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for the Domestic Violence Justice Reform Network



Journey Mapping Workshop Report

Exploring the voices and experiences of
victim/survivors of Domestic and Family Violence
in the NT Justice System

Dedication: This report is dedicated to the brave and generous women who shared their stories for this project. The NT Justice system failed many of you terribly. Thank you for sharing your experiences, so that we can learn from them and do better. You shared what happened to you, in the hope that it would lead to change. Thank you for trusting us in this way.

Pictured on cover: Workshop participants discuss the journey map [top image] and discuss the implications of the research [bottom image]. Images by Alex Richmond.

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Executive Summary

Introduction

In November 2018, 23 people from across the justice system in the NT came together to listen to and understand, the experience of victim/survivors¹ of domestic and family violence (DFV) in the justice system. A list of workshop participants can be found at Attachment A. The purpose of the workshop was to use insights from interviews with victim/survivors, to reflect on what needs to change in the system, across policing, courts and corrections, to better meet their needs. There was consensus among workshop participants that change was needed, and it was acknowledged that the current system was not working for victims for a myriad of reasons. It was clear to participants of the workshop that throughout the system, victims need to be better engaged with, and better supported.

This executive summary seeks to synthesise the key reflections from workshop participants and to link these to the experiences and insights of victim/survivors and others who operate in the justice system. It is a longer than usual executive summary. It is unusual in that it continues to preference the voices and experiences of those with lived experience in the system. It is hoped that this will be useful in keeping the focus squarely on victims' experiences, and their needs in any planned reform. It means some quotes may be found in both the executive summary and the body of the report. All quotes that were included on the journey map used in the workshop are attached to the end of this report as Appendix E.

For many victims who were interviewed for the project, their experience of the system could be simply articulated:

That was very clear, we had a good understanding that [offenders name] rights were above Carly's. All of us knew that. – Carly and Family

Interviews were conducted across the NT with about 45 people, a mix of victim/survivors² and people who operate in the system from across the NT including Police officers, prosecutors³, Witness Assistance Support (WAS) officers, Judges, support workers and other lawyers working with victims and offenders. Key insights and observations from interview subjects were presented to the workshop along a 'journey map', showing a victim's contact with various parts of the justice system from before Police respond to an incident, to after the release of an offender. A high-resolution copy of the journey map can be found at Appendix B. Following the presentation of the research, workshop participants were able to identify possible opportunities for change. A full list of these proposals can be found at Appendix D.

This report seeks to capture both the research that was presented at the workshop, and the opportunities for change identified by participants. The report has 3 main sections.

1. Background - Information about the DV Justice Reform Network (DVJRN), how the project came about, details about the research methodology and the purpose and ground rules of the workshop.
2. The Research - A summary of information presented during the workshop on the insights and experiences of victim/survivors of DFV, and others who operate in the justice system, as presented chronologically along the journey map.

3. The Workshop - A summary of the observations, insights and opportunities for change identified by workshop participants.

Key findings

Key reflections from workshop participants on the journey map and the research identified a system⁴:

- that is disjointed and disconnected.
- where victim/survivors have inadequate support.
- that is overloaded.
- where long time frames affect outcomes.
- where there is not a focus on victim safety.
- that is not breaking cycles of abuse, which is critical for making individuals and communities safer.

Finally, there was a question of whether the justice system alone is best placed to respond to identified issues.

The 'system' is disjointed and disconnected

We heard from victims that the system is disjointed and disconnected right from their initial dealings with Police:

Having to retell your story again, hoping there is some notes on the system that they can just quickly get, you're giving [offender's] name, details, there's a warrant out for his address... this constant harassment is still happening. And they don't know the story. They're unable to find notes... we're explaining he's breaching conditions of DVO... Every contact, and I'm not exaggerating, every contact with Police, you're having to retell your story again and that was getting very frustrating in the end because you're just exhausted from reliving everything again... Trying to keep a track of dates and things in your head and you think, I've already told you this. – Carly

We also heard the system is disjointed and disconnected when victims are at court, seeking information about the matter particularly when they are wanting information on 'dropping the charges' or s.18 advice and there is no independent advice available. Victims observed that they were given misinformation about what to expect from the DVO process and in court by Police.

¹ Throughout this report the words victim and victim/survivor are used interchangeably to describe those who have experienced domestic and family violence.

² In order to protect the identity of interview subjects, all victim/survivors interviewed have been given pseudonyms.

³ In order to protect the identity of interview subjects, all lawyers, whether prosecutors or otherwise are referred to as 'lawyer'.

⁴ It was noted by a participant during the workshop that given its disjointed nature, 'system' does not accurately reflect what happens. In the absence of a better descriptor, I will refer to it as a system, but accept the observation that it lacks the shared meanings, linkages and connections one would hope to see in a true system.

[I was] Totally unprepared for the reality of it... No information at the court about this... process... None of that information was available, it was like I knew the system. So [they] don't need to explain anything to you. - Carly

We heard victims feel this disconnect right through the system.

There was an escape from the prison... it happened on a Friday night or Saturday. How do we find out if [offender] is one of those ones who escaped? Couldn't ring the victim register mob because they're not open on the weekends. Can't ring WAS. Good luck trying to get anything from Corrections. If that ever happens, how are you to know? So, you're asking your community to find out if he's out.

What is the process, who contacts them? Where are the linkages? Who can they contact? This Monday- Friday business doesn't service DV victims. – Carly and Family

While victims experienced a disjointed system, many assumed those operating in the system understood clearly how it fitted together. However, participants in the workshop identified the fact that we all spoke about it, and acted, as if this was a system, but the map and experiences of victim/survivors and others who operate in the system highlight how siloed and disjointed, and ignorant of each other's workings, the different parts (institutions, government agencies and individuals) operating in it are. One workshop participant noted that even talking of system players (to describe those operating in the system) was a mis-characterisation of what happens in the justice system, as players work together, on teams, and followed norms and rules that were shared. This could not be seen when we looked across the journey map.

Those operating in the system who were interviewed for the project, also identified how a disjointed system results in unsuccessful prosecutions.

Did I ever have a statement taken with an interpreter? I don't know. I can't remember one. So that's saying a lot when you have hundreds of contested files handed to you. Virtually all of these people need interpreters. It's not just about the reliability of her evidence and fairness to the accused, but she's fundamentally set up to fail in giving evidence, because of course when you're in court, evidence is tested against your written statements. So, defence are handed on a silver platter these inconsistencies making for, what defence would call, an unreliable witness. But actually, it's because the statement was written by a male Police officer who was standing over her while she was in a vulnerable situation, speaking in her third or fourth language. Not even having it read back to her, just read through whatever he has written and sign away. And then maybe you get an ethical prosecutor in court, who gets you an interpreter and finally you're able to tell your story, in your language, of course it's totally different. – Lawyer

Participants identified that those operating in the system needed to be much more aware of how this impacted victims, and of the huge gaps in communication that existed. It was identified that there needed to be much better connection, and improved communication, between government services and agencies. It was identified that people operating in the system needed to better understand how their role fitted into the system, and the implications their choices may have.

Possible solutions identified by workshop participants were:

- Training and information for those working throughout the system, to better understand how other parts of the system operate and what are the roles and limitations of other system operators.
- Earlier and better-informed communication with victims about 'the system'.
- Design 'one stop shop' that allows multiple agencies Eg. Legal support, Police, TF, health to provide collaborative human-centered linked up support, information and updates to victims.
- Establish a DV hotline staffed by trained Police officers.
- Build integrated technology and record keeping systems [To allow people operating at any part of the system to be able to advise victim/ survivors of the status of their matter, and any information relevant to them around sentencing, parole and release].
- Produce culturally relevant materials for victims explaining various parts of the process and how they fit together.
- Utilise technology to aid with translation.
- Victims' rights codified and enshrined in process.

Victim/survivors have inadequate support

As demonstrated above, victim/survivors reported being unsupported throughout the system. Many detailed negative experiences with Police made them feel unbelievably, unsupported and unsafe.

The Police need to do a domestic violence course ok. They actually have to sit down and talk to victims who have actually been through domestic violence. They have to learn the symptoms of the signs of domestic violence situation. Yes, a person may ring and complain, the person who is ringing is scared. They want you to do your job instead of saying that's probably her partner and that's probably her ex-partner. You don't know the circumstances of what that person has gone through... be a little bit sympathetic to their situation. – Pamela

Victims felt this lack of support right through the system from treatment by prosecutors, through to sentencing comments by Judges. Many victims reported feeling unsupported throughout the process, and their confusion and lack of clarity made them want to give up. And yet if they didn't participate in the process, the system punished them.

Workshop participants noted that within the current system opportunities were being missed to link victims to support services when Police respond to the incident and when serving summons and the need to meet those gaps. It was clear to everyone that victims need to be better engaged, and to ensure mechanisms exist to assist them to navigate the system.

Almost all the victims interviewed identified a need for holistic support and continuity of contact as they navigated the complex system which was agreed by workshop participants. There was a need to transform how victims were seen in the system from 'a piece of evidence' to something much more human centered, empowering and trauma sensitive. Workshop participants

identified the need to recognise how highly traumatised victims (and offenders) are in the system, with many impacted by complex intergenerational trauma. Participants also identified that many victim/survivors have had personally negative, and intergenerationally negative experiences with the child protection and criminal justice systems that have to be recognised and acknowledged.

Possible solutions identified by workshop participants were:

- Trauma-informed DFV awareness training for Police/ lawyers/DPP/Judges.
- Reforming practice, throughout the justice system, to ensure the provision of more holistic, culturally appropriate and trauma-informed support.
- Recognise trauma and ensure a trauma-informed foundation for the system. Provide clear trauma-informed information for victims explaining every step of the process and how the system works. Address the trauma victims are exposed to.
- Focus on community engagement and inclusion.
- Design single access pathways for victims and streamlined support models.
- Better meeting the information and support needs of witnesses, and others impacted by the FDV, such as dependent children and other family.

The system is overloaded

Many victims identified that no one had time to explain to them what was going on during the process. Or that information given to them was wrong. This is very stressful for victim/survivors but also impacts on how they are able to participate in the system, and on their trust in the system itself. People who operate in the system identified it as a completely overloaded system. In an effort to manage the volume, those who operate in the system identified that they adopt practices to manage their workloads that may, inadvertently, act against the interests of victims.

There's a completely different approach for indigenous and non-indigenous people. Certainly, the orders taken out by Police are very different. You'll have very serious assaults and they'll just put a non intox on [DVO] and not even charge him. If it's a white couple, sometimes there is a full "no contact" over threats. It puzzles me the approach Police take. It's as if it's not as bad to beat up an itinerant woman. Maybe it's because the prisons are already full and they're not wanting to set people up to fail because they've put orders on both in the past and they know they'll have contact. But sometimes I think they miss the coercive, controlling thing. Some of these guys are psychos. They do come through. But again, it comes back to how much time and energy the Police and courts want to put into looking at all the evidence.
– Lawyer

Because it feels like a waste of time that can affect how Police officers may deal with the next domestic violence assault, when they've just invested maybe months looking for witnesses, doing summonses, re-doing summons when matters get put off again, it's a lot of time and effort. Especially where witnesses and victims are itinerant and can be hard to reach. And

without a victim and witnesses it's all a waste of time. It can feel like you've done all that work for nothing. And what can feel like a waste of time can affect how Police officers may deal with the next domestic violence incident. - Police

Police, prosecutors and others in the system are so overwhelmed with caseloads that they identified they are not able to give victims the time and right support to ensure victims, most of whom are highly traumatized, and many of whom have English as a second language, understand what is happening and what is expected of them. This adds to the stress and difficulty for witnesses who are wanting to fully cooperate.

I was not happy because I wanted to talk to the prosecutor. My case worker had to intervene so I could contact him [her]. Eventually [s]he gave me a short, little time, such a short time. I didn't get a clear understanding of the process or explanation about the proceedings or the charges. I didn't know about the court day and what they would ask. I know it's my story, but they had no advice. I am so upset because of the prosecutor. She didn't help me. I went into the meeting hoping to explain or describe my story, and also to get an explanation from the prosecutor about what's going to happen about the court process. Neither happened to my satisfaction because she was in a hurry. She was rushing... – Neema

Those operating in the system identified that the system was overloaded with the sheer volume of people in the NT impacted by DFV⁵ and recognized that it meant resources were spread too thinly across the system. It resulted in victims being unsupported. Becoming de-sensitised to violence also impacted how those working in the system saw the violence and responded to individual victims. Managing this pressure on the system was identified as a key need.

Possible solutions identified by workshop participants were:

- Trauma-informed DFV awareness training for Police/ lawyers/Department of Public Prosecutions (DPP) staff/Judges.
- Vicarious trauma training for Police/ lawyers/ Judges.
- Move resources from summons and hearing stage to early information system for victims.
- Keep victims engaged by offering appropriate, ongoing support. See 'Victim/survivors have inadequate support' subheading.
- Allow for earlier resolution of matters. See 'Long timeframes impact outcomes' subheading.
- Need to reduce offending. See 'Breaking cycles of abuse' subheading.
- Need to reduce volume of files in system. See 'Is this the right system to deal with the issue' subheading.

⁵ The NT has the highest rates of DFV in the country with 1,815 victims per 100,000 persons in the Northern Territory. By comparison, the jurisdiction with the next highest rate is Western Australia with 728 victims per 100,000. New South Wales has 366 victims per 100,000 persons. 81% of victims in the NT are women. 75% are Aboriginal.

Long timeframes impact outcomes

Another key reflection was that extended time frames in the process have a profound impact on the outcomes. Victims reported that the system moves too slowly to achieve their safety, and that as it dragged on, it became less and less relevant to them. Many felt worn down by the system and just gave up participating in it.

It was observed by others operating in the system:

The extended timeframes. That's where we're falling over. For the matters that do go to hearing, the credibility, memory, reliability of witnesses diminishes as time goes on. For a victim to have to speak about an incident that has happened five, six, 12 months later, a lot has happened in their life between when the incident happened and then. There are often more recent assaults. Memory is impaired by alcohol. And then we have to find them and summons them. And with those time frames it is really hard. Often, it's a game of chasey to try and find the victims, to try and get them to court. – Police

Justice delayed is justice denied. I'm not sure why there are so many adjournments, but they make it very difficult- Police

Our responses need to be faster- when complaints are heard six months down the track, complainants have moved on. - Judge

Workshop participants indicated that this reflects what many of those operating in the system recognise, that the delays in the system, some as a result of a system overload, result in many victims and witnesses becoming increasingly disengaged. The court process is seen to move at pace that disconnects the system's response with the event itself. This results in more witnesses either disengaging, or the evidence being less reliable, as described above. This may impact how Police respond to future DFV incidents as described earlier. Many of those who operate in the system described a known defence tactic in the NT to plead not guilty, in the hope the victim won't show to give evidence in court. This further congests an overloaded system. People who operate in the system indicated changes to evidence collection to allow for capturing video statements on body worn cameras may impact this.

The body worn camera evidence is compelling when they do it right. Of course, you'll advise a client differently when that is there, and admissible. - Lawyer

One interviewee suggested:

If you abolished mandatory sentencing, you wouldn't get so many contested hearings. It distorts all of your decision making. Why would you ever say to your client- you should plead guilty if you know they're going to get 12 months for something they should have got a few weeks for. – Lawyer

Workshop participants noted that victims often experience a 'long silence' between the incident and the summons and this has an impact on their willingness and capacity to provide credible evidence. It was also noted that these long time-frames made it increasingly disconnected from the event, and less meaningful and relevant for many Aboriginal victims and witnesses.

Possible solutions identified by workshop participants were:

- Law reform to allow for early pleas.
- Review of mandatory sentencing framework.
- Law reform to allow victims to give evidence early.
- Clear pathways for where victims want to drop the charges.
- Explore alternatives to adversarial system. See 'Is this the right system to deal with the issue' subheading.
- Keep victims engaged by offering appropriate, ongoing support. See 'Victim/survivors have inadequate support' subheading.

The current system is not focused on victim safety

Victims reported feeling the system was not focused on their safety, from poor initial Police responses, through to sentencing and the Corrections system. Victims reported feeling unsafe, and that people within the system did not understand the risks they were facing.

We also heard of some women taking a strategic approach to how they engaged with the system to ensure their initial need for safety did not trigger a lengthy legal process which doesn't serve them.

I've had women from [remote Central Australian Community] say 'What we do now is we call the Police to come to help get us safe. When they ask for statement- we say, 'No.' Because they know the minute they provide a statement, it's going to go through the court process and that makes them vulnerable. So, they're managing their safety in a pretty sophisticated way, knowing a statement leads to a prosecution. – Lawyer

This highlights that which many victims are looking for is safety in the moment, and a responsive safety-focused system. In some remote communities, Police are identifying and responding to this need, but there is no system to share good practice in the violence-prevention space in policing.

Many women, and especially Aboriginal women interviewed, won't seek help because they fear triggering responses from the child protection and justice systems. This has serious implications for their help-seeking, particularly if they are on suspended sentences, or have concerns that Territory Families will remove their children.

The Police desperately need primary perpetrator training. We're seeing so many women being charged and locked up for assaults on very, very violent partners. DVOs are being put on them. They may be released on a suspended sentence which includes no alcohol. These women live in a constant fear they're breaking laws which makes for a very dangerous situation when the DV inevitably occurs and they are the victim. They are terrified to call Police because they may be drunk and on a suspended sentence. They're terrified to report because Territory Families might take their children. It is creating a culture where women feel that he can do anything to me, and I can't get help. They're extremely unsafe and they don't trust the legal system. Police aren't safe people for the women we work with, because they're the people who lock them up... Or there'll be a mandatory report and they fear losing their kids. So, nothing feels safe, they feel they can't get help anywhere. - Support worker

In addition to this, there is also extensive family pressure put on victims not to testify.

I know one lady in Palumpa, the [defence] lawyers told her not to come. In Wadeye, they get his family to try and stop her talking in court. - Support Worker

I don't know how we can effectively manage it when there is pressure at court for the victims to not tell the story because the family have put all this pressure on her, because if anything happens to her while he's in jail, there's a notion it's all her fault. So, there is huge pressure on these women not to tell their story. How do we compete with this family pressure? - Lawyer

There is huge pressure put on many Aboriginal women from remote communities. Many interviewees noted that the configuration of bush courts meant vulnerable witness accommodations couldn't be made in any meaningful way and noted the need to walk past the perpetrators family to go into court and give evidence. As mentioned previously, s.18 rights are not adequately explained, and witnesses are frightened. Victims then seek to manage their own safety by not participating in the system.

Witnesses are intimidated. I remember one victim credibly gave evidence in Police case then agreed with defence she'd hit herself in the head with a rock. - Judge

In addition to intimidation in court, many victims report a fundamental problem exists that while they have suffered ongoing abuse for periods of time, often years, the legal system is interested only in discrete events.

When I was there, he said his lawyer has come back to us- he's going to plead guilty to the one we have the record on, but not the other one. It's up to you if you want to go through with this. I just want him to be accountable for what he did to me, that's just two out of the many, many in the last 14 years. You cannot begin to imagine, like how many things he's done to me and most of the things he's done to me I never thought in a million years another human being would do to another person... and this is all he could come up with. He only acknowledged one. - Irene

This has implications for sentencing. It also has implications for the messages that are sent to offenders and their families and communities about how this violence is viewed: because sentencing is reflecting the punishment of a discrete event, rather than a pattern of ongoing behaviour.

I don't think coercive controlling violence is widely appreciated by all Judicial officers. I don't think it's picked up enough. Where you can see it is in the criminal records of those who engage in domestic violence. Many of them will have criminal records of between eight and 24 pages in length. Within those records they'll be between 12-19 convictions for domestic violence. It will be low level domestic violence and so they'll continue to get short sentences... If you were to look at it at the end of the line, in one case I sentenced someone to 11 or 12 years, but over a number of years he'd engaged in this level of violence. Utterly controlling his family, so at the end of the line you could see how serious his conduct had been over the entire period. Whereas in a snap shot, coming before a Judge in the local court who deals with low level assaults, you get these short sentences, which really doesn't assist at all. - Judge

Participants identified that while the current system was not built around safety, we do need a safety focused system.

Possible solutions identified by workshop participants were:

- Trauma-informed DFV awareness training for Police/ lawyers/DPP/Judges.
- Make courts safer for victims.
- AVL/ Video conferencing in all remote communities.
- Review the impacts of mandatory reporting framework.
- Have independent s.18 advice available at court.
- Clear pathways for when victims want to 'drop the charges.'
- Victims to have input to s.45 DVOs.
- Police code of conduct on investigating and responding to DFV.
- Track multiple DV offences by making all evidence of prior relationship history admissible in DFV matters.
- Keep victims' safety a focus of appropriate, ongoing support. See 'Victim/survivors have inadequate support' subheading.
- Need to reduce offending. See 'Breaking cycles of abuse' subheading.
- Explore alternatives to adversarial system. See 'Is this the right system to deal with the issue' subheading.

Breaking cycles of abuse is critical for making individuals and communities safer

As one workshop participant noted, the most common refrain heard from the bench from victims is 'I just want him to stop hitting me'. Participants identified that prevention programs and programs in prison are urgently needed. Participants also identified that early intervention is critical to break the cycles of abuse and trauma and reduce the load on the system. An analogy that was used in the workshop described the criminal justice system as being the ambulance at the bottom of the cliff. Early intervention was identified as urgently needed to stop people falling, jumping and being pushed off the cliff. Offenders need help to change and break cycles of intergenerational trauma. This needs to be done in a way that holds perpetrators to account. It is clear that the current system doesn't effectively do this.

Possible solutions identified by workshop participants were:

- Evidence based and culturally relevant perpetrator behaviour change programs.
- Child focused primary prevention addressing intergenerational trauma.
- Have more Aboriginal men involved in the vision.

Is it the right system to deal with this issue?

I've seen community members put in jail, put out of jail, it doesn't do anything and I don't think that it would help [me]. The idea is that some sort of change occurs, so that [the violence] doesn't occur again, but I don't think the system serves that. From what I've witnessed people get locked up, they get out and the same cycle keeps going. I don't see how jail makes anyone change, especially if they're not going to acknowledge what they did in the first place- so what's the point? – Natalie

Workshop participants identified that the broader aim is to reduce DFV and associated harms. Questions were asked about whether the justice system alone can respond effectively to the issues raised through the research and workshop, and that any response needs to be part of a whole of government and whole of community approach. Questions were raised about whether an adversarial approach alone, within the justice system, can respond effectively. Participants reflected that 'guilty/not guilty' is the pivot point in the legal system, and the system is evidence based/adversarial and accusatory, relying on victim-based prosecutions. However, this approach may ignore broader needs of individual victims for safety, for perpetrator accountability and for families and communities to break intergenerational cycles of abuse. It may also be 'out of sync' with how other services operate, leading to disjointed engagement for the victim before, during and after their engagement with the justice system.

It's a recurring issue in the Barkley that victims would describe his family, and sometimes her own family, blaming her for locking him up. And sometimes that extrapolates even more broadly to women victims being responsible for mass incarceration [of Aboriginal men]. – Lawyer

Possible solutions identified by workshop participants were:

- Explore the use of Alternative Dispute Resolution (ADR) processes when it's safe and what victims want.
- Explore the use of two streams- the existing punitive one and a new therapeutic model.
- Need to reduce offending. See 'Breaking cycles of abuse' subheading.
- Progress outcomes of this project through the NTG Domestic, Family and Sexual Violence Cross Agency Working Group.

What might an effective system look like?

Workshop participants were also invited to build a vision for what a more effective system might look like. Key themes included a system that prioritised:

- Victim safety.
- Supporting and empowering victim/survivors (including clear information, pathways and ongoing support throughout the entire process).
- An integrated, understandable, trauma-informed system.
- Perpetrators accountability and behaviour change.
- Early intervention and violence prevention.

Immediate priority actions

Workshop participants identified that many of the possible solutions identified require significant policy, legislative and/or service reform and investment. However, a number of priority solutions for action were identified⁶. The highest priority area for action identified is training. Specifically, training and education for those who operate in the system such as Police, DPP staff, lawyers, Judges and Correction staff, perpetrator behaviour change training and child-focused primary prevention training.

Other priorities included: providing genuinely 'linked up' support for victims; reforming practice to be more culturally aware; building trauma awareness throughout the system; building integrated technology and record keeping systems; utilising AVL in remote communities; focus on community engagement and inclusion, having more Aboriginal men involved in the vision and law reform and ensuring court feels safe for victims.

Workshop participants committed to progressing this work through:

- Changes to individual practice, to better recognise the victims experience.
- Progressing work in individual organisations and agencies.
- Progressing collaborative, cross agency work through the NTG Domestic, Family and Sexual Violence Cross Agency Working Group [CAWG] which is facilitated by the Office of Gender Equity and Family Domestic and Sexual Violence Reduction and the DV Justice Reform Network [DVJRN].

Workshop participants noted that to continue the work would require breaking down siloed approaches and building genuine collaboration. It would also require keeping the victims experience in sharp focus. Participants committed to this.

⁶ It was noted that these should be undertaken in the context of broader reform.

Background

The Domestic Violence Justice Reform Network (DVJRN) was convened in September 2017 to bring together NT Police, DPP, Solicitor for the Northern Territory, NT Legal Aid Commission, Domestic Violence Legal Services and the Department of Attorney-General and Justice, to identify improvements needed in the Justice system for victims⁷ of Domestic and Family Violence. It was chaired by Mary Chalmers who was then Senior Crown Prosecutor with the DPP. The network invited Alex Richmond, as Facilitator of the Domestic and Family Violence Network, to join the group.

At a DVJRN meeting early in 2018, a 'Journey Mapping' workshop was first proposed. It grew out of a recognition that the legal system in the NT is not working for many victims of domestic and family violence and there was a clear desire by members of the DVJRN to do better. It became clear to the author that the ideas of Human Centered Design might be a helpful way of approaching the problems we see in the NT. I proposed that a 'journey map' of victim's experiences in the system might be a good starting place, for understanding the system end to end, and identifying problems and opportunities for change and reform. Network members agreed. On the 15th November 2019 a workshop⁸ was held to explore the Journey map and discuss opportunities for change in the system.

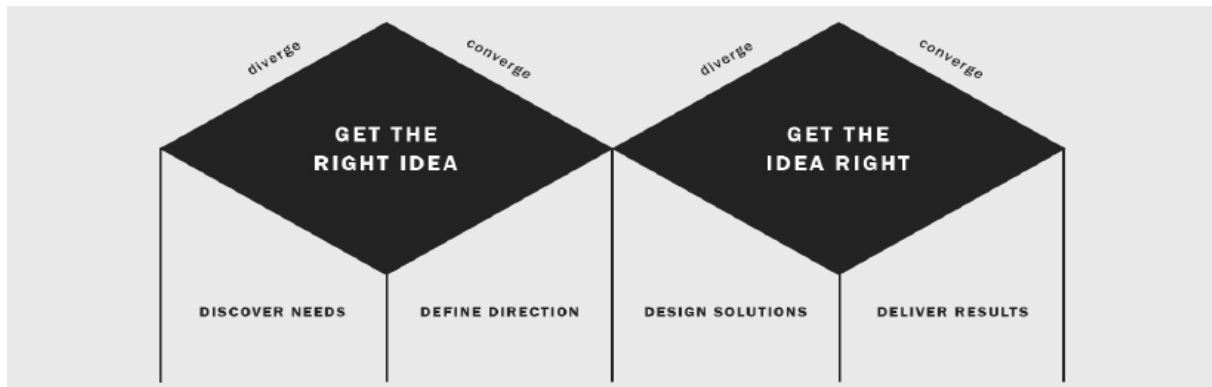
Why Human Centered Design?

In the NT, we are all a part of a culture, where the enormity of the social problems we deal with, budget constraints and limited resources, results in a lot of decision making that is often a quick fix in reaction to crises. The problem with a piecemeal approach is we sometimes come up with quick fixes that may cause problems elsewhere in the system, or fixes that don't take into account the other factors that shape a victim's experience of the system. Traditionally, when solving problems, people will follow an approach where problems and solutions are quickly and efficiently identified (often by a small group of people), but things get messy and expensive when attempts are made to implement changes in the system - often because the 'users' of the system were never consulted. Human centred design uses processes that allow us to better understand the problems we are trying to solve, so that we can come up with solutions that will work.

⁷ The research, and this report, focuses on the experience of female victims of DFV, given their disproportionate victimisation in this area.

⁸ For a list of workshop participants see Appendix A

It recognises that some of what the viable and effective solutions are, will become much clearer for us when we've got a sharper sense of what the problems are that we are trying to fix. The journey map, a tool that tracks victims' experiences through the justice system from pre-Police contact to post release of offender, gives an opportunity to explore the problems as experienced by victim/ survivors in the NT. This process uses the lived experience of those who've been through the system and those who work in it every day, to expose where the problems are in the system. Once the problems are clearly identified and understood, it allows people to build something more effective. Human Centred Design recognises that people closest to the problem are often closest to the solution and this process allows us to draw it out.



A visual depiction of the process of divergence and convergence that informs Human Centred Design.

In terms of where this research and workshop would sit in Human Centred Design methodology, the research, and the discussions facilitated during the workshop allowed participants to identify needs and define direction - to get the 'right' idea about where the problems are in the current system. This is necessarily 'messy' work and the purpose of the workshop was not to design the solutions needed in the system, although there was opportunity for people to begin to think about what those might be⁹. It is a key principle in Human Centred Design not to rush straight into problem solving, but rather to fully explore the problem, and then be given the space to think big in terms of possible solutions, to allow thinking to become broad and divergent before defining the direction that change needs to take, and then thinking big again, in terms of what solutions may be. This report captures some of that big, broad, divergent, thinking. It captures the brainstorming and the fast, initial idea generation. To continue to use the principles of Human Centred Design in the conception of solutions, is a challenge to the usual way of doing business.

As we were reminded throughout the workshop Einstein observed that:

Insanity is doing the same thing again and again and expecting a different result.

To genuinely reform a system, so that it works better for victims, requires putting their experiences in the centre of problem solving. This means working collaboratively with key stakeholders, including victim/survivors themselves, to ensure that system reformers are actually meeting the needs they intend to, without unintended consequences.

⁹ For a full list of ideas generated during the workshop, see Appendix D

It also means investing in getting the idea/s and reforms right before they are launched, which may include prototyping and testing ideas. It means remembering that those closest to the problem are often closest to the solutions.

Research Methodology

For the map, I interviewed about 45 people, a mix of victim/survivors¹⁰ and people who operate in the system from across the NT including Police officers, prosecutors¹¹, Witness Assistance Support (WAS) officers, Judges, support workers and other lawyers working with victims and offenders. Most interviews were conducted between June and September 2018. Most interviews went for a few hours, although one ran for a full day. Interviews were conducted with subjects from across the NT including Darwin, Milikapiti, Wadeye, Nauiyu, Alyangura, Katherine, Lajamanu, Ali Curung and Alice Springs. Most interviews were conducted face to face although some were conducted on the phone. Interpreters were used where appropriate.

For the map, I synthesised what I heard into some key voices and issues. These interviews and the journey map they inform are not an exhaustive look at victim's experiences, and there are some acknowledged gaps in whose voices were heard. There is a recognition underlying this project that the purpose of the research and the map was to stimulate discussion and thinking by those who attended the workshop. There was an understanding that attendees of the workshop collectively had enormous insight into the parts of the system that they operated in and so by bringing everyone together to look at the research, the workshop itself offered a chance to fill gaps in knowledge, experience or understanding about victims' journeys through the justice system in the NT.

Format and ground rules for the workshop

To develop a shared understanding for the day, participants were asked to agree to some ground rules:

- **ABIDE** — Abide by the Chatham House Rule, so when we're discussing the workshop with others who didn't attend, we do it without attributing content to individuals, so we might say 'we discussed this' but not [an individual's name] said that.
- **SHARE** — Be willing to share your experience, knowledge, ideas, views, opinions (however well formed), challenge assumptions, ask the 'dumb' questions, identify the 'pink elephants'. Remember it is ok to disagree.
- **LISTEN** — Be willing to truly listen not just hear.
- **ENCOURAGE** — others to participate.

¹⁰ In order to protect the identity of interview subjects, all victim/survivors interviewed have been given pseudonyms

¹¹ In order to protect the identity of interview subjects, all lawyers, whether prosecutors or otherwise are referred to as 'lawyer'

- **SPIRIT** — Neither offend, nor be offended. Enter into the spirit of the occasion. Appreciate the willingness of contributors to speak their mind. We are not here to judge, blame or find fault, there are no right or wrong answers, responses.
- **PRESENT** — Be present in the discussions - tame your mobile devices.
- **LEAVE** — Leave your positions/titles at the door, ideas come from people, not positions.



Workshop participants and facilitators are pictured in front of the map. For a full list of attendees see Appendix A.

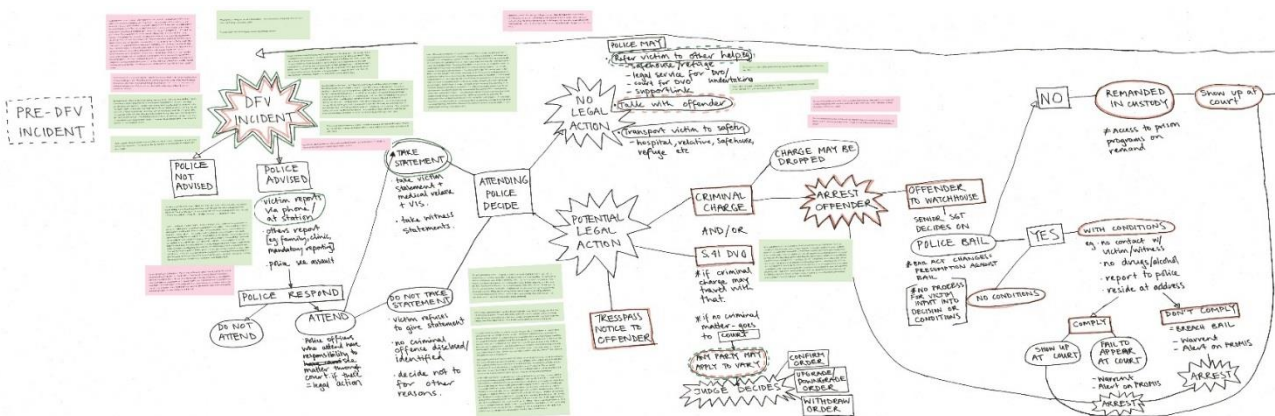
Participants were reminded that in the spirit of the workshop, we were not here to blame any individuals or institutions, but that as we looked at the experiences of victim/survivors and those who work in the system, clear failings would be highlighted. Participants were asked to lay aside our tendency to blame or defend and instead to focus on just really listening to what people are saying about the system as it functions in the NT. Workshop participants should be credited for their willingness to listen, to question, to critique, to discuss and to problem solve in the open and respectful spirit of the ground rules.

The workshop was divided into three sessions. During session 1, I walked participants through the map and the experiences of those whose stories were extracted on the map. During session 1, participants heard the voices of victim/survivors describing their experiences. During session 2, the insights, quotes and experiences of other system players were revealed, and participants explored the map and began to identify opportunities for change. During session 3, participants began exploring solutions and identifying priorities and next steps.

For the purpose of this report, I will document some of the key themes that emerged during session 1 and 2 in the section 'The Research'. This will be done, in the same way as it was in the workshop, by moving through the map from prior to Police contact, to after the release of an offender. The opportunities for change as identified by workshop participants are documented in the section 'The Workshop'.

The Research- The Journey Map

The map itself was about 11 meters long and shows the 'system' through which victims move. A full map can be found at Appendix B. The primary map shows the journey through the local Court. Smaller, secondary maps depicted journeys through Bush Courts and the Supreme Court, in recognition that these had particular differences and issues. The map describes the journey a victim might have from before Police contact to post-release of the offender. On the map, a STAR shape signifies a pivot point where something changes in the system. A red line indicates the offender is involved in this part of the system, a green line indicates the victim/survivor is involved in this part of the system. An unbroken line indicates the person is directly participating in that part of the system. A broken line indicates the person may participate in that part of system. The quotes printed on green paper come directly from victims interviewed for the project. The quotes printed on the pink paper come from the system players - the Judges, lawyers, Police officers, prosecutors and support workers interviewed. All quotes that were included on the map can be found at Appendix E.



The first third of the map depicts the journey from before an incident to after arrest and bail [if applicable] of the offender.

The most notable feature of the map at first glance is that the victims' stories, and the colour green [that represents victims' involvement in the system] were clustered around two points in the map. The first of these is the incident itself, and the second is at the time of hearing. It is notable that between these two events, victims are often not involved or communicated with-an issue highlighted as a real problem by many victim/survivors that we will return to later. Following the hearing, we again see that the victim is often not involved or communicated with. We see a lack of clear process about who and how victims should be communicated with. During interviews it became clear that for many of those operating in the system, there were assumptions that someone else in the process was (or was responsible for) communicating with victims. These issues, and their impacts on victim/survivors, and the operation of the justice

system, emerged during interviews and some of these will be explored below. It is not possible in this report to capture and reflect on all the insights documented on the journey map.¹²

What the research tells us

Pre- DFV Incident

There was little to reflect on in the workshop about this important space, the time before an assault, the violence prevention space. In the NT, despite the worst rates of DFV in the country¹³ we have almost no investment in primary prevention, little in early intervention and little in perpetrator behaviour change programs. These gaps are filled in some remote communities by creative Police who recognize that crime prevention, and specifically DFV crime prevention needs to be a core part of what they do.

A lot of the people we worked with in our community, when people get angry and frustrated, they don't have great coping mechanisms- so the talking stops, they don't know what to do- instinct kicks in and that's when they just resort to violence. They just don't have processes like mediation or ways to talk about it, or processes to calm themselves down- they just don't have any of that. They get angry, they can't cope, then violence comes out. So, my partner developed this Stop. Walk. Talk thing with them and he'd say "If you're getting frustrated, if that woman has annoyed you, just stop what you're doing. Go for a walk. And find somebody to talk to". And there were a few kartia (white people) in the community who the men had respect for and they jumped on board, so some men would talk to them, some would talk to Police, some would find an elder for their family. And it really worked to diffuse situations and prevent violence. One Monday morning we got into work and [Police officer] had three men on the doorstep of the Police station wanting to come in, because they'd done their stop and their walk, and they wanted to talk. He'd sit down with them on the couch, they all drink tea and talk and get some clarity. These are all domestics that were prevented just because we could work with the men. If we got jobs that were lower level domestics, we'd make it a priority to go to the job, they probably wouldn't meet the criteria of COMMS to be called out. It might not even make it to a Police screening if the person called 000, but because we had that rapport with the community, someone would ring, we'd make an effort to get to that stuff as fast as we could to prevent stuff from happening. – Police

Police responses to DFV incident

We began drilling down into what the research tells us near the start of the map, by looking at Police responses to the incident. It was noted at the workshop that some Police Officers have an excellent understanding of Domestic and Family Violence [DFV] and associated trauma and are

¹² All quotes that were used on the journey map have been reproduced at Appendix E.

¹³ [According to the ABS](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4510.0~2017~Main%20Features~Victims%20of%20Family%20and%20Domestic%20Violence%20Related%20Offences~6), The NT has highest rates of DFV in the county with 1,815 victims per 100,000 persons in the Northern Territory. By comparison, the jurisdiction with the next highest rate is Western Australia with 728 victims per 100,000. New South Wales has 366 victims per 100,000 persons. 81% of victims in the NT are women. 75% are Aboriginal.

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4510.0~2017~Main%20Features~Victims%20of%20Family%20and%20Domestic%20Violence%20Related%20Offences~6>

skilled and sensitive at working with victims. But these are not the experiences I heard much about in my interviews. Victims described a range of experiences. Victims who are part of the system having existing DVOs in place or ongoing contact with Police as a result of ongoing DFV, report their frustrations at contacting Police.

Having to retell your story again, hoping there is some notes on the system that they can just quickly get, you're giving [offenders] name, details, there's a warrant out for his address... this constant harassment is still happening. And they don't know the story. They're unable to find notes... we're explaining he's breaching conditions of DVO... Every contact, and I'm not exaggerating, every contact with Police, you're having to retell your story again and that was getting very frustrating in the end because you're just exhausted from reliving everything again... Trying to keep a track of dates and things in your head and you think, I've already told you this. I told you this on the first attack or assault. I've been to hospital, we've had to move from where we're staying... dragging kids all over the place... Every contact we had with them you're having to educate them... After that dealing with Police I was advised 'why don't you just keep a copy of your DVO on you, carry it with you... Whatever their system allows... they don't have it... There's "no contact" from the Police, but he's still harassing us, so we're reporting every time. It was like 'It's me again, I just called again, it's still happening.' and they're like 'You're still calling?' Like we were inconveniencing them by reporting too much. - Carly

Sometimes Police are not advised an incident has taken place. There is a range of reasons for that. Some women give up trying to get assistance because they are in remote communities trying to speak to people in Darwin who can't understand their accents, and don't know the names or places of their communities they are trying to describe.

When we call 000, they never understand. They don't know our streets and people's names. We give up. The local Police know places and people, but they won't just give their numbers, say we got to call 000. - Mary

Other women choose not to call because of negative past experiences. I heard many describe similar experiences to this:

The Police came to the door, the neighbours must have called them. The kids were there, my eye was already closing. It was a huge bruise from where he hit me. But I was real rattled cause he'd been choking me. They took him around the corner at the front and they all stood around his motorbike and had a talk. I heard them laughing. Then they left. They never even spoke to me. – Fran

A negative experience with one person can taint people's view of the whole system, and for many women these kinds of experiences mean they don't reach out for help in the future, when Police assistance is needed.

In addition to this, many interviewees reported seeing more and more female victims of violence being incorrectly identified by Police as the primary perpetrator. Victim/survivors reported perpetrators manipulating the system: *While he was assaulting me, he called them [Police]. They came and put a DVO on me. You can't trust them, they'll always believe him.* - Jenna.

Support workers and lawyers interviewed also noticed an increase in the primary victims being charged with offences.

I've seen a striking increase in the number of women being charged, convicted and sentenced for assaults against partners who have abused them for lengthy periods. - Lawyer

Many women, and especially Aboriginal women I spoke to, won't seek help because they fear triggering a response from the child protection and justice systems. This has serious implications for their help seeking - particularly if they are on suspended sentences or have concerns that Territory Families will remove their children.

The Police desperately need primary perpetrator training. We're seeing so many women being charged and locked up for assaults on very, very violent partners. DVOs are being put on them. They may be released on a suspended sentence which includes no alcohol. These women live in a constant fear they're breaking laws which makes for a very dangerous situation when the DV inevitably occurs and they are the victim. They are terrified to call Police because they may be drunk and on a suspended sentence. They're terrified to report because Territory Families might take their children. It is creating a culture where women feel that he can do anything to me, and I can't get help. They're extremely unsafe and they don't trust the legal system. Police aren't safe people for the women we work with, because they're the people who lock them up. And these are the most vulnerable women we're talking about. Women whose ears are bitten off, whose partners carve their names on their bodies. A recent client had to have her spleen removed because a rock was thrown so hard at her stomach. And these women can be too scared to go to hospital because it may be recorded somewhere that they have alcohol in their system- so they'll get locked up. Or, there'll be a mandatory report and they fear losing their kids. So, nothing feels safe, they feel they can't get help anywhere. - Support worker

Sometimes Police are advised but don't take action. Many women reported calling Police or going to Police stations to report abuse and being told by Police that if he's not hitting her, they can't assist.

Can you just arrest him? He spit on my face, holding my hands so I couldn't make a call, that's not assault. At the time I had no idea. I was hoping the Police would know, that they would do something for me, something that is in the legislation that I have no idea about, something to get him away from me. Or give me a head start. I just want him to go. He will kill me one way or other I just don't know which way. He threatened me so many times: I know how to kill you and make it like an accident. I was frantic for him to stop. He would grab the pillow and put it on my face until I can't breathe. He enjoyed doing it to me. He said this is how easy it is to kill you. You don't have anything in you, that can push me off you. - Irene

In Irene's case, despite multiple reports, Police only charged him for assaults on her, well after she had left the relationship. They approached her and asked her to assist with statements for the assaults she had reported to them only when they were building the case for the savage assault inflicted on his subsequent partner. Some victim/survivors I spoke to specifically advised Police that their partners had choked¹⁴ them and they were advised that Police couldn't assist, and they should seek their own DVOs. Women I spoke to repeatedly said that they did not feel assaults against them were taken seriously by Police they reported it to.

Aboriginal woman in urban and regional centres say they feel they are treated differently by Police, although that said, almost every woman I interviewed who had negative experience, from every cultural background, felt that they had had a particularly and unusually bad response. One woman describes the huge frustration and anger victims feel when Police don't take action and the system lets them down.

With the legal system they don't care about the individual. Like in my case between 2007 and 2017 I had 10 DVOs on my ex-partner. Between 2007 and 2016, the Police never served him with any of DVOs to protect me and my kids, but because it was never served on him personally, I had no grounds to get him charged, even if I put statements out- oh no, the DVO wasn't served, sorry but we can't do this.'

The Police need to do a domestic violence course ok. They actually have to sit down and talk to victims who have actually been through domestic violence. They have to learn the symptoms of the signs of domestic violence situation. Yes, a person may ring and complain, the person who is ringing is scared they want you to do your job instead of saying that's probably her partner and that's probably her ex-partner. You don't know the circumstances of what that person has gone through. Take it as a first-time thing, that's what you're supposed to do, every time you rock up to a situation- it's a first-time thing. You assess what happened, you take notes, you give out a phone number? and you speak to the person- be a little bit sympathetic to their situation. Like with my ex-partner, I kicked him out in 2010. From 2010-2017, he was constantly in my house, harassing me. I did everything within a DV situation, when a perpetrator comes to your house, and tries to do anything to you- you ring the Police, you get a DVO on them, you get a trespass notice on them. I done all that, I done it the legal way, but the system let me down- it failed me miserably. I cannot understand why the Police take the oath of serving and protecting the innocent when they can't even do it. Their serving and protecting is because you've rung, like 20,000 times, 'I am sick of listening to you and your complaints, I'll turn up to your house to show I've turned up to your house', but nothing will actually happen... In May 2015, just after he'd broken into my sister's house and tied her up, my 13 year old son is standing next to me, constables rocked up, told him that [offender's name] was there at my house and that he'd stole something and the constables said, 'You know we're sick of coming to your house?' And this is in front of my child for shit's sake. What thought would my child be having? My mum rings for help and they say, 'You can get fucked, mate', so why should I trust the Police to do anything or uphold the law, when my mother, who is an adult, is told they are sick of coming to my house? When they stated to me

¹⁴ A growing body of evidence both internationally and from around Australia recognises the particular and very real risks for victims who are being choked/ strangled by violent partners or ex-partners. Some jurisdictions are enacting particular legislation recognizing the criminality of non- fatal strangulation. Some workshop participants suggested it should be enacted in the NT.

that I should stop ringing them, I stated to their face, 'Well maybe you should do your fucking job.' It frustrates the hell out of me. Maybe you're annoying because you're constantly ringing them about the same person that is turning up to your house and doing all this stuff. Alarm bells should go off in your head- oh shit- maybe we should actually do something about this person. Actually, get him off the street. Actually, charge him with all those things he's actually done to this person. Instead of going 'Oh well, it's fucking her again. We're sick of going out to her house', so in the end, because I've had so many DVOs I ended up losing my kids to Territory Families because of the NT Police and because of [offenders name]. – Pamela

For those who work in the system- the anger you can hear in Pamela's voice can be confronting, and off-putting, but as she clearly articulates- she has good reason to be furious at a system, and those who operate in it. She and many others like her in the NT are profoundly let down by a system which won't protect her from a violent offender, and that punishes her for her continuing victimization by removing her children.

It is worth noting that those who operate in the system, also observe differences in approaches taken in responding to violence against indigenous and non-indigenous female victims.

There's a completely different approach for indigenous and non-indigenous people. Certainly, the orders taken out by Police are very different. You'll have very serious assaults and they'll just put a non intoxic [DVO] on and not even charge him. If it's a white couple, sometimes there is a full "no contact" over threats. It puzzles me the approach Police take. It's as if it's not as bad to beat up an itinerant woman. Maybe it's because the prisons are already full and they're not wanting to set people up to fail because they've put orders on both in the past and they know they'll have contact. But sometimes I think they miss the coercive controlling thing. Some of these guys are psychos. They do come through. But again, it comes back to how much time and energy the Police and courts want to put into looking at all the evidence. – Lawyer

Because it feels like a waste of time that can affect how Police officers may deal with the next domestic violence assault, when they've just invested maybe months looking for witnesses, doing summonses, re-doing summons when matters get put off again, it's a lot of time and effort. Especially where witnesses and victims are itinerant and can be hard to reach. And without a victim and witnesses it's all a waste of time. It can feel like you've done all that work for nothing. And what can feel like a waste of time can affect how Police officers may deal with the next domestic violence incident. - Police

Police themselves recognise that many lack the skills to work effectively in the area.

It's such a complicated policing issue. It takes a heightened level of insight. We need to be better at managing probationary constables. So many of them are unable to recognise red flags, they ignore the children in the home. We just don't have the skills we need. - Police

It is beyond the scope of this report to discuss all the Police responses described in interviews, but it is worth noting that sometimes the Police are advised and do take action. One woman tells

about helpful Police action which saw her, and her children removed from the home to the safety of a women's shelter.

This was warning. They gave it. If he going to touch me up again, I'm going to lock him up in jail. He asked me yesterday did you put me DVO not to stay with you, don't want to tell him. He might want to take me back because I want to stay a little while, I want to get better, my body's still paining. This is from big rock. There was no power, I was standing in the cupboard. I don't know why he locked me in the dark. He came and touch me up. He knocked me out. My uncle locked him out.... He said open the door I've got sweet kit, but I didn't listen. I'm going to rest here for maybe two or three weeks, cause the kids don't want to see him. If they see him coming, they run away everywhere, because they scared now. They saw him hit me and they said, 'Mum, I don't feel like staying with dad'. The kids don't want to see him. But he wants to take the kids back and me. – Ladonna

It's significant to note this is was her first interaction with the system. The incident was the first time her partner had hit her, and her story reveals her, and her partner's, deep confusion about whose process it is. About who is taking legal action and what her power is to stop or change it. She has no idea that she is at the start of this huge journey, and that once she has given a statement, she won't determine whether or not charges are laid, or legal action pursued. That said, she was hugely grateful for Police intervention, for getting her safely to the shelter where I interviewed her.

Some women who are more aware of how the system works are taking a strategic approach.

I've had women from [remote Central Australian Community] say 'What we do now is we call the Police to come to help get us safe.' When they ask for statement, 'We say no.' Because they know the minute they provide a statement, it's going to go through the court process and that makes them vulnerable. So, they're managing their safety in a pretty sophisticated way, knowing a statement leads to a prosecution. – Lawyer

This highlights what many victims are looking for is safety in the moment, and a responsive safety focused system. In some remote communities, Police are identifying and responding to this need but there is no system to share good practice.

It's like we need some internal spreadsheet where Police can share early intervention and prevention projects with each other so we can learn from each other. A lot of Police like the remote work because they get autonomy, they get to innovate and make a difference. Be good to share what's working. There's no model for feeding it up the chain, or evaluating what's working. - Police

Issues with DVOs

Many women experienced huge confusion around Domestic Violence Orders [DVOs] as highlighted in some of the extracts above. A number of women were told by Police, that Police would not and could not issue DVOs; and were told that they could go to court and it was a simple process. Women described thinking that they would go to the court house and just pick one up. There was also huge confusion as to how DVOs and criminal charges related.

I went off to court. I was initially told by Police, 'If you get a DVO, it's simple- you don't even need to show up to court,' and so I was as like if it's as simple as that I'll go ahead and do it...

and unbeknownst to me, that's not how it goes... when it came time to go into court, I didn't have any support people because I had no idea I was going into court. I had no idea I would be sitting in the same room as him. I had no idea I needed a lawyer. There was just no information given to me, so I'm standing there in the Court House thinking I was just going there for a 15 minute thing, and it was all going to be over with... Then I watch him walk in with his two brothers. One of his brother's says 'What are you doing this for? Haven't you done enough?' Makes me feel intimidated, so I'm shitting bricks, I was that traumatised I couldn't even look at him and I'm sitting across... having to give details to magistrate. I can't tell you if someone represented me or whether I did it myself because it was all so traumatic, but the one thing that stands out is the magistrate could actually see my distress.... Everything the Police told me was going to happen. It didn't happen that way. How could they get it so wrong? How could they tell me this is how process worked when in fact it didn't? Was I talking to an amateur Police officer? Do they even know what is involved? I couldn't find any reason that they would say- this is how it happens when in fact it wasn't how it happens... How unprepared I was, had I known I would have been in that situation, I would have got family there with me... Totally unprepared for the reality of it... No information at the court about this is when you do this process, this is what happens... No information about if you have someone who can support you, get them to come along on the day, because it can be a very traumatic thing. None of that information was available, it was like I knew the system. So, don't need to explain anything to you. - Carly

Carly's story highlights a theme that ran through the interviews about victims having no idea how the system works and everyone in the system, who are familiar with its workings and its quirks, acting as if victims should just know what is happening, what is expected from them and what they can expect from the process. Multiple victims described being told by Police that it was a simple process to obtain a DVO and they just need to go to the court. Victims consistently reported that without a court support worker or a case worker guiding them through the process - which most victims don't have - they felt baffled, overwhelmed and frightened. Many spoke of a lack of basic plain English information, posters, or anyone with enough time and patience and trauma awareness to explain what was happening to them. Many spoke of their fear and intimidation at having to see and be close to the offender during proceedings. What emerged from interviews with others who work in the system, is that right through the system, people imagined, and relied, on it being someone else's job to explain matters to victims.

When Police did issue DVOs these could variously be hugely useful for securing safety as described below. In this woman's case, although multiple DVOs were obtained both by her and Police over almost a decade, only one was served. And once it was, it broke a ten year pattern of abuse.

At the end of the day it's me being abused. But it's also my children, and I don't want them to go through what I went through.... It is your fault. You didn't do enough. I've rung the Police, I've taken out DVOs, constables have taken out DVOs. Where have I not been consistent in what I wanted when the system does not stand up for what it states. Alex: 'Do you think the one DVO has got him out of your life?'- 'Oh yeah, after they actually gave him that DVO, he stopped ringing my phone, he stopped texting me and he stopped coming around to my house'.... He said 'The DVOs don't mean nothing', and I said 'Yes, they do. You're not allowed - it's all stated on the DVO and how you have to abide by it'. He said that if they don't serve it,

it don't mean shit to me. But until they did serve it, the reason why he left me alone is that two constables made a point of serving the DVO. Not only was I being abused by my ex, but I was being abused by Police. That's how I seen it, and to top it all off, I was abused by Territory Families and had my children taken away. And all they had to do was to walk up to him and hand him a piece of paper and re-enforce it, it's all they had to do. – Pamela

Police highlighted that there were particular difficulties around DVOs in the remote context, because of the lengthy delays between bush court sittings.

Sometimes a woman will have a gut feeling something is about to happen, and I might feel that something may happen, but it doesn't meet the threshold to take out a reactive Police order, and if she's got that gut feeling now - something is probably happening in the next few days, not in months when court is on... Once there is an assault, we can take out an order. I'd argue- that's too late. - Police

Out bush we've got a problem with lack of review time, so if I issued an order, say court was on the day before in [community name], that order would not be reviewed until the next [community name] bush court which was two months away, and sometimes it would be cancelled because of royalties or weather, so it could be four months until that Police made order was reviewed. I think that lack of review is an area where things fall down. If I knew it would be reviewed by a court within a few weeks I would put in stricter conditions where I thought she was at heightened risk, even full "no contact" sometimes. But if, in the back of my mind, I'm making an order that will be two-four months before it is reviewed, that plays a part in my decision. In small communities a full "no contact" for a week or two? They can manage it. But if that order is going to be in place for months? I believe it's unreasonable to put a full "non-contact" in the order. – Police

There are also issues in the system of the DVO and assault charges being heard together which creates delays and inefficiencies. Many victims report finding this hugely confusing.

It would be better to keep the DVOs and the criminal charges separate. As criminal proceedings are delayed, the protected person needs to keep coming back to court. People don't understand how the two relate and it's really confusing. You'd think it would be more efficient just to make the DVO as soon as possible. – Lawyer

The criminal offence is dealt with by the DPP and with the DVO matters, the Police instruct the solicitor for the NT. The trouble is that the SFNT lawyers are often left sitting around the Court waiting for the thing to be adjourned because often those two things will run together until the criminal charge is heard... I think in Alice they do it more frequently than here with consent without admission DVOs and it's just sorted, but up here they tend to go 'No, no, no, we don't want this', even where there is overwhelming evidence. A lot of the time you will say 'What are your instructions on the DVO?'. "Oh, haven't taken them." They've had 25 mentions in court and they just haven't done it. The criminal lawyers, they're thinking - my issue is the criminal charge. That's the main problem he's facing and that's the main thing before the

court. They see the DVO as a secondary thing, so they won't even think about it until the criminal charge is dealt with. – Judge

One lawyer I spoke with drew out the implications of a system where many victims and offenders are unclear on the different sorts of DVO and indeed who drives the legal process in matters related to DFV.

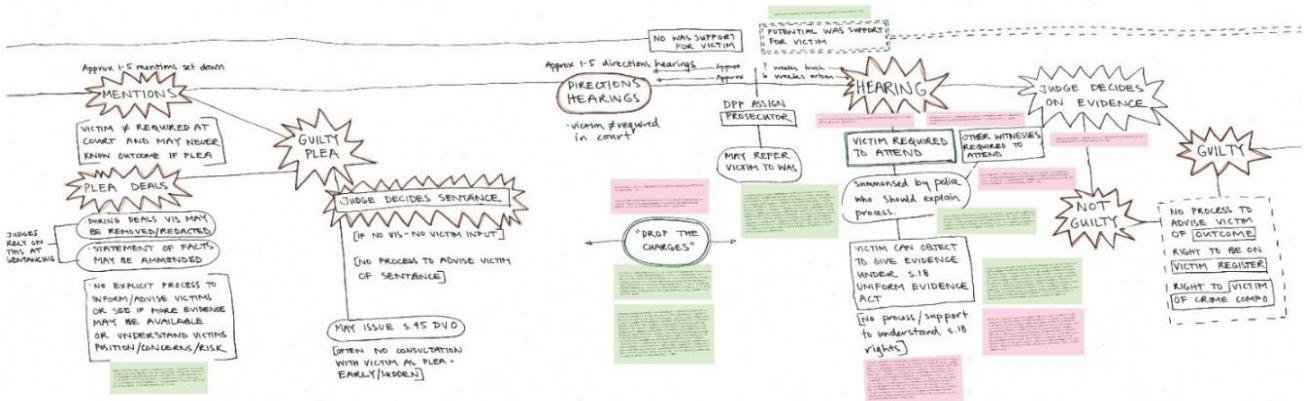
I do worry that for many people in communities, the lines have been blurred between Police-issued DVOs and the much smaller number that are got with the assistance of women's legal services. And so that very empowering process on the civil side, has played a role in creating a perception that victims are driving the process on the criminal side. Most people don't understand that even if a woman says 'drop the charges', prosecution will probably be proceeding, so it does fall on the victims, that blame. – Lawyer

It's a recurring issue in the Barkley that victims would describe his family, and sometimes her own family, blaming her for locking him up. And sometimes that extrapolates even more broadly to women victims being responsible for mass incarceration [of Aboriginal men]. – Lawyer

'Drop the Charges'

Sometimes Police issue DVOs [and charges] that a victim doesn't want, which triggers the 'drop the charges' response which runs right through the system. This again reflects a fundamental misunderstanding that many victims [and offenders, who are often applying pressure directly and through family] have, that they have the power to drop charges: that it is a system seeking to protect her and one that will be guided by her. Because both the Police and DPP have a vested interest in her cooperating, victims will look to defence lawyers and others, who are unable to help, for assistance and information.

It's a tactic to keep victims in the dark when they want to drop or vary DVOs, once the Police are involved, they just get pushed aside, they're just a piece of evidence- Support Worker



The middle third of the map depicts the journey through the court system

Women will say ‘Drop the charges. Drop the charges.’ and they just get pushed between Police and the DPP. No-one wants to help them. But when you stop to educate them, to explain different options for DVOs they often want to vary rather than drop, but no-one wants to talk to them. - Lawyer

In court- Lack of information, advice, consultation and support for victims

This again highlights that for victims in the system there is no independent information, advice or support available to them, unless they are lucky enough to be connected with a service, usually a specialist legal service or a women’s refuge that can provide support. For the vast numbers of victims in the system- this support is not available¹⁵. As highlighted on the map, there are other points in the system, where victims are not consulted with or advised of outcomes, including bail conditions, sentencing (including terms of suspended sentences), or rights to be on the Victims’ Register or access Victims of Crime compensation.

Crime victims are often really confused at court. They don’t know where to go or what to do and they approach us as duty lawyers and we can’t help. - Lawyer

Although there was consistently positive feedback about the support offered by WAS Officers it is clear - despite internal directives that WAS Officers be introduced to victims in matters relating to DFV - time and resourcing constraints mean this doesn’t always happen. WAS officers are only introduced once a prosecutor has been assigned and this means much of the early part of the process happens entirely without support. Even where WAS support is offered, funding cuts have restricted the type of support WAS officers could offer which impacts their ability to build rapport and trust with traumatised, vulnerable witnesses.

Some victims will refuse any offer of court support because they fear what violent partners will do to anyone seen to be helping them. *I didn’t want to use WAS because he always threatened, he would kill anyone who helped me. – Gayle*

In court-Legal approach focuses on discrete events

Many victims report a fundamental problem exists that while they have suffered ongoing abuse for periods of time, often years, the legal system is interested only in discrete events.

When I was there, he said his lawyer has come back to us- he’s going to plead guilty to the one we have the record on, but not the other one. It’s up to you if you want to go through with this. I just want him to be accountable for what he did to me, that’s just two out of the many, many in the last 14 years. You can not begin to imagine, like how many things he’s done to me and most of the things he’s done to me I never thought in a million years another human being would do to another person... and this is all he could come up with. He only acknowledged one. – Irene

¹⁵ One exception is the program run through NPY Women’s Council where following a DFV incident, Police immediately identify women impacted for follow up support from NPY Women’s council staff.

This has implications for sentencing. It also has implications for the messages that are sent to offenders and their families and communities about how this violence is viewed. Because sentencing is reflecting the punishment of a discrete event rather than a pattern of ongoing behaviour.

I don't think coercive controlling violence is widely appreciated by all Judicial officers. I don't think it's picked up enough. Where you can see it is in the criminal records of those who engage in domestic violence. Many of them will have criminal records of between eight and 24 pages in length. Within those records they'll be between 12-19 convictions for domestic violence. It will be low level domestic violence and so they'll continue to get short sentences. You'll see them get initially a wrap on the knuckles or a suspended sentence, then three months imprisonment perhaps going on to seven months imprisonment and so on. The consequence of that is the same victim is constantly in strife- there's no escape. Because as soon as he comes out, after a short period of time, the same thing starts again. Because of the approach of the law, namely your criminal history effects leniency, it doesn't aggravate the ongoing offending. If you were to look at it at the end of the line, in one case I sentenced someone to 11 or 12 years, but over a number of years he'd engaged in this level of violence. Utterly controlling his family, so at the end of the line you could see how serious his conduct had been over the entire period. Whereas in a snap shot, coming before a Judge in the local court who deals with low level assaults, you get these short sentences, which really doesn't assist at all. – Judge

In court- Length of process

Many interviewees spoke of lengthy delays being a factor in successful prosecutions. Victims too, spoke of being ground down by long delays and beginning the process wanting to see a successful prosecution but then just being emotionally exhausted by the lengthy process

[The Police officer] told me it would go to Court, if uncontested it would go for 10 years, but then I got there, and they were like it's 12 months and I was a bit surprised by that. It feels actually crazy because the DVO got served by them and it got breached four times, but they rolled the charges into two... the first thing was meant to be heard on February 28th and I got told by the Police that I had to go to court, but then other people were like, you don't need to be here and it was really traumatising because I got there and he was sitting right out the front and then I had to walk past him. And then his lawyer wasn't there so it just got adjourned and it happened a number of times, adjourned to Alice Springs and eventually set for hearing on 8th August.

So in between that time, I'd made a statement with Police in Alice Springs and basically nothing happened till I got here and met with [support worker] about upcoming court stuff with DVO and she asked about the charges and I said I've actually given up because I tried to contact a Police woman a number of times... And then I just gave up with it. Clearly no-one is doing anything. He's breached the DVO a couple of times which meant I had no sense of safety. I was scared because he's crazy jealous. The Police have the information. They haven't done anything. I think I need to just focus on my health and moving forward. I've given up. Obviously, nothing is going to happen. - Natalie

The extended timeframes. That's where we're falling over. For the matters that do go to hearing, the credibility, memory, reliability of witnesses diminishes as time goes on. For a victim to have to speak about an incident that has happened five, six, 12 months later; a lot has happened in their life between when the incident happened and then. There are often more recent assaults. Memory is impaired by alcohol. And then we have to find them and summons them. And with those time frames it is really hard. Often, it's a game of chasey to try and find the victims, to try and get them to court. – Police

Justice delayed is justice denied. I'm not sure why there are so many adjournments, but they make it very difficult- Police

Our responses need to be faster- when complaints are heard six months down the track, complainants have moved on. - Judge

This reflects what many of those operating in the system recognize, that the delays in the system, some as a result of a system overload, result in many victims and witnesses becoming increasingly disengaged. The court process is seen to move at a pace that disconnects the system's response with the event itself. This results in more witnesses either disengaging or the evidence being less reliable, as described above. This may impact on how Police respond to future DFV incidents as described earlier. The system then is buckling under the weight of responding to matters where victims and witnesses are feeling inadequately supported or unaware of what is going on.

In court- Barriers to victims giving evidence

In addition to this there is also extensive pressure put on victims not to testify.

I know one lady in Palumpa, the [defence] lawyers told her not to come. In Wadeye, they get his family to try and stop her talking in court. - Support Worker

I don't know how we can effectively manage it when there is pressure at court for the victims to not tell the story because the family have put all this pressure on her because if anything happens to her while he's in jail, there's a notion it's all her fault. So, there is huge pressure on these women not to tell their story. How do we compete with this family pressure? - Lawyer

Many of those interviewed noted the huge pressure put on Aboriginal women from remote communities. Many interviewees noted that the configuration of bush courts meant vulnerable witness accommodations couldn't be made in any meaningful way, and noted the need to walk past the perpetrator's family to go into court and give evidence.

Witnesses are intimidated. I remember one victim credibly gave evidence in Police case then agreed with defence she'd hit herself in the head with a rock. - Judge

Lawyers noted that many cases were contested on the basis that the victim probably wouldn't show up or wouldn't credibly testify for the crown.

If I don't have victims and witnesses there, that case is not going anywhere. I feel a lot of defence lawyers rely on the fact that Police are not going to be able to get victims or witnesses to court. And if we can't get them to court- where is our case? - Police

I've had clients say, 'Don't worry she won't show'. It's chilling. - Lawyer

Defendants can be very cynical saying 'She won't come- I'll get off'- Lawyer

Defence lawyers rely on the fact that Police can't get "long grass" witnesses to court, without them it's all a waste of time. It definitely affects how Police deal with the next domestic. - Police

The tactic is to plead not guilty and hope she doesn't show and plead guilty when she does. They call it the Bourke defence, because you make sure she's out the back of Bourke. - Lawyer

Some noted that mandatory sentencing laws impacted how clients were advised.

If you abolished mandatory sentencing, you wouldn't get so many contested hearings. It distorts all of your decision making. Why would you ever say to your client- you should plead guilty if you know they're going to get 12 months for something they should have got a few weeks for. - Lawyer

Many people working in the system noted it isn't safe for many women to give evidence and identified an urgent need for independent s.18 advice.

The bench really needs to be trained properly around domestic violence and how it manifests, because whenever a s.18 objection has been raised, they don't get up. Partly because of the judge's language- they'll say, 'On what grounds do you object to giving evidence?' Victims won't understand a word in that sentence. They need to ask direct questions, 'Do you feel you'd be less safe if you told your story today?' Also, a lot of Judges have a very limited understanding of the nature of DV. So, a victim may say 'It's just going to be no good for me and him. His family are going to humbug me'. It's like they need the victim to say, 'He's going to hit me again if I tell my story'. So, objection is denied. And then when it's coming to proof and I adduce evidence from them and the defence lawyer says, 'You hit yourself in the head with a rock didn't you?' And she just says, 'Yeah I did.' That's their way of objecting at that point. I've then had Judges ask me to lay charges on this victim for contempt of Court. The judge knows they do not want to give evidence for the purposes of their safety, and will do everything they can not to give evidence, they uphold the objection, she makes up a story and then she's the person who should be prosecuted - Lawyer

Many described the huge frustration they see in Judges when victims prioritise safety or protecting the offender over cooperating with the system.

I've seen magistrates completely besides themselves with frustration and anger that women aren't cooperating in the system. We're trying to stop this epidemic of appalling violence but unless the women come along and tell us they've been hit, we can't do anything. There's no proof. And the Judges get really, really frustrated by that, to the point where there is evidence that a summons was served by a complainant to come to court for a hearing and she hasn't complied. They'll issue a warrant. We've had a number of occasions in the last few years where we're trying to get her out of the watch house because she's been arrested and detained, and it's cyclical. It just re-victimises her. It's such a ham-fisted and ineffective response. But I understand the frustration of Judges. – Lawyer

Even where they want to give evidence, the reality of how trauma impacts the brain and the fact that many victims do not have English as a first language means translation can be an issue.

Did I ever have a statement taken with an interpreter? I don't know. I can't remember one. So that's saying a lot when you have hundreds of contested files handed to you. Virtually all of these people need interpreters. It's not just about the reliability of her evidence and fairness to the accused, but she's fundamentally set up to fail in giving evidence, because of course when you're in court, evidence is tested against your written statements. So defence are handed on a silver platter these inconsistencies making for, what defence would call, an unreliable witness. But actually, it's because the statement was written by a male Police officer who was standing over her while she was in a vulnerable situation, speaking in her third or fourth language. Not even having it read back to her, just read through whatever he has written and sign away. And then maybe you get an ethical prosecutor in court, who gets you an interpreter and finally you're able to tell your story, in your language, of course it's totally different. – Lawyer

At the hearing there was a request for an interpreter, the defence objected... And I told the court I am not fluent enough in English but the Judge himself said 'if you can use the word fluent, you have a certain level of fluency' and I wasn't happy about that... I felt the judge was taking their side because I'm not fluent in English... Even before the hearing was started, I was down. I was struck mentally by this... I was frustrated and disappointed and sad because I did not have an interpreter... because of my limited English I used the word 'threatened' and after coming home I realised that's not the word I should have used but the defence lawyer laughed at me for that. Alex: 'And what word should you have used?', 'Beaten me'... I was really upset about being ridiculed at the court and coming home I was sad or frustrated and disappointed that I used the wrong word.' Because Judge said if we used the interpreter, the hearing would take longer which we couldn't afford, so he wanted me to explain things in my limited English, and only on some occasions the interpreter was used. – Neema [The defendant was found not guilty].

Many interviewees felt that technology could assist in overcoming issues around time delays and intimidation of witnesses by families.

Technology, if we can harness it, can have a huge impact in administering justice in the NT, we're already seeing the impacts of the body worn evidence. This is potentially a massive gain

in ensuring victims stories are heard in court. Video conferencing also extends possibilities for justice with Police, witnesses, victims and others such as health staff, being able to give evidence from out bush. - Judge

It seems so simple and obvious- there needs to be a much bigger uptake of AVL. Since June the Police budget cuts are making prosecution even harder. In Yuendumu, the AVL means we can dial witnesses in for evidence. It's made a massive difference. – Lawyer

The body worn video camera is compelling when they do it right. Of course, you'll advise a client differently when that is there and admissible. - Lawyer

Technology certainly has a role in reforming the system, but many interviewees identified that it is a system being overwhelmed by matters.

There are cultural problems in the DPP and unacceptable caseloads that mean people aren't using WAS and properly proofing witnesses. – Lawyer

It's clear from the way some Judges talk to victims and witnesses, that they themselves are jaded and de-sensitised to the extreme levels of violence we see in the NT. Sometimes they'll determine a witness is not vulnerable which can be really perplexing. - Lawyer

Police, Prosecutors and others in the system are so overwhelmed with caseloads that they are not able to give victims the time to ensure victims, most of whom are highly traumatized, and many of whom have English as a second language, understand what is happening and what is expected of them. This adds to the stress and difficulty for witnesses who are wanting to fully cooperate.

I was not happy because I wanted to talk to the prosecutor. My case worker had to intervene so I could contact him. Eventually he gave me a short, little time, such a short time. I didn't get a clear understanding of the process or explanation about the proceedings or the charges. I didn't know about the court day and what they would ask. I know it's my story, but they had no advice. I am so upset because of the prosecutor. She didn't help me. I went into the meeting hoping to explain or describe my story, and also to get an explanation from the prosecutor about what's going to happen about the court process. Neither happened to my satisfaction because she was in a hurry. She was rushing. She had some questions she wanted to ask me and all she said is at the hearing she wanted me to describe my experience, that's all. She did not make me aware of the process or what is going to happen the following day. I expect my lawyer to empower me, so I can stand up in court and have my day with confidence. Because of lack of briefing, even the questions my lawyer herself was asking in the court, I wasn't sure if she was asking on my behalf or if she was on the other side, so I was hesitant in the beginning. – Neema

Judges are relying on prosecutors to explain sentencing to victims to ensure that victims understand what has taken place; prosecutors are relying on Police to explain processes to

victims, and victims are reporting that often no-one is explaining anything to them in ways they understand.

When you have a criminal hearing, the victim is generally not there when you give your decision and move on to sentencing. So, you rely on the prosecutor to feed accurately back to them. So, you might be really good at explaining things in plain English- but the prosecutor might not be and might not be able to get that message back to the victim. - Judge

In court- Lack of judicial understanding

Even when victims are willing to testify, there can be a lack of judicial understanding about the impacts of trauma on witnesses. Although some training has been instituted, many Judges do not have a good understanding about the complexity of DFV dynamics.

Judges need a better understanding of the impacts of trauma on witnesses. I've seen convoluted cross-examination derail victims of domestic violence. We need training to ensure that cross-examination is done appropriately and in a way that doesn't confuse witnesses. – Judge

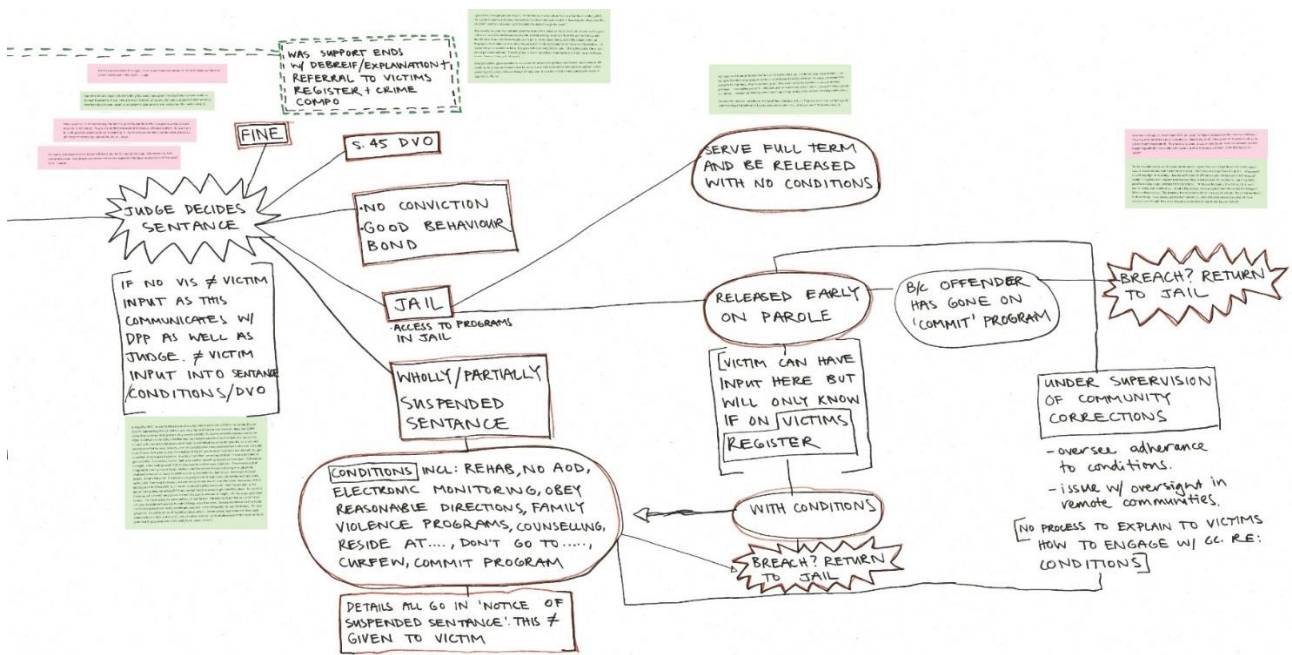
The whole system is so stacked against these victims. Their trauma makes it so hard for them to recall details of their attacks and the sequence of events. – Lawyer

The idea the system holds people to account is a joke. There is so much inconsistency in how different Judges deal with matters. Some of them understand DV, they get coercive control and the risks, but others- the things you hear them say! It's clear they have no understanding of DV at all. They blame victims. They have no understanding of the impacts of trauma. They minimise offending. No wonder victims don't want to participate. It's such a lottery, depending on which Judge is hearing the matter. - Lawyer

A key area that needs addressing is judicial understanding of DV dynamics. This would impact the treatment of applications to adjourn because of victim's non-attendance. – Judge

Sentencing

Issues exist around what information a judge may have available at sentencing. Certainly, they may only be looking at discrete events, rather than patterns of behaviour, which would limit their insight into what may be the most effective (and risk sensitive) sentencing. But, where plea deals have been reached, they may well be looking at an amended statement of facts and the necessary removal or redaction of the Victim Impact Statement (VIS) [as the VIS may reflect the



The final third of the map shows the journey from sentencing of offender through the Corrections system.

impact of a violent assault which has been removed from a statement of facts, to reflect only the property damage around which a plea deal has been reached]. This has a major impact on judicial understanding of the victim's experience: *The VIS is very important for Judges. Prior to victim impact statement, the defendant was the only person humanised in the court.* – Judge

Victims often reported feeling invalidated by sentences.

Out of the list of charges I think the thing that would have given him most time in prison would be damage to property. If you have a look at the maximum given... damage to property is a higher sentence than hurting someone... good to see property takes priority over someone's life. – Carly

[My] Ex breaches DVO, he was found guilty, but the judge only fined him \$1000 for breaching 10 year DVO for approaching the kids and me, and the judge said that the reason why he fined him \$1000 rather than sending him to prison, is they have to consider the fact he served his country and he has PTSD. And that is really, really hard. I feel like that day I walked out of that court at 5pm after sentencing. It's such a shallow victory because even though he committed the crime, he takes the Army side into consideration but he never takes my side into consideration. I have been married to this man. I actually have 10 years DVO which is one of the highest in the NT, and he doesn't consider it at all, even though I submitted victim impact statements. How does that affect me, and my children? It took a long time to get out of this. For the first two years I had to do weekly counselling sessions so I can cope. I still wake in the night. I have undiagnosed PTSD, but because he used to serve in Defence, they take his side of things more than my side of things. Make me feel like what is the point of going through all the emotional stress just to have..., it's really upsetting, also makes you feel like you don't trust the legal system. What is the point? The judge is just going to take that person's side and for me that's really, really unfair. One thing he always used over the years, was that if he murdered me, no one would find me because I don't have family or friends, so no-one's going to miss me. And if by any chance the Police find my body, he will use PTSD and

mental health as a way to get him off the hook. 'If I use PTSD, the judge will side with me because I served this country and you're nought. I'm always going to come on top'. He's been using the same stuff as a threat forever. It breaks my heart that on the 18th April this year the judge will consider his side of things more than mine... It makes me think, what if he found me? And murdered me? He'll probably get away with it. I don't have family, just three little kids... I'll never get justice. He will do all this thing and get away with it, I cannot get my head around it. How could someone have a history of physical, sexual, verbal, financial, spiritual abuse against their partner for 14 years and he gets away with it. It's really hard. – Irene

Other issues that were raised during interviews were the lack of sentencing options around perpetrator behaviour change programs. At the time of interviews and the workshop, one small pilot program was operating in Alice Springs and there was no perpetrator behaviour change program operating in Darwin¹⁶. This was seen as a major issue.

Our punishments are blunt instruments. They don't do anything about the underlying issues that lead to the violence. - Lawyer

We need perpetrator behaviour change programs for our clients. Our clients need them. Judges need the option when sentencing. - Lawyer

The DPP are not pro-active around what suspended sentence conditions are beneficial – victims could benefit from this - but they don't get much of a chance. – Lawyer

We need more options in terms of family violence programs. We need programs that have on-going engagement not just five days, twice a year, many of which end up being cancelled [The programs run by Corrections]. We'll suspend a sentence on the basis that they'll attend a program and sentences expire before programs are available. - Judge

The way people are selected in prison for undergoing the violent offender program or the intensive violent offender program or the RAGE program, you really have to have a sentence of a significant level. So that many people who commit low level assaults continuously, never get to do a course and that's a resourcing issue within the prisons. Because everything is being cut back as a result of the GST cutbacks, there needs to be some kind of triaging to determine who gets to do the course. But we need to be picking it up. If there is someone who has been a number of times, that ought to be recognised, and the next time that person comes in, that person does the course. Because I think some of these courses have considerable impact, they may not the first time but in the end, they do; so those programs need to be adequately resourced in the prison. - Judge

Where Judges do consult with support workers who understand the lived reality of victims, this can have impacts on the way they sentence:

When we're formulating parole conditions, especially in the NPY lands, the women's council can assist with information, so we ensure the victim and offender live in different places. – Judge

¹⁶ A small pilot program has since been funded in Darwin but at the time of writing was not yet operational.

One of the Judges had noticed all my support letters and was aware of the [Kungas stopping Violence] program. During sentencing, and this was very unusual, he called me up asked me what I thought about putting conditions around alcohol on one of our clients and I could explain to him that in my experience, those conditions often made these women very unsafe, because when people were drinking, was likely to be the time that violence was likely to happen. So, I explained this to him in the court. It was very unusual, but I think he valued it because it followed these years of support letters where we really try to outline what is happening in the lives of these women. These are complex lives and we can outline what's been happening for them and what they're doing. It's like we are constantly watching what is happening in the lives of these women and then articulating that back to the courts through the letters. But most women who go to court because of these charges don't have anything like that, because they don't have workers walking beside them over a long period of time and who can communicate that to a judge. It is sometimes hard to make sense of their behaviour if you look at one event, but if you put it in context of their lives, the assaults they've experienced, and the orders on them and how it all interrelates. We help them see the world from that woman's point of view. – Support worker

Corrections and victim contact

Real issues exist in the system to ensure compliance with sentencing conditions.

Community Corrections oversee adherence to conditions but don't have capacity in remote communities Eg: electronic monitoring, drug testing. So, people are released with certain conditions that it is actually impossible for other people to monitor. - Lawyer

For victims, the lack of communication with them can have terrifying consequences as they rely on friends and family to help them try and uncover where an offender might be and if they are at risk.

He's supposed to be at Forward [rehab] but he's at the casino drinking... so I'm trying to ring everyone... I'm trying to find the button press to say he's not at Forward, what are his parole conditions? I'm trying to find out that... and they're protecting him, they won't tell us his conditions because of client privilege.... I was calling everyone... Minister's advisor told me to write a letter to find out parole conditions... I remember thinking how many things can go wrong in one person's dealings with Police... mistake after mistake. Add that to the list of the unfairness of it all. That was very clear, we had a good understanding that [offender's] rights were above [victim's]... all of us knew that. – Carly and Family

While this victim and her family tried to find out what his conditions were and who they could tell that they were being breached, the offender tracked down and attacked the victim. She survived and describes being surrounded by Police guards in hospital and wondering where everyone was when she was seeking protection and information. In due course, he was charged and found guilty, and because she was receiving support from WAS she was advised of her right to be on the Victims' Register. It's worth noting that there is no process to advise victims of this right when they are not receiving WAS support. But for her- this wasn't useful; she articulates what many victims described which was a confusion about who did what, and a general feeling that no-one had much time for them and their needs for information about the offender, his sentence,

release date and parole conditions. Again, this reflects a fundamental issue in the system, where the system is responding to a discrete incident, while she is living in fear of ongoing coercive controlling violence.

To me I couldn't really see the point of the Victims' Register because I'd get these letters that would say... it would tell you stuff I didn't find relevant... There was an escape from the prison... it happened on a Friday night or Saturday. How do we find out if [offender] is one of those ones who escaped? Couldn't ring the Victims' Register mob because they're not open on the weekends. Can't ring WAS; good luck trying to get anything from Corrections. If that ever happens, how are you to know? So, you're asking your community to find out if he's out.

What is the process, who contacts them? Where are the linkages? Who can they contact? This Monday- Friday business doesn't service DV victims. This is another thing I find confusing. I was always getting them mixed up... what role each service provided. All those services I just thought they were the same service but obviously not. – Carly and Family

He got released but has to report to parole officer- with condition no alcohol, no breaches. The Police told me the rough date he would be released. So, I thought Police would call me, but they didn't and when I called them, they informed me he was released a few days earlier. The Police don't explain details. Information they cannot disclose or something like that, so I have no idea. Legal aid [who were assisting with a family law matter] explained everything to me about the terms of his release and every other thing... I never heard of Victims' Register till you just explain it to me now. – Irene

Victim's confusion in the system and need for 'linked up' support

The need for 'linked up' support, information and advice was repeated again and again by victims interviewed who just wanted one place that they could get information. This would assist them navigate and effectively participate in a confusing system but it's also critical for their safety. These needs were also identified by others who work with victims and see the failings of the system to meet victims needs.

Women need support, beyond just WAS; the system is hugely complex, and their needs are left out. They're just treated like a piece of evidence. They're not at all in the centre of the process, they are sidelined and marginalised. They need wrap-around support and the ability to ask someone what is happening with their case, where it's up to and what is expected of them, what their rights are. - Lawyer

The workshop

Reflection on the map

After the presentation, workshop participants had an opportunity to reflect on the map and to identify key issues, themes and opportunities for change. It was acknowledged that Aboriginal Territorians are disproportionately impacted by DFV, and there is a need for Aboriginal people to be part of, or to lead the conversation in the NT. It was fairly observed that “There are not enough Aboriginal people in this room”.

For those people who were in the room, some insights emerged just by looking at the whole process for victims end to end. One interview subject, a newly recruited Aboriginal Community Police Officer suggested that it would be helpful to have a map like this in new recruit training, so officers can see how the whole system fits together. Understanding how the system fits together may be equally useful for others working in the system. Other insights emerged from hearing victims talk in their own words, about what had happened for them in the system.

During this reflection, workshop participants identified many issues that could be grouped together in themes. The key reflections identified a system:

- that is disjointed and disconnected.
- where victim/survivors have inadequate support.
- that is overloaded.
- where long time frames effect outcomes.
- where there is not a focus on victim safety.
- that is not breaking cycles of abuse, which is critical for making individuals and communities safer.

Finally, there was a question of whether the justice system alone, is the best place to respond to identified issues. These reflections were explored in more detail in the executive summary of this report.

A vision for the ‘system’

Workshop participants were then invited to build a vision for what a more effective system might look like. Those thoughts are grouped under themes below. It was noted by one participant that: *A vision without resources is an illusion.*

Workshop participants also identified forces that may support or hold back needed change. These are attached as Appendix C.

Victim safety

- Priority given for victim/survivor safety
- Children safety and wellbeing;

Victim/Survivors focus and support

- Respect for and communication with victims.
- Victims properly informed from the beginning of the whole criminal process.
- Victim/survivors focus at all times.
- Victim empowerment and agency.
- Housing and financial support for victims as they go through process.

An integrated understandable system

- Aboriginal people need a system that is more responsive and timely: by the time the white legal system engages with the event, everyone has moved on.
- Proper coordination of all stakeholders (not only prosecutors).
- A system which does not further traumatise victims.
- Happy clients and safety.
- A system that avoids unnecessary repetition and duplication.
- A system that is enforced by system players who understand the pathway the victim takes from pre-assault to end outcome.
- Players in system who understand other players' roles and limitations.
- Clear information pathways.
- Victim/survivors are heard, informed and understand the process.
- A relational model and approach.
- Long term funding for teams to support victims through process and appropriate resourcing of these teams.
- Multi-disciplinary service for victims (many services in one location, human centered locations).
- A single, continuous point of contact with systems (human interface).
- A single point of entry for victims.
- Two streams; punitive (existing) and therapy-based.
- A system that doesn't rely on victim's evidence.
- Improved Police investigation, collection of other evidence i.e. forensics.
- A system built on evidence-based practices from the NT.
- Accurate information; timely outcomes; shared understanding; communication with and to guide victims through a complex process; an awareness of services.
- Earlier and better-informed communication with victims about "the system".
- A system that acknowledges trauma; is accessible by victims; where victims are respected and empowered; victim involvement.
- A system that responds to the concern of victims; make perpetrators accountable and make the community safe.
- A system that provides for a prompt and fair disposition of cases, understanding and trauma awareness to the victims.
- Protective outcomes.

Perpetrators accountability and behaviour change

- A system that stops him from hitting her [whether they want to stay in the relationship, leave the relationship or aren't sure].
- Perpetrator accountability and perpetrator change for the better.
- Reduce repeat offending.
- A system that stops him from hitting her.
- Give people an opportunity to change.

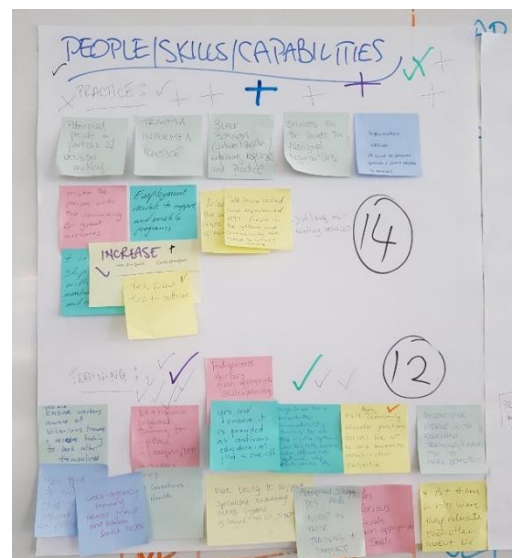
Early intervention

- Effective early intervention.
- Violence is prevented.
- Ultimately it would be good not to need the system.
- Prevention would be ideal.
- We need more education to address the problem.

Improving the System

Participants were asked 'how might we improve the system for victims/ survivors of DFV?' During the workshop we clarified that victims included any accompanying children. An enormous range of suggestions was generated during this brainstorming process under the headings:

- Policies + Legislation
- Technology
- People/ Skills/ Capabilities
- Processes and Services
- Facilities and Infrastructure
- Events and Programs
- Communication + Engagement
- Surprise/ Provocation (the 'outside the box' solutions)



The full list of these ideas can be found at Appendix D.

Priority actions

Of the ideas generated, all participants were then invited to identify six improvements that they thought had potential to be high impact. There was a lot of agreement about what the priorities are. Some suggestions were raised and identified as 'high impact' under multiple headings, so for simplicity they are grouped here by theme and ranked from those that were identified as a priority for the greatest number of workshop participants.

Training

The highest identified priority was training across a range of areas. Training generally was identified as a need across the system and through intersecting systems such as the human service sector. Specific training was prioritised for:

- Trauma-informed DFV awareness training for Police/ lawyers/DPP/Judges.
- Offender education and perpetrator behaviour change programs and case management.
- Child focused primary prevention addressing intergenerational trauma.

Ensure linked up support for victims

- Design 'one stop shop' that allows multiple agencies Eg. Legal support, Police, child protection, health to provide collaborative human centered linked up support, information and updates to victims.
- Establish a DV hotline with specially trained Police officers.
- Collaborative case management.
- Adapt liaison roles as seen in the health system, so victims have an advocate and single point of contact as they navigate system and contact with various agencies.
- Better linkages between government agencies and NGOs working with victims.

Reform our practice

The focus of these priorities was in ensuring trauma-informed practice and in ensuring that Aboriginal and Torres Strait Islander (ATSI) experiences and insights, including those around intersectionality, informed practice by better supporting and utilising skilled and experienced ATSI people in the system; ensuring Aboriginal people are in positions of decision making; increasing indigenous employment [and adequately resourcing and supporting people] from the top down and acknowledging the work many Aboriginal practitioners do outside of Monday to Friday.

Build a Trauma-informed system

Recognise trauma and ensure a trauma-informed foundation for the system. Provide clear trauma-informed information for victims explaining every step of process and how the system works. Address the trauma victims are exposed to.

Build integrated technology and record keeping systems

To allow people operating at any part of the system to be able to advise victim/survivors of the status of their matter, and any information relevant to them around sentencing, parole and release.

AVL / video conferencing in all remote communities

To allow for victims/witnesses to give evidence from their own communities.

Focus on Community engagement and inclusion

There was a recognition we need to build community confidence in the legal process. And, that engagement needed to be tailored, respectful, use cultural expertise and be in appropriate languages.

Have more ATSI men involved in the vision

Law reform

Ensure the court is a safe place for victims to come and be heard

Agreed next steps

At the conclusion of the workshop, participants each reflected on what they individually would take from the workshop¹⁷. The group also decided on next steps. The group recognised:

- That as individuals, we all had the power to change how we interacted with and conceptualised victim/survivors. We all had the power to go out of the room and do things differently.
- That changes needed to be progressed in individual organisations and agencies, and that some participants had the power to drive that reform in their organisations.
- That some of this work would need to be collaborative, cross agency work best progressed through existing groups and networks. Specifically, this would be the NTG Domestic, Family and Sexual Violence Cross Agency Working Group [CAWG] which is facilitated by the Office of Gender Equity and Family Domestic and Sexual Violence Reduction and the DV Justice Reform Network [DVJRN]¹⁸. It was agreed that the report documenting the research and the workshop would be given to both groups to allow issues to be progressed. In addition to this, it would be sent to all workshop participants.
- It was noted that it would be critical to maintain the momentum and the shared goals identified at the workshop and continue to work together. The group decided that in order to break down a siloed approach, participants could report back organisational progress to the DVJRN and that the DVJRN would feed that through to the CAWG. It was noted that there would need to be clear communication between the groups to ensure that work wasn't being doubled up.

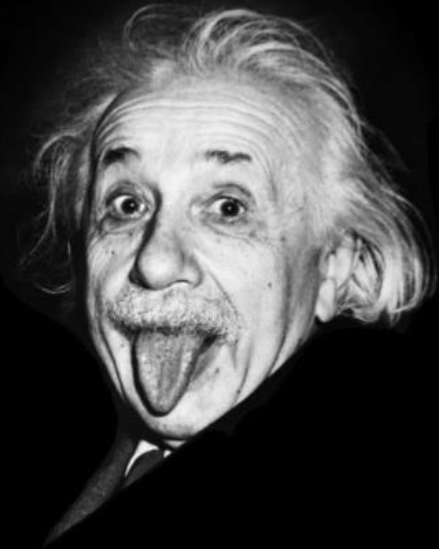
¹⁷ Full list of de-identified personal commitments at Appendix F.

¹⁸ Workshop participants who were not already members of the DVJRN were invited to join at this point.

- In addition to this, senior personnel from Police, Territory Families and Attorney-General and Justice Department committed to meeting in January 2019 to move things forward.
- A meeting of the DVJRN would be convened when the report was available. It was noted that the potential of this collaborative group was limited without an agency or organization resourcing administrative support to assist with the facilitation and management of DVJRN meetings and progressing the networks reform agenda.

"Insanity is doing the same thing over and over again and expecting different results"

Albert Einstein



Author's Thanks

Thanks first and foremost to the brave women who trusted me with their stories - this work wouldn't exist without you.

Thanks also to everyone who works in the 'system' and who gave their time to be interviewed for this project. Those interviewed were open and generous with their insights and observations from many perspectives.

Thanks to Mark Madden for his generous and skillful mentoring and his enthusiasm and support for this project from the initial idea right through to the final report.

Thanks to Sam Bowden for her support, wisdom, heart and great insight, as I worked to pull together the map and the research. Thanks also to Sam for help in the design and running of the workshop, and for always being a straight talker.

Thanks to Sally Cotton for assisting on the day and documenting the workshop.

Pictured left: In preparation for the workshop- Alex cuts the 11-meter map; it's too big for the room.



Thanks to my Manager at Dawn House, Susan Crane, who believed in the value of this work when I first proposed it, and took a broad interpretation of 'Community Education' to allow me to do it.

Thanks to all the participants of the workshop who made time in busy schedules to come together. You listened deeply to the stories you heard and reflected deeply on the implications. You were open, reflective and engaged in identifying the need for reforms in the justice system, and organisational and individual practice.

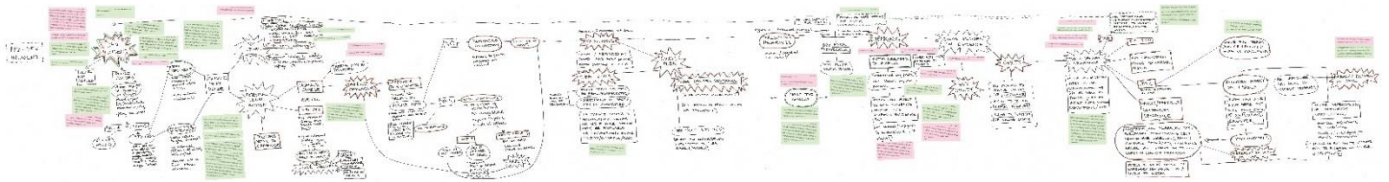
Finally, thanks to Mary Chalmers for her vision in pulling people together to work as a DV Justice Reform Network, and thanks to Network members for their commitment to doing better by victim/ survivors of Domestic and Family Violence in the NT.

Appendix A- Workshop participants

- Annabel Pengilley, Managing Solicitor, Domestic Violence Legal Service
- Brett Prowse, A/Superintendent Youth and Families Division - Project Team, NT Police
- Christine Foran, Director, Office of Gender Equity and Violence Reduction, Territory Families
- Colleen Burns, Coordinator, Witness Assistance Service, Director of Public Prosecutions
- David Dalrymple, Crown Prosecutor, Director of Public Prosecutions
- Desmond Campbell, Project Officer, Domestic and Family Violence Prevention Strategy Anti-Discrimination Commission
- Elizabeth Morris, Deputy Chief Judge, Darwin Local Court
- Fiona Hussin, Deputy Director, Northern Territory Legal Aid Commission
- Jack Karczewski, Director, Director of Public Prosecutions
- Jane Lloyd, Principal Advisor, Territory Families
- Joy Simpson, Senior Practice Leader, Territory Families
- Kate Kelly, DV Litigator, Solicitor for the NT, Department of the Attorney-General and Justice
- Kris Evans APM, Commander, Domestic and Personal Violence Command, NT Police
- Anonymous Participant
- Mary Chalmers, Barrister
- Matthew Nathan SC, Deputy Director, Director of Public Prosecutions
- Melissa Crawford, Safety and Wellbeing Coordinator, Domestic Violence Legal Service
- Meredith Day, Acting Chief Executive Officer, Department of the Attorney-General and Justice
- Penny Drysdale, Senior Policy Officer, Policy Coordination / Legal Policy, Department of the Attorney-General and Justice
- Reece P Kershaw APM, Commissioner of Police and CEO of Fire and Emergency Services
- Sandy Lau, Managing Summary Prosecutor, Director of Public Prosecutions
- Tamara Bryers, Regional Manager- Community Corrections Casuarina, Department of the Attorney-General and Justice
- Tamara Grealy, Crown Prosecutor, Director of Public Prosecutions

Alex Richmond – Facilitator, Mark Madden – Facilitator, Sam Bowden- Facilitator/ Support, Sally Cotton-Support

Appendix B- Complete map



[Link to high resolution copy of the map](#)¹⁹

¹⁹ A link to the high resolution map can be accessed via a tab at the bottom of the Dawn House Community Educator web page <https://www.dawnhouse.org.au/domestic-violence-community-education>

Appendix C – Forces for and against change

After building a vision for the system, Participants reflected on what are the forces that may support and hold back change, and these are summarized below:

Forces for change

- There are many good, smart, committed people trying to make a difference.
- Respectful relationships.
- There is broad agreement that the system needs to change.
- Multi-agency hubs (however, mandatory reporting can be a barrier).
- Awareness and avoidance of bias.
- Systems with a shared understanding and awareness of DV.
- Understanding that victims need assistance dealing with domestic violence and that DFV is not OK.
- There are no limits to work collaboratively.
- Knowing that we can do things better; that we are at the workshop (understanding the perspective of victims).
- Desire to improve.
- The players in the system have undergone a paradigm shift in their approach.

Forces holding back change

- Assumptions that:
 - The system is a 'system'.
 - The same approach/system will work for everyone.
 - That courts and law can change people's behavior.
 - That gaol changes people's behaviour or deters them.
 - We know best.
 - Victims will be conflicted themselves.
 - All victims want to 'escape'.
 - Police help victims (sometimes a false hope).
- Community biases and expectations.
- Different agencies, different agendas.
- A system that is reactive.
- Blame culture, shifting responsibility.
- Not a workable system, unhappy clients, no cohesion.

- Lack of cohesion between different agencies; siloed.
- Lack of co-ordination between organisations.
- Allocation of resources (double handling, overlap, confusion).
- Lack of money.
- Safety (individual or community) vs self-determination; lack of holistic integrated response.
- Not allowing community to be part of the change process.
- System that knows best for victims.
- Staff churn.
- Forces driven by budget constraints.
- Partnerships take work. Constrained by individualised agendas from a range of agencies, competing political agendas; different legislative and policy drivers.

Appendix D- Complete list of ideas

Policies + Legislation

Law reform

- Need to speed up the process by allowing for early pleas, victims to give evidence early.
- Police code of conduct needed re- practices on the investigation and response to DV. Public accountability re- Polices approaches to DV also needed.
- Review maximum penalties for aggravated assault and property damage (currently five year max penalty for aggravated assault, 14 years for property damage).
- Track multiple DV offences by making all evidence of prior relationship history admissible automatically in DV matters.
- New practice direction requiring the Registry to put a copy of the defendant's criminal history on the court file. [19(2)(c) makes it mandatory for court to consider defendant's criminal record, but this is virtually impossible for private applicant to obtain unless matter is listed for a contested hearing and the applicant can then seek a summons to issue].
- Amendments needed to either DV Act or Care and Protection Act to ensure DV court knows if kids are in care [currently can only summons TF and Care and Protection docs once listed for contested hearing].
- There is a need for specific legislation about strangulation in a DV relationship.
- There is a need for specific legislation relating to the killing of an unborn child.
- Research/evidence base. What are the effects positive and negative of mandatory reporting and prosecution on women and on the criminal system informed response.
- Amend DFVA s.85 to empower to collect Protected Person [PP] property.
- DV Act Reform= clarity court power to vary s.44 by consent; clarity that court cannot change DVO with Protected Person having opportunity to be heard.
- Victims need input into s.45 DVOs.

Policy Changes

- Victims rights enshrined in the process, so they are more empowered and have a more integrated approach and input into the process.
- A single point of contact needed for victims involved in the justice system.
- Process needed to advise victim of outcome, right to be on Victims' Register and right to Crimes compensation.
- Need to ensure victim input into sentencing when VIS removed or redacted because of plea deal.
- Offenders should be charged with multiple offences- not bundled together into one or two charges.
- Need power to send DV respondent to program (when no criminal charges).

- Victims should be able to get the notice of suspended sentence that details conditions.
- Long term funding.
- Changes to policies to be done more quickly.
- Correction KPI set for recidivism.
- Gender equity strategies in workplaces.
- Police need to issue s.41 DVOs and prioritise victim safety.
- Recognition of cultural law in conjunction with white fella law.

Technology

- Use of technology to assist with Information sharing [may need to amend Information Sharing Laws].
- Build integrated systems that help us break down organizational silos. We need to be able to access information on database to assist with victim's understanding of process, but also for sentencing and policing. IT systems should be accessible by all agencies with key information such as court dates, names etc.
- Work with people in the language they are comfortable with. Need to work better and smarter. Indigenous language resources for victims, offenders and children [Corrections already using some of these].
- Use technology to design Aboriginal friendly and safe resources to educate young people about DV in their language.
- online tracking of where the victim is at, in the process like My Health.
- We have a highly mobile population: allow for victims to access relevant information about their case at any Police station Court.
- AVL / video conferencing in all remote communities for victims/witnesses to give evidence.

People/ Skills/ Capabilities

Practice

- Aboriginal people in positions of decision making.
- Trauma-informed practice.
- Black feminism (intersectionalities) informing response and practice.
- Services on Aboriginal organization.
- Information officer at court to answer queries/direct people to services.
- Match person with the community, for great outcomes.
- Employment models to support and enable programs.
- We have skilled and experienced ATSI people in the system and community: we need to utilise more and utilise existing services.

- Increase indigenous employment (from top down).
- Acknowledge the work Aboriginal people do outside of Monday to Friday.

Training

- Advanced trauma-informed DFV training for Police /lawyers/ DPP/ Judges.
- Cross-agency training across justice and human service sector.
- Indigenous workers given skills and appropriate ongoing training and mentoring to succeed.
- Ursula Bensteid training for all.
- High level DV and perpetrator accountability training for all in the justice system.
- More training to support specialised knowledge across systems beyond DV 101.
- Trauma training needed.
- More Aboriginal interpreters needed, and we must invest in their training and support.
- Need incentives so people with relevant training/expertise can work remotely.
- Ensure workers are aware of vicarious trauma and receive training to look after themselves.

Processes and Services

Need Perpetrator change and accountability

- More behaviour change programs with proper accountability for perpetrators (in addition to, not instead of, a criminal justice response).
- Perpetrator programs designed in culturally appropriate manner by local people, to allow for greater ownership and support to improve outcomes.
- More correctional services have case management approach to prisoners.
- More accountability for perpetrators of emotional DV.

Centralised collaborative support for victims

- Collaborative approach for victims-women and children.
- One stop shop multi-disciplinary centre, with range of services working together in one location e.g. trained legal, Police, child protection, health, human centered.
- Shared frameworks are evidence based.
- Cohesion between services.
- One point of contact where victims can get support and updates.
- Better support for children exposed to DFV when it occurs.
- Establish a DV hotline with specially trained Police officers.

Clearer communication with victims

- Move the wasted resources at summons and hearing stage, to early information system.
- Drop the charges (clear pathway for victim).
- Corrections ensure victims with non-contact DVOs victims cannot be called/visit offenders.
- Making a victim know that the criminal process does not end by giving statement and making victim aware of a possible hearing.
- Complex system, misinformation and misunderstanding of justice system by victim and other witnesses not engaging.

Respecting victims' objections

- Don't rely on victims' evidence; improve Police investigations and resources to bring other evidence.
- If it is an appropriate case for drop the charges: do it.

Facilities and Infrastructure

- DV one stop shop for victims and services.
- Ensure the court is a safe place for victims to come and be heard.
- Make the court an important place in the community, engendering respect.
- At all courts, including bush courts, have a waiting room.
- Adequate housing for all families in the NT.
- Look at what we have now and assess its effectiveness; and get rid of what we don't need to make room for improvement.
- Ensure courts and Police are safer for victims to access.
- Need remote hubs- with Centrelink, Police, NGOs.
- Need to fund and support place-based solutions - example – Groote Island multi-purpose comfortable safe room, that is used by a range of services including TF because it is safe, accessible and appropriate.

Events and Programs

- Need Offender education programs [and need these to happen early in process and be on-going].
- Need violence prevention programs at the community level, driven by community elders.
- Need programs appropriate for families in FV [aimed at rehabilitation and behavioural change].

- At first mention offer therapy-based alternatives to the criminal justice system and put criminal process on hold until completed.
- Programs that address WHY that person is completing violence; community chats; alcohol.
- DV education on remand.
- Additional men's behaviour change programs.
- Programs designed to focus on client's safety.
- Reinstate the Dr (Nugget) Coombs version of CDP and properly resource it.
- Programs that support the woman to stay at home and the perpetrator to "move out".
- Single navigator supporting victim through the system.
- DV accessible conferences in NT aimed at all "players" in justice, community services, health, education to share and educate; DV conference every year.

Communication + Engagement

Need trauma-informed system

- Build trauma-informed foundation for system²⁰. Have clear trauma-informed information for victims explaining every step of process and how the system works; and address the trauma they are exposed to.

Work with young people

- Children-focused primary prevention. Education programs need to commence in primary school and continue throughout schooling.
- Need youth hubs with education, health, Police, housing, offering both flexible and structured support to address DFV intergenerational trauma to enable safe, strong and healthy families.

Education needed

- Need timely and accessible program and engagement.
- Need more community education about DFV and its effects.
- Update NTG website- information for victims' access to services, criminal process, videos re: court involvement.
- Need bystander education.

²⁰ For a report into what this may look like see: [Trauma and the law: Applying trauma-informed practice to legal and judicial contexts](https://www.blueknot.org.au/Portals/2/Reports%20and%20Docs/Legal%20and%20Justice%20Background%20Paper%20with%20Abstract%20FINAL.pdf)
<https://www.blueknot.org.au/Portals/2/Reports%20and%20Docs/Legal%20and%20Justice%20Background%20Paper%20with%20Abstract%20FINAL.pdf>

Increase support for victims

- Need independent engagement officer- first and continuous point of contact with system. A relational model to enable continuity of help through the system.
- Increase accessibility of WAS officers at court.
- The victim has a single point of contact until all legal matters end.
- Need communication from the first contact with DV.

Engaging communities

- Need to build Community engagement and inclusion and confidence in the process. Need to use respectful language to help build confidence.
- Greater use of cultural expertise.
- Need to utilise language in NTG branding (localise to capture individual language groups).
- Tailored to best meet client/community needs and safety: “one size does not fit all”.

Surprise/ Provocation (the ‘outside the box’ solutions)

- Remove offenders to safe houses rather than the victims.
- Have more Aboriginal men involved in the vision.
- Build a genuinely more integrated system (as simple and difficult as that will be).
- Smash the patriarchy.
- Keep the government out.
- Ask what do Aboriginal women want from the criminal system? Listen to the victims.
- Require victims to access counselling and support services.
- Community court to sentence perpetrators (bring the shame of their peers on them).
- Use ADR process where safe and victims want it.

Appendix E- Quotes included on the map

PRE-DFV INCIDENT

A lot of the people we worked with in our community, when people get angry and frustrated, they don't have great coping mechanisms-so the talking stops, they don't know what to do- instinct kicks in and that's when they just resort to violence. They just don't have processes like mediation or ways to talk about it, or processes to calm themselves down-they just don't have any of that. They get angry, they can't cope, then violence comes out. So, my partner developed this Stop. Walk. Talk. thing with them and he'd say "If you're getting frustrated, if that woman has annoyed you, just stop what you're doing. Go for a walk. And find somebody to talk to". And there were a few Kartia (white people) in the community who the men had respect for and they jumped on board, so some men would talk to them, some would talk to Police, some would find an elder for their family. And it really worked to diffuse situations and prevent violence. One Monday morning we got into work and [Police officer] had three men on the doorstep of the Police station wanting to come in because they'd done their stop and their walk, and they wanted to talk. He'd sit down with them on the couch, they all drink tea and talk and get some clarity. These are all domestics that were prevented just because we could work with the men. If we got jobs that were lower level domestics, we'd make it a priority to go to the job, they probably wouldn't meet the criteria of COMMS to be called out. It might not even make it to a Police screening if the person called 000, but because we had that rapport with the community, someone would ring, we'd make an effort to get to that stuff as fast as we could to prevent stuff from happening. – Police

It's like we need some internal spreadsheet where Police can share early intervention and prevention projects with each other so we can learn from each other. A lot of Police like the remote work because they get autonomy, they get to innovate and make a difference. Be good to share what's working. There's no model for feeding it up the chain, or evaluating what's working. - Police

That training that Moogie Patu [Corrections] does is fantastic. The young men who went really wanted to be there. Men are owning their bad behaviour. They are hungry for this kind of program. You've got to realise that they are not growing up with exposure to why violence is harmful. -Police

DFV INCIDENT - POLICE RESPONSE

When I asked them about a DVO, they said that Police won't issue DVOs because they'd been directed not to. They told me to go to court and get one there. - Maria

She was being flogged on the ground. She got a butter knife and 'poked' him. He was the first to meet Police when they arrived. He told them the story. The Police were junior probationary constables- they took him at face value- went straight in and charged her. On the day of the hearing I consulted with Crown, but there was no public interest in prosecuting this lady, when we looked at the complainant's rap sheet it was a mile long with DV assaults against her. Your common sense comes in and you can see the pattern of perpetration. But the Police just came in- listened to his story, and even though he wouldn't provide a statement, they proceeded.
Lawyer

When we call 000, they never understand. They don't know our streets and people's names. We give up. The local Police know places and people, but they won't just give their numbers, say we got to call 000. - Mary

The Police came to the door, the neighbours must have called them. The kids were there, my eye was already closing. It was a huge bruise from where he hit me. But I was real rattled cause he'd been choking me. They took him around the corner at the front and they all stood around his motorbike and had a talk. I heard them laughing. Then they left. They never even spoke to me. – Fran

Police responses are inconsistent. In town, people are over Policed. In public, in town is often where women who are victims of coercive controlling violence will use offshoot violence on their partners- because it feels safe. But back in their communities there are all kinds of violence being inflicted against them and no-one steps in. The Police desperately need primary perpetrator training. We're seeing so many women being charged and locked up for assaults on very, very violent partners. DVOs are being put on them. They may be released on a suspended sentence which includes no alcohol. These women live in a constant fear they're breaking laws, which makes for a very dangerous situation when the DV inevitably occurs and they are the victim. They are terrified to call Police because they may be drunk and on a suspended sentence. They're terrified to report because Territory Families might take their children. It is

creating a culture where women feel that he can do anything to me, and I can't get help. They're extremely unsafe and they don't trust the legal system. Police aren't safe people for the women we work with, because they're the people who lock them up. And these are the most vulnerable women we're talking about. Women whose ears are bitten off, whose partners carve their names on their bodies. A recent client had to have her spleen removed because a rock was thrown so hard at her stomach. And these women can be too scared to go to hospital because it may be recorded somewhere that they have alcohol in their system- so they'll get locked up. Or there'll be a mandatory report and they fear losing their kids. So nothing feels safe: they feel they can't get help anywhere. - Support worker

When I come home instead of saying sorry for what happened... He set me up to make me look like I'm a violent person, every time he put me down and choke me and I call 000... He's punch himself in face... I did not know that he very smart, if the Police turn up- that's me, I'm hitting him [he says]. My kids witness him hitting me and hitting himself, the neighbour approached because she heard my crying, I trying to escape the house... I can't go. He knew I'm really isolated. So, he just keeps doing it. I feel like they won't take it seriously. They say not enough evidence... why Police give him the DVO order when there's not enough evidence... we won't charge him... not enough evidence... you do not understand. Don't you dare tell me you understand... People ask for help and you ignore it. - Kelly

While he was assaulting me, he called them [Police]. They came and put a DVO on me. You can't trust them, they'll always believe him. - Jenna

With the legal system they don't care about the individual. Like in my case between 2007 and 2017, I had 10 DVOs on my ex-partner. Between 2007 and 2016, the Police never served him with any of the DVOs to protect me and my kids, but because it was never served on him personally, I had no grounds to get him charged, even if I put statements out- oh no, the DVO wasn't served, sorry but we can't do this.'

The Police need to do a domestic violence course ok. They actually have to sit down and talk to victims who have actually been through domestic violence. They have to learn the symptoms of the signs of domestic violence situation. Yes, a person may ring and complain, the person who is ringing is scared they want youse to do your job instead of saying that's probably her partner and that's probably her ex-partner. You don't know the circumstances of what that person has gone through. Take it as a first-time thing, that's what you're supposed to do, every time you rock up to a situation-it's a first-time thing. You assess what happened, you take notes, you give out a prom number and you speak to the person - be a little bit sympathetic to their situation. Like with my ex-partner, I kicked him out in 2010. From 2010-2017, he was constantly in my house, harassing me. I did everything within a DV situation, when a perpetrator comes to your

house, and tries to do anything to you- you ring the Police, you get a DVO on them, you get a trespass notice on them. I done all that, I done it the legal way, but the system let me down- it failed me miserably. I cannot understand why the Police take the oath of serving and protecting the innocent when they can't even do it. Their serving and protecting is because you've rung, like 20,000 times- I'm sick of listening to you and your complaints, I'll turn up to your house to show I've turned up to your house, but nothing will actually happen. In May 2015, just after he'd broken into my sister's house and tied her up, my 13 years old son is standing next to me. Constables rocked up, told him that [offender's name] was there at my house and that he'd stole something, and the constables said- 'You know we're sick of coming to your house?' And this is in front of my child for shit's sake. What thought would my child be having? My mum rings for help and they say, 'You can get fucked mate', so why should I trust the Police to do anything or uphold the law, when my mother who is an adult, is told they are sick of coming to my house? When they stated to me that I should stop ringing them- I stated to their face, 'Well, maybe you should do your fucking job'. It frustrates the hell out of me. Maybe you're annoying because you're constantly ringing them about the same person that is turning up to your house and doing all this stuff. Alarm bells should go off in your head- oh shit- maybe we should actually do something about this person. Actually, get him off the street. Actually, charge him with all those things he's actually done to this person. Instead of going 'Oh well, it's fucking her again. We're sick of going out to her house'. So, in the end, because I've had so many DVOs I ended up losing my kids to Territory Families because of the NT Police and because of [offenders name]. - Pamela

[In Irene's case below, despite multiple calls to Police for help, they only sought to charge him and protect her with a DVO, after she had already left the relationship (with the support of a women's refuge). The reason Police were pursuing the case at a later date, was that they were charging him for the savage assault on his subsequent partner, and wished to strengthen that case, as described below.]

From the bottom of my heart, I don't think they believed me, even if they had any reservation, I don't think they'll do anything. I feel what is the point. You call the Police, after the Police left he said 'You stupid bitch. You do that and I'm going to lose my job in the army, and then where you think you're going to be. You're heavily pregnant, you've got one kid with autism. I don't see the point of calling them again. It's just going to make things worse.' He's just going to get mad. Every time they left, they're just going to come in and talk and then left, what is really the point in the first place. I thought they'd have him removed away from me.... I say to Police I reported that he punched me and chased me down and you did nothing. The only reason you come to me, is you want dirt on him. Eventually I end up helping them. 'If you come and help us, we'll help you get DVO cause what he did to you isn't acceptable'.... They needed me so they could convict him for the other breaches, because he doesn't have a criminal record before, and they want him to have a criminal record before the other one to go to the Supreme Court. - Irene

This was warning they gave it. If he going to touch me up again, I'm going to lock him up in jail. He asked me yesterday, 'Did you put me DVO not to stay with you', I don't want to tell him. He might want to take me back because I want to stay a little while, I want to get better, my body's still paining. This is from big rock. There was no power, I was standing in the cupboard. I don't know why he locked me in the dark. He came and touch me up. He knocked me out. My uncle locked him out.... He said, 'Open the door; I've got sweet kit"', but I didn't listen. I'm going to rest here for maybe two or three weeks, cause the kids don't want to see him. If they see him coming, they run away everywhere, cause they scared now. They saw him hit me and they said, 'Mum, I don't feel like staying with dad'. The kids don't want to see him. But he wants to take the kids back and me. - Ladonna

Having to retell your story again, hoping there are some notes on the system that they can just quickly, you're giving [offenders] name, details, there's a warrant out for his address... this constant harassment is still happening. And they don't know the story. They're unable to find notes... we're explaining he's breaching conditions of DVO... Every contact, and I'm not exaggerating, every contact with Police, you're having to retell your story again and that was getting very frustrating in the end, because you're just exhausted from reliving everything again... Trying to keep a track of dates and things in your head and you think, I've already told you this. I told you this on the first attack or assault. I've been to hospital, we've had to move from where we're staying... dragging kids all over the place... Every contact we had with them you're having to educate them... After that dealing with Police, I was advised 'Why don't you just keep a copy of your DVO on you, carry it with you'... Whatever their system allows... they don't have it... There's "no contact" from the Police, but he's still harassing us, so we're reporting every time. It was like 'It's me again, I just called again, it's still happening.' and they're like 'You're still calling?' Like we were inconveniencing them by reporting too much. - Carly

Having to report stuff on the phone and wasting their time, to me - I don't like doing, so I don't ring 'em. I know they're not going to get him for any of it, so we're not physically catching him, I don't have pictures saying-look there he is.... So, I don't want to waste their time with call-outs, so I went in to make the report. Maybe this time something might happen. Maybe this time we can do something. I've lost a lot of faith. There's no point, one - I know they can't find him and two, what's the point when that's the crap I get? Unless he's there, physically trying to kill me, nothing can be done- that's the attitude I get. That's the attitude I get. Because it's all phone calls, drive-bys, stalking... I don't think it's considered serious enough. I think I've said to the Police, 'Are you going to take it serious when I'm dead and so is my daughter?' - Briana

50% of Police don't see threatening texts sent from the perpetrator's phone as evidence of carriage, so they won't do anything when victims report threats. - Lawyer

The Police said, 'If he's not hitting you- we can't do anything.'- Melanie

Can you just arrest him? He spit on my face, holding my hands so I couldn't make a call, that's not assault. At the time I had no idea. I was hoping the Police would know, that they would do something for me, something that is in the legislation that I have no idea about, something to get him away from me. Or give me a head start. I just want him to go. He will kill me one way or other, I just don't know which way. He threatened me so many times: 'I know how to kill you and make it like an accident'. I was frantic for him to stop. He would grab the pillow and put it on my face until I can't breathe. He enjoyed doing it to me. He said 'This is how easy it is to kill you. You don't have anything in you, that can push me off you.'- Irene

The first question they always ask when you call for someone, is if they are Aboriginal, sometimes now they say, 'What nationality?'. They say it's to identify them, but I bet white people don't have to wait two hours. - Casey

I've had women from [remote Central Australian Community] say 'What we do now is we call the Police to come to help get us safe'. When they ask for statement, we say, 'No'. Because they know the minute that they provide a statement, it's going to go through the court process and that makes them vulnerable. So, they're managing their safety in a pretty sophisticated way, knowing a statement leads to a prosecution. - Lawyer

She was being flogged on the ground. She got a butter knife and 'poked' him. He was the first to meet Police when they arrived. He told them the story. The Police were junior probationary constables - they took him at face value - went straight in and charged her. On the day of the hearing I consulted with Crown, but there was no public interest in prosecuting this lady, when we looked at the complainant's rap sheet it was a mile long with DV assaults against her. Your common sense comes in and you can see the pattern of perpetration. But the Police just came in- listened to his story, and even though he wouldn't provide a statement, they proceeded. - Lawyer

Options for referrals through support link are hopeless when you're remote- there is no one to refer to. - Police

We get inappropriate referrals through support link, but for a women's shelter, we get surprisingly few appropriate referrals, maybe four a month. Sometimes you get a referral that's got detail but sometimes there is no information in referrals – it's so inconsistent. Police definitely need training in how to make referrals and who to refer to. - Support Worker

It's such a complicated policing issue. It takes a heightened level of insight. We need to be better managing probationary constables. So many of them are unable to recognise red flags, they ignore the children in the home. We just don't have the skills we need. - Police

The DVU unit is a specialist unit but it's staffed by officers who just rotate through the positions, so they go back into stations with more knowledge about DV, but they're not necessarily specialists. It's very different from a model where you have highly trained, specialist officers doing this work and building up expertise over time. - Police

There's a completely different approach for indigenous and non-indigenous people. Certainly, the orders taken out by Police are very different. You'll have very serious assaults and they'll just put a non intox [DVO] on and not even charge him. If it's a white couple, sometimes there is a full "no contact" over threats. It puzzles me the approach Police take. It's as if it's not as bad to beat up an itinerant woman. Maybe it's because the prisons are already full and they're not wanting to set people up to fail because they've put orders on both in the past and they know they'll have contact. But sometimes I think they miss the coercive controlling thing. Some of these guys are psychos. They do come through. But again, it comes back to how much time and energy the Police and courts want to put into looking at all the evidence. – Lawyer

Because it feels like a waste of time that can affect how Police officers may deal with the next domestic violence assault, when they've just invested maybe months looking for witnesses, doing summonses, re-doing summons when matters get put off again, it's a lot of time and effort. Especially where witnesses and victims are itinerant and can be hard to reach. And without a victim and witnesses it's all a waste of time. It can feel like you've done all that work for nothing. And what can feel like a waste of time can affect how Police officers may deal with the next domestic violence incident. - Police

It's a problem for us getting statements when the witnesses and victims are intoxicated. We can't get the statements at the time, and it's really hard to get them later with itinerants. Sometimes even if they're not drunk, you can't get all the statements on the day. As time passes, interest gets lower and lower. Now you're trying to chase up Police in Wadeye to get witness statements and they've got other work to do. The victims themselves may have suffered more assaults, so they can't remember the details of the assault. We need better ways to get them all at the time. - Police

We're using a model where if any victim is from the NPY lands, Police call us as soon as there is incident, so we can follow up with victim. We've been doing it with SA and WA for a while, NT was the last jurisdiction to come on board because of issues with supportlink so it's newer here. It works really well elsewhere to ensure ongoing support of women throughout the process. – Support worker

After an incident we'll always follow up with the victim, but the offender too- it reduces rates of recidivism. We used to have an amazing ACPO. We'd just print out all the promis reports of DV and she'd follow people up once the dust had settled and see whether everyone was OK and what referrals they might need. - Police

POTENTIAL LEGAL ACTION

The judicial operations section of Police will say 'drop the charges' to prosecutors. No one bothers to tell her, so she'll then rock up to court to find charges have been dropped while he keeps offending. - Lawyer

I've seen a striking increase in the number of women being charged, convicted and sentenced for assaults against partners who have abused them for lengthy periods. – Lawyer

I've done one family conference around DV. We were the first people who actually spoke to the victim about what she wanted. The Police and Prosecutions hadn't spoken to her and she didn't want to be involved with them. - Support worker

The DPP Prosecutors have huge caseloads and they're inexperienced. We used to have Senior Police officers doing court 1 work. If they were good senior experienced Police, they had a much better understanding and ability to talk to victims about what happened in court. Because

they had a foot in both camps, if they were experienced Police prosecutors- they knew about the court and knew if you had one person's word against another and that's all you've got- there's this test. So, it's not that the Judge didn't believe you, it's very hard for the judge because of 'beyond reasonable doubt'- They can explain. Those Police prosecutors were good at that. - Judge

'DROP THE CHARGES'

So, my file was transferred from a female to a male... He wanted further information. The whole reason I came here was so I didn't have to go through it so many times. 'I'm sorry about that', I said at that point, 'I don't want to do this any more, I'm not well, I don't have the energy for it anymore. I'm over it'. 'Actually, you can't withdraw the statement'. I don't know if I would have made the statement if I knew that. He's saying I can't withdraw the statement and I just have no faith in the system anymore. I just don't care. Regardless of what you want there is enough evidence to charge him, so we're going to do that, so you can help us, or you can't. Or put it forward to be charged, maybe there's a step or two before then, I don't know. - Natalie

We get calls all the time from victims who are confused about how the system works and what their options are. There aren't clear places to send them, especially if they want to drop the charges. Defendants are also confused but we can refer them to REALS. – Support Worker

It's a tactic to keep victims in the dark when they want to drop or vary DVOs, once the Police are involved, they just get pushed aside, they're just a piece of evidence. - Support Worker

Women will say 'Drop the charges. Drop the charges,' and they just get pushed between Police and the DPP. No-one wants to help them. But when you stop to educate them, to explain different options for DVOs they often want to vary rather than drop, but no-one wants to talk to them. - Lawyer

I do worry that for many people in communities, the lines have been blurred between Police issued DVOs and the much smaller number that are got with the assistance of women's legal services. And so that very empowering process on the civil side, has played a role in creating a perception that victims are driving the process on the criminal side. Most people don't understand that even if a woman says 'drop the charges', prosecution will probably be proceeding, so it does fall on the victims, that blame. – Lawyer

It's a recurring issue in the Barkley, that victims would describe his family, and sometimes her own family, blaming her for locking him up. And sometimes that extrapolates even more broadly to women victims being responsible for mass incarceration [of Aboriginal men]. – Lawyer

I've seen community members put in jail, put out of jail, it doesn't do anything and I don't think that it would help [me]. The idea is that some sort of change occurs, so that [the violence] doesn't occur again, but I don't think the system serves that. From what I've witnessed people get locked up, they get out and the same cycle keeps going. I don't see how jail makes anyone change, especially if they're not going to acknowledge what they did in the first place- so what's the point? – Natalie

s.41 DVO and DVOs GENERALLY

She told me it would go to Court, if uncontested it would go for 10 years, but then I got here, and they were like it's 12 months and I was a bit surprised by that. It feel likes actually crazy because the DVO got served, then it got breached four times, but they rolled the charges into two, so the first thing was meant to be heard on February 28th and I got told by the Police that I had to go to court, but then other people were like 'You don't need to be here' and it was really traumatising because I got there and he was sitting right out the front and then I had to walk past him. And then his lawyer wasn't there, so it just got adjourned and it happened a number of times, adjourned to Alice Springs and eventually set for hearing on 8th August. So in between that time, I'd made a statement with Police in Alice Springs and basically nothing happened till I got here and met with [support worker] about upcoming court stuff with the DVO and she asked about the charges, and I said I've actually given up because I tried to contact a Police woman a number of times. She explained that she had phoned my ex if he wanted to make a comment and I'd given all the evidence I had. And then I just gave up with it. Clearly no-one is doing anything. He's breached the DVO a couple of times which meant I had no sense of safety. I was scared because he's crazy jealous. The Police have the info. They haven't done anything. I think I need to... just give up. Obviously, nothing is going to happen. – Natalie

Sometimes a woman will have a gut feeling something is about to happen and I might feel that something may happen; but it doesn't meet the threshold to take out a reactive Police order, and if she's got that gut feeling now - something is probably happening in the next few days, not in months when court is on... Once there is an assault, we can take out an order. I'd argue that that is too late. - Police

I went off to court, I was initially told by Police, if you get a DVO, it's simple- you don't even need to show up to court and so I was as like if it's as simple as that I'll go ahead and do it... and unbeknownst to me, that's it's not how it goes... when it came time to go into court I didn't have any support people because I had no idea I was going into court. I had no idea I would be sitting in the same room as him. I had no idea I needed a lawyer. There was just no information given to me, so I'm standing there in the Court House thinking I was just going there for a 15 minutes thing and it was all going to be over with... Then I watch him walk in with his two brothers. One of his brothers says 'What are you doing this for? Haven't you done enough?' Makes me feel intimidated, so I'm shitting bricks, I was that traumatised, I couldn't even look at him and I'm sitting across... having to give details to magistrate. I can't tell you if someone represented me or whether I did it myself, because it was all so traumatic, but the one thing that stands out is the magistrate could actually see my distress.... Everything the Police told me was going to happen, didn't happen that way. How could they get it so wrong? How could they tell me this is how process worked when in fact it didn't? Was I talking to an amateur Police officer? Do they even know what is involved? I couldn't find any reason that they would say- this is how it happens, when in fact it wasn't how it happens... How unprepared I was, had I known I would have been in that situation, I would have got family there with me... Totally unprepared for the reality of it... No information at the court about this, when you do this process, this is what happens... No information about if you have someone who can support you, get them to come along on the day because it can be a very traumatic thing. None of that information was available, it was like I knew the system. So, don't need to explain anything to you. - Carly

[In Pamela's case, although multiple DVOs were issued, only one was served]

At the end of the day it's me being abused. But it's also my children, and I don't want them to go through what I went through.... It is your fault. You didn't do enough. I've rung the Police, I've taken out DVOs, constables have taken out DVOs. Where have I not been consistent in what I wanted, when the system does not stand up for what it states? *Alex: Do you think the one DVO has got him out of your life?* 'Oh yeah, after they actually gave him that DVO, he stopped ringing my phone, he stopped texting me and he stopped coming around to my house.... He said 'The DVOs don't mean nothing', and I said, 'Yes they do. You're not allowed, it's all stated on the DVO and how you have to abide by it'. He said, 'If they don't serve it, it don't mean shit to me'... But the reason why he left me alone is that two constables made a point of serving the DVO. Not only was I being abused by my ex, but I was being abused by Police. That's how I seen it, and to top it all off I was abused by Territory Families and had my children taken away. And all they had to do was to walk up to him and hand him a piece of paper and re-enforce it, it's all they had to do. - Pamela

In Victoria, everyone with the rank of sergeant or above can issue DVOs, but in the NT it's quite different. As an OIC of a remote station I could, but in Darwin and the big centers, you've got to go to a watch commander or senior sergeant. Problem is, they're too removed; it's usually the sergeant who is on the road and can come to the job, or directly supervises the members who were at the job. Because I was working remote and because of my Victorian experience, I was probably putting in place DVOs that a Watch Commander might not have put in place. - Police

We got no-one. NAAFLS don't come to Wadeye anymore. It's too dangerous for their workers, they say. – Ada

Out bush we've got a problem with lack of review time, so if I issued an order, say court was on the day before in [community name], that order would not be reviewed until the next [community name] bush court which was two months away, and sometimes it would be cancelled because of royalties or weather, so it could be four months until that Police-made order was reviewed. I think that lack of review is an area where things fall down. If I knew it would be reviewed by a court within a few weeks I would put in stricter conditions where I thought she was at heightened risk, even full "no contact" sometimes. But if, in the back of my mind, I'm making an order that will be two to four months before it is reviewed, that plays a part in my decision. In small communities, a full "no contact" for a week or two? They can manage it. But if that order is going to be in place for months? I believe it's unreasonable to put a full non-contact in the order. – Police

An order is a good wake up call to people: often they don't realise their behaviour amounts to DV until you give them an order, and often when I serve the order I say to them, 'You should not be doing any of this stuff anyway, but this order spells out this behaviour is domestic violence and you can't do it; and if you do, the consequences will be more serious next time, because you'll be breaching an order'. - Police

You can tell that Judges hate the DVRO list. Little effort is made by some to read applications or to explain anything to the defendant. - Lawyer

It's a complete lucky dip depending on what Judge you get, unlike the youth or welfare courts where you have a pool of Judges. The DV court is just anybody and it's pretty clear most Judges hate it and they don't want to do it. Some Judges, you just see them whipping through the list as quickly as possible. Today, the judge wouldn't even give anyone a chance to talk. Some will just adjourn everything when it's the start of the day and no one has had a chance to get

instructions. And then you'll get other Judges who are very thorough and look at the evidence, look at the order being sought, and decide whether it's appropriate. This is even when the defendant hasn't shown up. Most Judges would just say, 'Defendant not here, order made, or applicant or protected person hasn't turned up, just dismiss it'. – Lawyer

There are really mixed messages from the bench about orders and the way they are viewed, some Judges see any breach as serious- others don't. - Lawyer

It would be better to keep the DVOs and the Criminal charges separate. As criminal proceedings are delayed, the protected person needs to keep coming back to court. People don't understand how the two relate and it's really confusing. You'd think it would be more efficient just to make the DVO as soon as possible. – Lawyer

The criminal offence is dealt with by the DPP and the DVO matters, the Police instruct the solicitor for the NT. The trouble is that the SFNT lawyers are often left sitting around the Court waiting for the thing to be adjourned because often those two things will run together until the criminal charge is heard... I think in Alice they do it more frequently than here with consent without admission DVOs and it's just sorted, but up here they tend to go 'No, no, no, we don't want this' even where there is overwhelming evidence. A lot of the time you will say 'What are your instructions on the DVO?' 'Oh, haven't taken them'. They've had 25 mentions in court and they just haven't done it. The criminal lawyers, they're thinking - my issue is the criminal charge. That's the main problem he's facing and that's the main thing before the court. They see the DVO as a secondary thing, so they won't even think about it until the criminal charge is dealt with. - Judge

SFNT uses their most junior solicitors and clerks on DV matters. They really need to be people familiar with the systems and experienced in working with clients. – Lawyer

We keep seeing people where this is not what the Act is for. 15 family members all filing cross application or two female cousins with jealousy. Is there a better approach wherein some categories of DV CJC is an option? Lawyer

We have people coming to us as defence lawyers wanting help to remove Police issued DVOs and we can't help with that. - Lawyer

ARREST OFFENDER

No-one communicates with victims re: bail, remand and criminal case. They really are just a piece of evidence that people need to perform on the day. I don't think many people understand the terror that victims of DV live in.- Lawyer

When the perpetrators get bailed with conditions – this could be better used to enhance victim safety. - Lawyer

PLEA DEALS

When I was there, he said his lawyer has come back to us- he's going to plead guilty to the one we have the record on, but not the other one. It's up to you if you want to go through with this. I just want him to be accountable for what he did to me, that's just two out of the many, many in the last 14 years. You can not begin to imagine, like how many things he's done to me and most of the things he's done to me I never thought in a million years another human being would do to another person... and this is all he could come up with. He only acknowledged one. - Irene

If you abolished mandatory sentencing, you wouldn't get so many contested hearings. It distorts all of your decision making. Why would you ever say to your client- you should plead guilty if you know they're going to get 12 months for something they should have got a few weeks for. – Lawyer

The body worn is compelling when they do it right. Of course, you'll advise a client differently when that is there and admissible. - Lawyer

MENTIONS - DIRECTIONS HEARING

The court just doesn't have all the tools they need, it's a criminal law approach but the problem is different, and the legislation hasn't caught up. Judges are using adjournments as a therapeutic approach to check defendants are attending courses etc. - Lawyer

The court can't refer to programs without consent but if your client doesn't attend- it's strict liability, so no lawyer is going to advise them to accept that. Undertakings are a better offer. - Lawyer

Justice delayed is justice denied. I'm not sure why there are so many adjournments, but they make it very difficult. - Police

BETWEEN DIRECTIONS HEARING AND HEARING

I didn't want to use WAS because he always threatened, he would kill anyone who helped me. – Gayle

I was not happy because I wanted to talk to the prosecutor. My case worker had to intervene so I could contact him. Eventually he gave me a short, little time, such a short time. I didn't get a clear understanding of the process or explanation about the proceedings or the charges. I didn't know about the court day and what they would ask. I know it's my story, but they had no advice. I am so upset because of the prosecutor. She didn't help me. I went into the meeting hoping to explain or describe my story, and also to get an explanation from the prosecutor about what's going to happen about the court process. Neither happened to my satisfaction because she was in a hurry. She was rushing. She had some questions she wanted to ask me and all she said is at the hearing she wanted me to describe my experience that's all. She did not make me aware of the process, or what is going to happen the following day. I expect my lawyer to empower me so I can stand up in court and have my day with confidence. Because of lack of briefing, even the questions my lawyer herself was asking in the court, I wasn't sure if she was asking on my behalf or if she was on the other side, so I was hesitant in the beginning. - Neema

In DV and with indigenous clients, prosecutors are meant to always refer to WAS, but this doesn't always happen. I see a whole lot of people from out bush with no interpreters, which

WAS would organise. Some prosecutors think they can do it all without WAS. I've been to cases where WAS officer is not assigned and the client is very, very reluctant to work with prosecution. Once I explain to them what I do, I can 'win over client'. We should be building rapport before then though. When client is not cooperating that's when they'll ring me. - WAS Officer

WAS are brilliant. We need to make sure that they've got enough people in that unit for the demand because they make a huge difference when you've got them. - Police

HEARINGS - Bush court

Victims have a really difficult time in court. In [remote community] we don't have video-link set up. We also have kadaji elders that sit in court. They're meant to assist in the sentencing, but they sit in court for the whole period. For example, in one domestic violence trial, when she came to court to give evidence, there were problems because of the way the court was set up and because in [remote community] the elders change depending on which defendant is before the court. So, the court wouldn't have known, but the defendant's family chose to be the elders for that afternoon session of court. So, this witness, not only is she having to give her account in court, in front of him, and in front of his whole family in court. She did an incredible job, but a lot of witnesses and victims would not put up with that process, they would not have done it. They would not give evidence. And then as far as the court is concerned, without that witness, there is no complaint. Even with her statement, in DV matters they'll just throw it out. - Police

Somehow, we have to guarantee that witnesses won't be interfered with. This is crucial. They need to be able to wait separately from defendants and his family. It's a huge problem in bush courts. – Police

Video-link resources are essential. Working in Alice Springs and doing bush Courts we have geographically the largest area from which we're drawing complainants into Court. The logistics involved in getting complainants to Alice Springs or even to particular bush courts are enormous and very expensive. Those video-link resources are then available for sergeants and other Police officers so they're not being transported back in either. It would save a lot of money. – Lawyer

It's outrageous that complainants in DV matters are having to give evidence in bush courts where they are not only having to walk past family, but they are literally sitting less than three metres away from your perpetrator in a room, and describing in detail what they did to you, is just completely setting a complainant up to fail. – Lawyer

There was a policy that they weren't going to hear contested DV assault matters in Mutajulu because the court is a donga, but I can say that has happened and I think it depends on the Judge. I've certainly seen them do contested hearings in Ti-tree, Ali Curung, Papunya as well. - Lawyer

HEARINGS - SUPREME COURT

I've had a few matters recently, where it's going to the Supreme Court because of the seriousness of the injuries and that means we've got all of our witnesses 900 kms up to Darwin. Imagine if they could just come up to the Police station and give video evidence. It would give DPP a much better chance at prosecuting because you'll have your witnesses available. Lack of witnesses is often when Police matters fall down at court. Apparently, our work computer's already have the Skype program the courts use, it's just a matter of putting in a screen with a camera. It seems easy to do. I don't know why it's not in place. Imagine if Police and nurses and others could give evidence in the same way. It would save the government so much money in transporting and accommodating witnesses, as well as meaning there is a much greater chance of people out bush actually giving evidence. It also means Police are in community more and not just driving cars huge distances. – Police

The Police don't want to bring the witnesses in for court. It's much worse since May/ June this year. It's the Police budget cuts. - Lawyer

HEARINGS

I don't know how we can effectively manage it when there is pressure at court for the victims to not tell the story, because the family have put all this pressure on her, because if anything happens to her while he's in jail, there's a notion it's all her fault. So, there is huge pressure on these women not to tell their story. How do we compete with this family pressure? - Lawyer

One client of mine was sent, by the perp, on a holiday to visit her family in Thailand. She was sent for two weeks over the hearing date to make sure she didn't attend. He was found not guilty. – Support worker

Witnesses are intimidated. I remember one victim credibly gave evidence in Police case then agreed with defence she'd hit herself in the head with a rock. - Judge

I know one lady in Palumpa, the [defence] lawyers told her not to come. In Wadeye, they get his family to try and stop her talking in court. - Support Worker

Did I ever have a statement taken with an interpreter? I don't know. I can't remember one. So that's saying a lot when you have hundreds of contested files handed to you. Virtually all of these people need interpreters. It's not just about the reliability of her evidence and fairness to the accused, but she's fundamentally set up to fail in giving evidence, because of course when you're in court, evidence is tested against your written statements. So, defence are handed on a silver platter these inconsistencies making for, what defence would call, an unreliable witness. But actually, it's because the statement was written by a male Police officer who was standing over her while she was in a vulnerable situation, speaking in her third or fourth language. Not even having it read back to her, just read through whatever he has written and sign away. And then maybe you get an ethical prosecutor in court, who gets you an interpreter and finally you're able to tell your story, in your language, of course it's totally different. – Lawyer

Taking someone's freedom is quite big, so the onus is on the victim to have all this evidence and be able to answer everything the same again, particularly when you're in that state... How do I stand there and say 100% this is what happened... particularly in DV where everything happens behind closed doors... Yeah, but how can you be a good victim if you're too traumatized?... It's actually crazy... You're asking a person whose experienced trauma to perform essentially... It doesn't make sense. -Natalie

[The Police officer] told me it would go to Court, if uncontested it would go for 10 years, but then I got here, and they were like it's 12 months and I was a bit surprised by that. It feels actually crazy because the DVO got served by them and it got breached four times, but they rolled the charges into two, so the first thing was meant to be heard on February 28th and I got told by the Police that I had to go to court, but then other people were like you don't need to be here and it was really traumatizing, because I got there and he was sitting right out the front

and then I had to walk past him. And then his lawyer wasn't there so it just got adjourned and it happened a number of times, adjourned to Alice Springs and eventually set for hearing on 8th August. So in between that time, I'd made a statement with Police in Alice Springs and basically nothing happened till I got here and met with [support worker] about upcoming court stuff with DVO, and she asked about the charges and I said I've actually given up because I tried to contact a Police woman a number of times. She explained that she had phoned my ex if he wanted to make a comment and I'd given all the evidence I had. And then I just gave up with it. Clearly no-one is doing anything. He's breached the DVO a couple of times which meant I had no sense of safety. I was scared because he's crazy jealous. The Police have the info. They haven't done anything. I think I need to just focus on my health and moving forward. I've given up. Obviously, nothing is going to happen. - Natalie

We used to be able to buy lunch for witnesses, things like that go a long way to building rapport with people while they wait around to give evidence. The budget cuts mean we can't do it any more and it makes a huge difference, sometimes I just use my own money to do it. People are hungry and everyone gets irritable when they're really hungry. I don't want to lose them. – WAS officer

Technology, if we can harness it, can have a huge impact in administering justice in the NT. We're already seeing the impacts of the body worn evidence. This is potentially a massive gain in ensuring victims stories are heard in court. Video conferencing also extends possibilities for justice with Police, witnesses, victims and others such as health staff, being able to give evidence from out bush. - Judge

It seems so simple and obvious- there needs to be a much bigger uptake of AVL. Since June the Police budget cuts are making prosecution even harder. In Yuendumu, the AVL means we can dial witnesses in for evidence. It's made a massive difference. - Lawyer

I don't know how we can effectively manage it when there is pressure at court for the victims to not tell the story because the family have put all this pressure on her, because if anything happens to her while he's in jail, there's a notion it's all her fault. So, there is huge pressure on these women not to tell their story. How do we compete with this family pressure? - Lawyer

There are cultural problems in the DPP and unacceptable caseloads that mean people aren't using WAS, and properly proofing witnesses. - Lawyer

Judges need a better understanding of the impacts of trauma on witnesses. I've seen convoluted cross-examination derail victims of domestic violence. We need training to ensure that cross-examination is done appropriately, and in a way that doesn't confuse witnesses. - Judge

A key area that needs addressing is judicial understanding of DV dynamics. This would impact the treatment of applications to adjourn because of victims' non-attendance. - Judge

Our responses need to be faster- when complaints are heard six months down the track, complainants have moved on. - Judge

The extended timeframes. That's where we're falling over. For the matters that do go to hearing, the credibility, memory, reliability of witnesses diminishes as time goes on. For a victim to have to speak about an incident that has happened five, six, 12 months later. A lot has happened in their life between when the incident happened and then. There are often more recent assaults. Memory is impaired by alcohol. And then we have to find them and summons them. And with those time frames it is really hard. Often, it's a game of chasey to try and find the victims, to try and get them to court. - Police

If I don't have victims and witnesses there, that case is not going anywhere. I feel a lot of defence lawyers rely on the fact that Police are not going to be able to get victims or witnesses to court. And if we can't get them to court-where is our case? - Police

The whole system is so stacked against these victims. Their trauma makes it so hard for them to recall details of their attacks and the sequence of events. – Lawyer

I don't see how the DV Court is going to help. All of the trauma around these issues is related to contested hearings. Women are giving evidence in these contested matters- this is where it matters, and the DV Court won't hear those. - Lawyer

It depends on the prosecutors, but some still seek warrants for her arrest if she hasn't shown at Court. Sometimes Police hadn't even followed up the witness, to check if they needed help

with travel or anything. The consequence of this is that people who are seriously at risk are not going to call the Police, and risk being locked up down the track. - Lawyer

The interests of victims are accommodated by the procedures under which vulnerable witnesses may give evidence (e.g. by remote audiovisual link), providing support persons through witness assistance services, the facility to receive victim impact statements, and the capacity for the courts to make “no contact” orders at various stages of proceedings. – Judge

I’ve seen magistrates completely beside themselves with frustration and anger that women aren’t cooperating in the system. We’re trying to stop this epidemic of appalling violence, but unless the women come along and tell us they’ve been hit, we can’t do anything. There’s no proof. And the Judges get really, really frustrated by that, to the point where there is evidence that a summons was served by a complainant to come to court for a hearing and she hasn’t complied. They’ll issue a warrant. We’ve had a number of occasions in the last few years where we’re trying to get her out of the watch house because she’s been arrested and detained, and it’s cyclical. It just re-victimises her. It’s such a ham-fisted and ineffective response. But I understand the frustration of Judges. – Lawyer

Defendants can be very cynical saying ‘She won’t come- I’ll get off’- Lawyer

Crime victims are often really confused at court. They don’t know where to go or what to do and they approach us as duty lawyers, and we can’t help. - Lawyer

Defence lawyers rely on the fact that Police can’t get “long grass” witnesses to court, without them it’s all a waste of time. It definitely effects how Police deal with next domestic. - Police

Old Bernie Devine, he’s retired now, but he used to do all our summons. It worked much better than individual Police trying to do the summons. He knew all the camps and knew who was where. He could get witnesses to court. - Police

We need to do the forward planning to organise the WAS officers at Court; the prosecutors don’t always do it and they help keep the victim calm and stop them leaving. - Police.

The tactic is to plead not guilty and hope she doesn't show and plead guilty when she does. They call it the Bourke defence, because you make sure she's out the back of Bourke. - Lawyer

One client of mine was sent, by the perp, on a holiday to visit her family in Thailand. She was sent for two weeks over the hearing date to make sure she didn't attend. He was found not guilty. – Support worker

Witnesses are intimidated. I remembers one victim credibly gave evidence in Police case, then agreed with defence she'd hit herself in the head with a rock.- Judge

In Groote we've set up a Victims and witness safety lounge, separate to both the Police station and court, so they don't have to walk into court past the perpetrator and his family. The lounge is set up with comfortable furniture and a fridge and I might get in a TV, so people can be comfortable while they're waiting to give evidence. I've had another office turned into a room with a link to the Attorney General's Court system, so people can give evidence from there. It can also be used as a child forensic interviewing room. The purpose is that victims can be dealt with, without having to come into Police operational areas, which can be really intimidating, to give their statements etc; and it allows for audio recorded statements to be recorded and for kids to be somewhere safe while mum's busy doing that. It also allows for victims who are declared vulnerable witnesses, to give evidence via the AVL facility and not have to go into the court house at all, which often involves walking past the offender and their family. - Police

I've had clients say- Don't worry she won't show. It's chilling. - Lawyer

It's rare but very problematic that victims can be arrested for no-show. - Lawyer

I know one lady in Palumpa, the lawyers told her not to come. In Wadeye they get his family to try and stop her talking in court. - Support Worker

The introduction of body worn video has already made a big difference and has the potential to make a very big difference in the ways prosecution can present a case in domestic violence, so even where the victim doesn't turn up, if they've got the body worn from the night of the call out and it shows the victim with blood all over her face and screaming 'he hit me'. The prosecution can make an application under s.65 of the Evidence Act that the witness is not

available but her statement, the body worn, can be given as evidence. Now it won't be given the same weight as if she'd be available for cross examination... but never-the-less, what is said in those body worn statements is so vivid, and so immediate, and it's so authentic. In many cases that will be enough to secure a conviction. So that's a way around the Bourke Defence. - Lawyer

Body worn statements are probably only being used in approximately one in 10 incidents because of limitations like intoxication, injured, wishes to discuss more than one incident, able to be interviewed without children being exposed. We're not seeing the same convictions as they're getting elsewhere, but there are some benefits. - Police

Judges definitely need training on how trauma effects witnesses. - Lawyer

It's clear from the way some Judges talk to victims and witnesses, that they themselves are jaded and desensitised to the extreme levels of violence we see in the NT. Sometimes they'll determine a witness is not vulnerable which can be really perplexing. - Lawyer

s.18 ADVICE

The bench really needs to be trained properly around domestic violence and how it manifests, because whenever a s. 18 objection has been raised, they don't get up. Partly because of the judge's language - they'll say, 'On what grounds do you object to giving evidence?' Victims won't understand a word in that sentence. They need to ask direct questions- 'Do you feel you'd be less safe if you told your story today?' Also, a lot of Judges have a very limited understanding of the nature of DV. So, a victim may say 'It's just going to be no good for me and him. His family are going to humbug me'. It's like they need the victim to say 'He's going to hit me again if I tell my story'. So, objection is denied. And then when it's coming to proof and I adduce evidence from them and the defence lawyer says 'You hit yourself in the head with a rock didn't you?' And she just says, 'Yeah I did.' That's their way of objecting at that point. I've then had Judges ask me to lay charges on this victim for contempt of Court. The judge knows they do not want to give evidence for the purposes of their safety and will do everything they can not to give evidence, they uphold the objection, she makes up a story, and then she's the person who should be prosecuted. - Lawyer

Victims want to 'drop the charges.' They are so unclear on the process. They get shifted between the DPP and the Police and no-one wants to help them because it is unsatisfying and

you often know they're under duress. They need information about the process of doing a statement of withdrawal, which is a notice under s.18, and giving this to the prosecution.
Lawyer

No-one to give independent s.18 advice is a huge problem. - Judge

I've had to explain s.18 on numerous occasions to Judges. I don't know how it works in Darwin, but it's been quite problematic here. I've never seen one s.18 objection upheld. Most of the time when those objections were raised it was an incredibly disempowering and traumatic experience for the complainants. Essentially being interrogated by the Judge. – Lawyer

There are matters where someone is classed as a vulnerable witness and so will give evidence from the vulnerable witness room, but the judge insists that they need to come into the main court room to give evidence on their s.18 objection, with the defendant and all his family there.
– Support worker

The bench really needs to be trained properly around domestic violence and how it manifests, because whenever a s. 18 objection has been raised, they don't get up. Partly because of the judge's language- they'll say, 'on what grounds do you object to giving evidence?' Victims won't understand a word in that sentence. They need to ask direct questions- 'Do you feel you'd be less safe if you told your story today?' Also, a lot of Judges have a very limited understanding of the nature of DV. So, a victim may say 'it's just going to be no good for me and him. His family are going to humbug me'. It is like they need the victim to say 'He's going to hit me again if I tell my story'. So, objection is denied. And then when it's coming to proof and I adduce evidence from them and the defence lawyer says, 'You hit yourself in the head with a rock didn't you?' And she just says, 'Yeah I did.' That's their way of objecting at that point. I've then had Judges ask me to lay charges on this victim for contempt of Court. The judge knows they do not want to give evidence for the purposes of their safety and will do everything they can not to give evidence, they uphold the objection, she makes up a story and then she's the person who should be prosecuted – Lawyer

The s.18 does apply to the assault, so a judge can rule that she doesn't have to give evidence against her partner for assaulting her, but he can't rule that she doesn't have to give evidence for breaching a DVO which is completely anomalous as far as I'm concerned. Because the assault is almost always a more serious charge than the breach DVO charge. - Lawyer

S.18s are only very occasionally granted. More often than not, they're refused, but more often than not, the applications aren't even made. A lot of women are very reluctant to give evidence, they may have very good reasons for being reluctant, but they never get the opportunity for independent advice about their right to ask the judge to be excused. - Lawyer

In one case I remember, a woman from a non-English speaking background didn't want to give evidence and s.18 was explained. The defendant sat in the court. And she was so frightened of him, she couldn't describe the fear for the purpose of s.18, so the application was refused, and she was compelled to give evidence. When asked questions in court she replied to every question with 'I can't remember anything'. - Lawyer

JUDGE DECIDES ON EVIDENCE

I don't think coercive controlling violence is widely appreciated by all Judicial officers. I don't think it's picked up enough. Where you can see it is in the criminal records of those who engage in domestic violence. Many of them will have criminal records of between 8 and 24 pages in length. Within those records they'll be between 12-19 convictions for domestic violence. It will be low level domestic violence and so they'll continue to get short sentences. You'll see them get initially a wrap on the knuckles or a suspended sentence, then three months imprisonment perhaps going on to seven months imprisonment and so on. The consequence of that is the same victim in constantly in strife- there's no escape. Because as soon as he comes out, after a short period of time, the same thing starts again. Because of the approach of the law, namely your criminal history effects leniency, it doesn't aggravate the ongoing offending. If you were to look at it at the end of the line, in one case I sentenced someone to 11 or 12 years, but over a number of years he'd engaged in this level of violence. Utterly controlling his family, so at the end of the line you could see how serious his conduct had been over the entire period. Whereas in a snap shot, coming before a Judge in the local court who deals with low level assaults, you get these short sentences, which really doesn't assist at all. – Judge

The idea the system holds people to account is a joke. There is so much inconsistency in how different Judges deal with matters. Some of them understand DV, they get coercive control and the risks, but others- the things you hear them say! It's clear they have no understanding of DV at all. They blame victims. They have no understanding of the impacts of trauma. They minimise offending. No wonder victims don't want to participate. It's such a lottery, depending on which Judge is hearing the matter. – Lawyer

SENTENCING

Out of the list of charges I think the thing that would have given him most time in prison would be damage to property. If you have a look at the maximum given... damage to property is a higher sentence than hurting someone... good to see property takes priority over someone's life. - Carly

Ex breaches DVO, he was found guilty, but the judge only fined him \$1000 for breaching 10 years DVO for approaching the kids and me, and the judge said that the reason why he fined him \$1000 rather than sending him to prison, is they have to consider the fact he served his country and he has PTSD. And that is really, really hard. I feel like that day I walked out of that court at 5pm after sentencing. It's such a shallow victory because even though he committed the crime, he takes the army side into consideration, but he never takes my side into consideration. I have been married to this man. I actually have 10 years DVO which is one of the highest in the NT, and he doesn't consider it at all, even though I submitted victim impact statement. How does that affect me, and my children? It took a long time to get out of this. For the first two years I had to do weekly counselling sessions so I can cope. I still wake in the night. I have undiagnosed PTSD, but because he used to serve in Defence, they take his side of things more than my side of things. Makes me feel like what is the point of going through all the emotional stress just to have, it's really upsetting, also make you feel like you don't trust the legal system. What is the point? The judge is just going to take that person's side and for me that's really, really unfair. One thing he always used over the years was that if he murdered me, no one would find me because I don't have family or friends, so no-one's going to miss me. And if by any chance the Police find my body, he will use PTSD and mental health as a way to get him off the hook. 'If I use PTSD, the judge will side with me because I served this country and you're nought. I'm always going to come on top'. He's been using the same stuff as a threat forever. It breaks my heart that on the 18th April this year the judge will consider his side of things more than mine... It makes me think "What if he found me? And murdered me?" He'll probably get away with it. I don't have family, just three little kids... I'll never get justice. He will do all this thing and get away with it, I cannot get my head around it. How could someone have a history of physical, sexual, verbal, financial, spiritual abuse against their partner for 14 years and he gets away with it. It's really hard. - Irene

The VIS very important for Judges. Prior to victim impact statement, the defendant was the only person humanised in the court. – Judge

We need perpetrator behaviour change programs for our clients. Our clients need them. Judges need the option when sentencing. - Lawyer

The DPP are not pro-active around what suspended sentence conditions are beneficial – victims could benefit from this, but they don't get much of a chance. – Lawyer

Our punishments are blunt instruments. They don't do anything about the underlying issues that lead to the violence. - Lawyer

We need more options in terms of family violence programs. We need programs that have on-going engagement not just five days, twice a year, many of which end up being cancelled [The programs run by Corrections]. We'll suspend a sentence on the basis that they'll attend a program and sentences expire before programs are available. - Judge

His family, and sometimes her family will blame her, for him being locked up. And sometimes that extrapolates even more broadly, to women victims are responsible for mass incarceration of Aboriginal men. – Lawyer

When you have a criminal hearing, the victim is generally not there when you give your decision and move on to sentencing. So, you rely on the prosecutor to feed accurately back to them. So, you might be really good at explaining things in plain English- but the prosecutor might not be and might not be able to get that message back to the victim. - Judge

One of the Judges had noticed all my support letters and was aware of the [Kungas stopping Violence] program. During sentencing, and this was very unusual, he called me up asked me what I thought about putting conditions around alcohol on one of our clients and I could explain to him that in my experience, those conditions often made these women very unsafe, because when people were drinking was likely to be the time that violence was likely to happen. So, I explained this to him in the court. It was very unusual, but I think he valued it because it followed these years of support letters where we really try to outline what is happening in the lives of these women. These are complex lives and we can outline what's been happening for them and what they're doing. It's like we are constantly watching what is happening in the lives of these women and then articulating that back to the courts through the letters. But most women who go to court because of these charges don't have anything like that, because they

don't have workers walking beside them over a long period of time and who can communicate that to a judge. It is sometimes hard to make sense of their behaviour if you look at one event, but if you put it in context of their lives, the assaults they've experienced, and the orders on them and how it all interrelates. We help them see the world from that woman's point of view.
– Support worker

SENTENCING - SUSPENDED

They just said he got a suspended sentence, but it's all mucked up there somewhere, no one explained anything. And I was just relieved that for once he was held accountable, the court recognised he had committed the crime and even though it's only one. It's on the record he has committed the crime against me. - Penny

SENTENCING - SERVE TIME

I got a DVO, through [private lawyer]. Under the court orders from Territory Families, I needed a DVO for 2 years to get my kids back, she went and spoke to him and asked him 'How long would you like this DVO for?' And he [offender] said a year, so that's what she done through the court.

The security rang me from jail and asked me to put my number on his call account. Excuse me, I've got a full "no contact" DVO on this person, then he started sending me letters from the jail, I ended up with like 30 letters from him from the jail, so the Police let me down there, so did the people in the jail... Ringing me from rehab centre, when he got out of rehab, he'd come to my house with his mother. I'd say to him you shouldn't be here. I've got a full "no contact" DVO on you. I'd ring the Police, the Police would get smart with me. They'd tell me to stop ringing them, they were sick of coming to my house. - Pamela

Many Aboriginals would rather just do their straight time and then be released with no conditions. - Lawyer

The way people are selected in prison for undergoing the violent offender program or the intensive violent offender program or the RAGE program, you really have to have a sentence of a significant level. So that many people who commit low level assaults continuously, never get to do a course and that's a resourcing issue within the prisons. Because everything is being cut back as a result of the GST cutbacks there needs to be some kind of triaging to determine who

gets to do the course. But we need to be picking it up. If there is someone who has been in a number of times, that ought to be recognised, and the next time that person comes in, that person does the course. Because I think some of these courses have considerable impact, they may not be the first time, but in the end, they do, so those programs need to be adequately resourced in the prison. - Judge

SENTENCING - UNDER SUPERVISION OF COMMUNITY CORRECTIONS

When we're formulating parole conditions, especially in the NPY lands, the women's council can assist with information, so we ensure the victim and offender live in different places. - Judge

Community Corrections oversee adherence to conditions, but don't have capacity in remote communities Eg electronic monitoring, drug testing. So, people are released with certain conditions that it is actually impossible for people to monitor. - Lawyer

He's supposed to be at Forward [rehab], but he's at the casino drinking... so I'm trying to ring everyone... I'm trying to find the button press to say he's not at Forward, what are his parole conditions? I'm trying to find out that... they're protecting him, they won't tell us his conditions because of client privilege.... I was calling everyone... Minister's advisor told me to write a letter... trying to find out parole conditions... I remember thinking how many things can go wrong in one person's dealing's with Police... mistake after mistake. Add that to the list of the unfairness of it all. That was very clear, we had a good understanding that [offender's] rights were above [victim's]... all of us knew that. - Carly

SYSTEM CONFUSION - NO LINKAGES

To me I couldn't really see the point of the Victims' Register because I'd get these letters that would say... it would tell you stuff I didn't find relevant... There was an escape from the prison... it happened on a Friday night or Saturday. How do we find out if [offender] is one of those ones who escaped? Couldn't ring the victim register mob because they're not open on the weekends. Can't ring WAS, good luck trying to get anything from Corrections. If that ever happens, how are you to know? So, you're asking your community to find out if he's out.

What is the process, who contacts them? Where are the linkages? Who can they contact? This Monday- Friday business doesn't service DV victims. This is another thing I find confusing. I was

always getting them mixed up... what role each service provided. All those services, I just thought they were the same service but obviously not. - Carly

He got released but has to report to parole officer- with condition no alcohol, no breaches. The Police told me the rough date he would be released. So, I thought Police would call me, but they didn't and when I called them, they informed me he was released a few days earlier. The Police don't explain details. Information they cannot disclose or something like that, so I have no idea. Legal aid [who were assisting with a family law matter] explained everything to me about the terms of his release and every other thing... I never heard of Victims' Register till you just explain it to me now. – Irene

Women need support, beyond just WAS, the system is hugely complex, and their needs are left out. They're just treated like a piece of evidence. They're not at all in the centre of the process, they are sidelined and marginalised. They need wrap-around support and the ability to ask someone what is happening with their case, where it's up to and what is expected of them, what their rights are. - Lawyer

Appendix F- Personal reflections and commitments

Abiding by the Chatham House Rule, these personal reflections and commitments are not attributed to individuals and are de-identified. They are reproduced here to remind workshop participants of commitments made.

- I'll be looking at own practice and changing how we do things in [organisation].
- [organisation] will be rolling out a new framework that is DV focused. We will be training our staff and key NGO partners. Want to link in with the work others are doing.
- [organisation] could improve how we regulate and record contact with victims.
- We need to look at our Internal database- [other people in our organisation] don't have access; this could be changed and include independent communication with Police. All our files should record contact and under what circumstances, so everyone is aware of contact and changes.
- Endeavour to ensure victims have access to WAS as much as possible.
- I'll spend time to explain process to victims.
- The KPMG- custodial operations group- looking at how [our organization] works end to end, we have information on offender and victim involvement to post- release. I'll bring findings to working group. There is a need to focus on the victim side of things.
- In my role - how I can empower staff to better consider victims more fully as our focus is offender related.
- If my staff are experiencing DV, I'll be thinking about what can I do- ask what they need?
- I'll keep advocating for more Aboriginal men to be part of the conversation and reminding people not all Aboriginal men are perpetrators.
- I'm reminded how important WAS is.
- I'll listen to victims!
- There is a need for cohesion between agencies and work on integral issues.

- There are opportunities for Police databases to work with new Courts database; the flow of information is critical.
- I felt reminded how a woman feels when moving through the justice system. I will take this back to the major projects I'm working on.
- There is a need for a review of the Act and its impact on victims. Much of what we talk about is not about legal reform, but about other reform. How do we move forward to create change for the whole system?
- I felt reminded that I need to keep victim/survivors at the center of what we do.
- I think the Victims' Register needs to consider the needs of victims.
- At the [organisation] we are trying to change our practice. Local courts and prosecutors can do much more than we do. Changing practices will help us achieve this goal.
- We need to hear the views of the victim – the criminal justice is only dealing with an incident not the relationship. We should redouble our efforts to use criminal cases to focus on the whole history.
- We need exposure to high quality training [in my organization]. I felt like I had an understanding of issues before this, but I am responsible for education of [colleagues]. How do I integrate my understanding with [colleagues]?
- I think it's important to acknowledge the complexity and to explore solutions together. Today we are getting all the players around the table and everyone is hearing the victim's perspective. It's getting people to think differently, and we need to keep getting together if we want to continue to have those moments.
- [Our organisation]- can work toward all victims being informed of outcomes- that is an achievable goal.
- There is a need to be victim-focused. We are getting better in this regard. It is extremely important work and we need to keep going.
- My focus beyond keeping the network alive, is to go back to basics and to do a better job when working with victims, than I did previously.
- I'm reminded of the need for early contact with the victim, and the ongoing processes of educating junior Police offices and the bench to the extent you can through the criminal justice process.

- “I have optimism”- Mary has done amazing work in the DPP and I see that in many parts of Territory Families too. NGOs have taken a heavy load on this. When I started doing legal work, things were different to what they are today. From legislation to policing, we are getting better. There is so much promise- i.e the DV court in Alice Springs, training practice and infrastructure.
- Change is happening for example - Project Zola. The project is putting facilities in for video conferencing in courts albeit slowly. Correction reform is a huge project, and there is a new approach that is developing in Corrections.
- We need to pursue ways of capturing the victim’s market in the local court. There are cohorts in the local court whom we don’t reach. We need to find ways to do that and to meet everyone’s need.
- 1100 DVOs are issued per year, 60% of all Police tasks are related to DV. I’m wondering where is the money we should spend on prevention?
- I’ll be keeping the victim central in my thinking. As we get busy changing the system, I’ll keep going back to the stories we heard today and take them with me.