, child custody arrangements were used as a means to facilitate further abuse by the perpetrator post-separation. In the other case, the couple did not have children together.
- In four of the five cases, a current domestic violence protection order was in place at the time of the death, listing the deceased as an aggrieved or a named person, with the offender as a respondent. In the other case there had previously been a protection order in place listing the
deceased as the aggrieved and the offender as the respondent.

- In four cases, the male perpetrators had a history of mental health problems (professionally diagnosed or in the opinion of family and friends), and three also had problematic substance misuse issues.
- For four of the five perpetrators, there was a prior history of other offending behaviour, exclusive of their history of perpetrated abuse against their intimate partner and other family members.

**Key themes and Issues**

**Disengagement with services**

Limited engagement by victims with services over the longer term was identified in the cases reviewed by the Board. While this may have been an informed choice by the victims on some occasions, there is a significant need for agencies to critically reflect on reasons why a victim does not engage, or disengages, from a service. There is a risk that a *reluctance to engage* by a victim may be accepted as an excuse by agencies for not delivering services to a client, with limited reflection about whether there are opportunities for agency improvements to enhance engagement and service uptake.

Importantly, services are not just there for the compliant *easy to engage with* victims. There is a need to be cognisant that there are a number of individual and social barriers which may impede service engagement, such as a fear of retribution from the perpetrator or prior negative experiences with help-seeking.

There may also be a sense of shame among victims that precludes engagement with services. In available records, among generalist services, there was an undercurrent or *tone* that was judgmental to the extent that women did not *absent themselves* from their violent situation.

There were certainly superficial understandings of the complexities of relationships characterised by domestic and family violence, and a value judgement, real or perceived, that precluded the provision of effective support.

If a victim makes a decision to leave the relationship, they need to have confidence that the system will provide support to them and help keep them safe. It is well-recognised that a victim may often return to their abusive partner out of fear, or because the violence in the relationship does not stop post-separation. During this critical period, services also need to have an awareness that the perpetrator may continue to undermine the efforts that agencies are making to keep a victim safe, through ongoing abusive tactics, in an attempt to retain control over their victim.

**Finding 1:** Victim disengagement is an issue that needs to be considered at an agency level, with reflection required as to what the agency is not doing or missing from their service response. It may be the case that there is a need for different types of service models that are more responsive to individual needs.
**Early intervention**

The service system approach to domestic and family violence has a primary focus on reacting to episodes of violence and dealing with presenting symptoms, instead of tackling the underlying drivers of such behaviours. This results in services predominantly responding at crisis point, through the use of interventions tailored to those considered to be at imminent risk.

In the cases reviewed by the Board, there was evidence of missed opportunities at the low or medium risk level, where intervention may have reduced the risk of future lethality.

A balanced approach to intervention is required as there is a continued need to improve effective crisis responses in high risk circumstances. This includes considering all points of engagement that a victim and/or perpetrator has with the broader service system, not just specialist domestic and family violence support services, and maximising these opportunities for intervention.

In the majority of cases discussed by the Board, the homicide offenders had histories of anti-social behaviours and prior criminal offences. While these earlier offences may not have been domestic and family violence related, there were identifiable behaviours that translated to the power and control dynamic that underpins domestic and family violence perpetration. Where they came to the attention of formal services, these behaviours were either not adequately identified, or were inappropriately managed.

A failure to appropriately respond to problematic behaviours when they first manifest is a critical missed opportunity for early intervention, as the development of misogynistic attitudes and controlling behaviours can become entrenched at an early age.

Services which engage with potentially high risk young people may have a role to play in detecting, and responding to, problematic behaviours and attitudes.

**Finding 2:** Currently the service system approach focuses on reacting to individual episodes of violence and dealing with presenting symptoms, instead of tackling the underlying drivers of such behaviours, and as such, there is a need to focus on earlier intervention to prevent situations from reaching a crisis point.

**Perpetrator accountability and interventions**

In the cases subject to review, responses across the criminal justice system were varied, with both elements of good practice and areas of improvement identified.

Overall, relative to the sheer extent and prevalence of prior violence committed by the perpetrators in these cases, there was a perception that actual consequences throughout the criminal justice process were limited, and disproportionate to the severity or frequency of the abuse experienced by victims. This was in part because where an episode of violence was reported, the response was predominantly focused on the specific offence charged, instead of the enduring pattern of abuse underpinning these actions.
In some of the cases subject to review, there was a sense of disconnection across the criminal justice system, in which responses did not always seem to meet the expectations of other agencies. This may contribute to a sense of frustration among frontline responders who feel that processes are not supporting their efforts to keep victims safe and hold perpetrators to account.

This was apparent at various points across the service system. For example, a protection order may have been issued by the Courts, but there were difficulties associated with the timely investigation of reported breaches of the order. There may also have been a lack of consideration of more serious criminal charges, where circumstances may have warranted this course of action.

In three cases subject to review by the Board, there were issues with the service of an order in the period immediately leading up to the death, including difficulties in locating the respondent to serve either a temporary or final protection order. These types of delays expose aggrieved parties to additional vulnerability and uncertainty, with many women fearing retaliatory violence after their abusive partner becomes aware that they have contacted police or sought protection.

In some cases, there was a significant and prolonged history of violence and abuse by perpetrators spanning decades, with multiple reported episodes of violence. However, there were very few convictions for these offences, commensurate with the degree of violence and harm associated with the assaults. Further, perpetrators in the cases subject to review by the Board predominantly received fines and suspended sentences for domestic and family violence related offences; with criminal convictions rarely resulting in periods of incarceration.

Notably, there have been a number of reforms since this time that aim to increase penalties associated with domestic and family violence offences.

While it was acknowledged by the Board that imprisonment, in and of itself, may not have the desired deterrent effect, particularly for offenders with extensive histories of violence, there are short-term benefits in having a perpetrator incarcerated. Namely, it allows victims an opportunity to access appropriate supports and sends a message to the offender that there are consequences for their abusive actions.

As such, while there is a need for a robust and timely criminal justice system response, this also needs to be accompanied by strategies that focus on perpetrator engagement, intervention and rehabilitation.

Finding 3: There is a continued need to build the evidence base in relation to effective strategies to prevent reoffending. As such, further work is required to explore interventions that are associated with reductions in recidivism, with a focus on robust evaluations of any such initiative.

In some jurisdictions, GPS monitoring has been shown to be effective with particular types of offenders and may be a viable option to monitor a cohort of high risk domestic and family violence perpetrators, subject to relevant legislative amendments.
While GPS monitoring may be useful in monitoring, and prosecuting, stalking related offences, technology facilitated abuse is an emergent concern for victims.

In three cases discussed by the Board, the offender harassed the victim through intimidating and threatening text messages and social media posts. The popularity of social media, particularly with younger people, means that offenders have access to victims at any time and from any location.

Advice to victims can often be to simply shut down their social media accounts which may further isolate them from family and friends, who are an important source of informal support.

**Finding 4:** Strategies for the monitoring, or restricting, of a perpetrator’s online behaviours to detect electronic harassment or threats should be considered as part of any approach to manage high risk offenders.

The Special Taskforce on Domestic and Family Violence produced a suite of recommendations aimed at holding perpetrators responsible for their use of violence in their relationships, including expanding the availability of perpetrator intervention programs. However, the programs currently available have had limited evaluation with respect to key outcomes such as reductions in future offending.

Board members emphasised that participation in an intervention program alone should not be considered as sufficient to reduce the risk of recidivism.

Mandating program participation also needs to be weighed against concerns about a perpetrator’s commitment and motivation to change at that point in time. Further, programs should have a dual focus which includes both changing a perpetrator’s behavior, and ensuring the safety of the victim.

Perpetrator intervention program standards are being reviewed as part of the current reform agenda in Queensland, and it is important that this review includes a strong focus on driving continuous improvement, and robust evaluations of programs, that are shared across the sector.

**Finding 5:** While a standardised, evidence based approach is important to ensure consistency in program delivery, behaviour change programs also need to match the risks and needs of a perpetrator in terms of the intensity and duration of the program. Participant’s risk level, the program content and the skill of the facilitator are important variables in engagement, which is a key determinant of change. Minimum requirements should be established, and adhered to.

**Responding to perpetrators and victims across settings**

Victims and perpetrators in the cases discussed by the Board had contact with multiple other services in relation to domestic and family violence, as well as contact with criminal justice services. This included a range of health professionals and counselling specialists.
Barriers to information sharing remain an area of concern, with other agencies holding knowledge with respect to the deceased’s experiences of domestic and family violence, or a perpetrator’s abusive tactics, that may have led to more enhanced and proactive responses to reported acts of violence or abuse.

This was attributed in part to individual clinical perspectives which were focused on the need for client confidentiality, and a desire to ensure an objective assessment of a patient’s risk of harm to self and others. However it resulted in a potential missed opportunity to prevent a further escalation in harm. Of concern, in two cases discussed by the Board, the offenders reported to formal services an intention to murder their former partner, but in neither case was this information relayed to police.

At times health professionals appeared to validate the use of violence by perpetrators. This took the form of excusing or minimising the violent behaviours, colluding with the perpetrator, misattributing their behaviours to mental illness, and not challenging reports of violence perpetration.

Finding 6: It is critical that generalist and specialist services have common objectives and a shared understanding of risk to maximise the effectiveness of service system responses to victims and perpetrators, so that everybody is working towards reducing domestic and family violence in the community.

Workplaces were identified as an important setting for victims experiencing domestic and family violence to access support provided by colleagues or employers, and to have time away from their violent partner. While government and large corporations may be setting the pace with workplace reforms, many victims may be employed in small businesses that fall outside the scope of current initiatives.

Board members discussed responsibilities that employers may have in responding to perpetrators who use company time, phones or vehicles to harass a victim, with a potential need identified for specialist advice and support to employers so they know how to safely respond.

However, the role employers of perpetrators can play in intervening is somewhat limited in that it is unlikely for them to become aware of their employee’s abusive behaviours, unless the perpetrator self-discloses. Further, conduct in a private capacity that does not impact on work performance is not likely to come to the attention of employers.

Abuse associated with child custody arrangements

In all of the cases reviewed by the Board where there were children in the relationship, perpetrators were able to continue their abusive tactics post-separation as there was a requirement to negotiate, and adhere to, child custody arrangements.

Where there are children in a relationship, perpetrators maintain an opportunity to continue controlling their former partners after they separate. In the cases reviewed, perpetrators forced their children to spy
on their former partner, encouraged them to run away from their mother’s care or allowed the children to behave without rules or consequences while in their care.

The handover period was identified to be a cause of concern and risk, such that elaborate arrangements involving third parties were sometimes required to ensure the safety of the victim during such exchanges.

The current Family Court system, which focuses on shared parental responsibility, can inadvertently provide opportunities for ongoing control and harassment within relationships characterised by domestic and family violence, as the victim of violence is required to maintain contact with the perpetrator.

In several cases reviewed by the Board, police and other services failed to recognise that a perpetrator’s removal of a child from the victim’s care was an act of domestic violence, as it was done by the perpetrator to exert power over the victim.

Consequently, the service system response did not treat such matters as domestic and family violence related, and the perpetrator was not dealt with accordingly.

**Finding 7:** The service system is not adequately equipped to respond to domestic and family violence when children are involved. Post-separation, domestic violence may often be misattributed to ‘child custody issues’ and consequently not appropriately recognised or responded to.

**Next meeting**
The next meeting of the Board will be held on 2 February 2017.

For any enquiries relating to the Communique please contact the Board Secretariat: [Coroner.DFVDRU@justice.qld.gov.au](mailto:Coroner.DFVDRU@justice.qld.gov.au)