



2009 Domestic Violence Liaison Officer Conference

NSWPF Academy Goulburn

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NSW Ombudsman

Thank you for inviting me to speak with all of you today.

Before I start, I would like to recognise and thank the traditional owners of the land on which we meet.

I do not often have the opportunity to speak with a group of operational police. But I was particularly keen to speak with you today as recognition of the importance I and my office place in your work as Domestic Violence Liaison Officers. I do not want to be a talking head for the entire session; I am very happy to take any questions you may have at the end, and to engage in some discussion with you.

Police officers have a challenging, difficult and regularly dangerous role. You often have to perform your duties in highly stressful situations, making important decisions very quickly. These decisions can and regularly do have very real consequences.

You do an incredibly important and under-acknowledged job. You are quite simply charged with the protection of us all. This is a vital role, and I have a great amount of respect for the work that you do.

This conference is built around discussions of partnerships. In the area of family and domestic violence, these typically are partnerships between government departments and agencies, as well as with non-government organisations. There is also the important partnership between my office and agencies, including police.

We have a thirty year history of working with NSW police. During that time, our partnership has occasionally been a fraught one. We have not always agreed on things. We have come into contact with some notorious (some would say infamous) officers and we have faced some staunch opposition to our involvement. However, I am pleased to say that we have come out the other side, and I view our relationship as a positive one, one that the vast majority of police officers have no reason to fear.

We have gone from our office investigating all complaints about police, to local area commands taking responsibility for dealing with most complaints. From a complaint system the Wood Royal Commission described as formal and legalistic with an emphasis on attributing blame and punitive outcomes we have moved to a relatively swift, efficient and fair complaint system aimed at identifying systemic improvements.

Any partnership or relationship has to be based in trust and understanding. Unfortunately, in relation to the Ombudsman/Police relationship, this is often hampered by continuing misconceptions and misunderstanding about what we do. I want to debunk some of these myths today and after addressing these, I would like to discuss some of the ways in which our organisations can and do work together to improve policing in NSW.

Before starting, I would like to remind you that you are not alone or singled out. People can complain to our office about most public servants, as well as those working in certain private sector professions. We have jurisdiction over many agencies and individuals and Ombudsman offices like mine are in place in every State, at the Federal level, as well as in most developed and developing nations around the world. NSW Police are not being singled out for special attention.

The myths

The first myth: the Ombudsman is constantly looking to bring down police, concentrating only on seeking scalps. This is not true. The core of our work is ensuring that in your work you act appropriately, and that complaints are handled correctly. I would be happy to be in a position where my office rarely has to intervene in the complaints process. Increasingly, we are focussing on systemic issues, and we are able to do this as a result of improvements in complaint handling. It is a fact that the vast majority of complaints are handled without any intervention or involvement by my office. This is assisted by the class or kind agreement we have in place with the Police Integrity Commission, which permits less serious matters dealt with by police. Of the 5,000 complaints made about police last year, 40% were handled as local management issues. But no system is infallible, and the reality is that we occasionally have to get involved. This is what the community and most police officers expect. When we do get involved, I believe that we add value both for the complainant and police.

It is also important to recognise that our office has worked hard to ensure subject officers are treated fairly during complaint investigations. We reported to Parliament on the importance of police managers identifying and supporting officers under stress. We were finding that many of the officers subject to complaints had personal and professional stresses impacting on their performance, and that these were not being dealt with correctly. We also pushed for a clear policy on the use of complaint records. Officers should know if, how and when their complaint history is going to be used in the future.

The second myth: most of the complaints made against police have no substance, and dealing with them is a waste of time. This is not true. Public officials perform public functions, funded out of the public purse. The community has a right to expect that these functions are being exercised correctly and appropriately. If anything, the extraordinary powers and responsibilities provided to police, greater than any other public servant, mean there is an accompanying need for greater openness and transparency to ensure that powers are not abused. This is a standard and expectation applied to almost all police services around the world.

For policing to be truly effective, the public has to be confident these powers are being exercised correctly, and they have to be comfortable coming forward and complaining when they feel they are not. Police officers also have to be comfortable to come forward with complaints. Last year, 36% of the complaints we oversighted were made by police about police.

The third myth: the Ombudsman requires police to spend too much time looking into trivial issues. This is not true. As with the second myth, public confidence requires that all matters are dealt with fully and appropriately. However, we are always looking for ways to speed up this process. As I mentioned earlier, we have had an agreement in place with the Police Integrity Commission which provides for police to deal with less serious matters themselves.

After Complaint Management Teams were introduced in 2003, we sat in on sessions in various commands. Even then, we stressed the need for a simpler, outcome focussed system. More recently, we have worked with police to further improve the allocation of complaint handling time and resources. Following a trial of streamlined procedures, new complaint handling guidelines have been introduced. Complaints are assessed more quickly, and a far greater number are resolved informally.

The fourth myth: the Ombudsman only deals with minor, unimportant issues. This is not true. Every couple of years, someone trots out the idea that we only deal with minor, customer service matters, while the Police Integrity Commission oversees the serious complaints. The facts are that we deal with around 98% of all police complaints. In the last year alone, we have overseen complaints where charges have been laid relating to serious assault, sexual assault, drug offences and domestic violence.

What we can add

And the fifth and final myth for today; the Ombudsman is only involved or interested in complaints. This is the most disappointing to me of all, because it greatly underestimates the breadth of our work with police, as well as the potential benefits of our involvement. We do so much more.

For example, we review the application of new police powers. These reviews have largely been well received, with police accepting the majority of our recommendations. Recommendations made after hearing first hand from officers what works and what doesn't.

Our project work is also important; it allows us to go beyond the theory to look at what is actually happening in practice. The best policies and procedures are of little or no use if they are ineffective, or are not being correctly applied. We go out and speak with front line police, staff from NGOs, other government departments and community members. Their experiences and observations inform our findings and recommendations. In many cases, it can be their comments that alert us to a particular issue, and often it is their suggestions that provide solutions to problems.

I would like to focus on a couple of examples of this type of work.

The first example is our audit of the implementation of police's aboriginal strategic plan. For almost eight years, we have worked closely with police and communities as part of these audits. We conducted 36 separate audits of Local Area Commands in rural and regional areas. These were not just one-off, whistlestop visits. We went back several times, and we kept in contact with all those involved in between visits.

In our final report, we outlined a range of areas for improvement. We also highlighted a number of very promising projects and initiatives that were already operating. Those running these projects were then able to use our comments to secure additional funding. Our recommendations were well received by police, and I am pleased to say that the auditing process allowed us to develop ongoing strong relationships with both police and aboriginal communities. The success of this work also contributed to the recent Wood special commission recommending my office audit the implementation of interagency plan to target aboriginal sexual assault in aboriginal communities.

The second example is a project I am sure many, if not all of you would be aware of. In 2006, we released a report entitled *Domestic violence – improving police practice*. As part of this project, we reviewed over 450 of our files involving domestic violence in some way, spanning a two year period. We asked all DVLOs and Crime Coordinators from across the State, as well as a number of other groups, to complete written surveys. This allowed many of you to share your experiences and often your frustrations, and many of these are documented in our final report. We also met with many DVLOs Local Area Commanders and Crime Managers.

At the end of these projects, we make a range of recommendations aimed at improving practices. But this is not the end of our involvement. We monitor the implementation of these recommendations. With domestic violence, we have remained involved, forming part of a steering committee responsible for bringing about changes to the way police respond to domestic violence. We also often revisit an issue to assess what has changed. At the moment, we are conducting an audit of domestic violence complaints, looking both at those that were referred to our office as well as matters dealt with as local management issues. We will be discussing our findings with police once the audit is completed.

I have been pleased in the last few years to see that many of our recommendations around domestic violence policing have been taken up. These include:

- funding to equip all front-line police cars and stations with domestic violence evidence kits
- the establishment of a new family and domestic violence unit
- more training for police officers, judges and magistrates
- reform of the AVO system to better protect children affected by domestic violence
- funding the expansion of the women's domestic violence court assistance scheme.
- updating the Domestic and Family Violence Standard Operating Procedures, as well as producing a publicly available domestic and family violence policy
- 35 new police officers to target domestic violence in 'high risk' areas, and
- a greater focus on an effective interagency response.

Interagency cooperation

Of these developments, a better interagency response is crucial. Without it, people and families will continue to slip through the cracks, and potentially dangerous situations will go un-noticed until it is too late.

Many of the problems faced by our community, particularly domestic violence, do not occur in a vacuum. They involve entire families, and most concerningly, they often involve children. These families and children will often come into contact with multiple government and non-government agencies.

Domestic violence is often also a child protection issue. A 2005 survey found that 57% of women experiencing violence by a current partner reported they had a child in their care at some time during the relationship, and 34% said these children had witnessed the violence. 40% who experienced violence by a previous partner indicated children had witnessed the violence. This is supported by our work around child deaths. Domestic violence continues to be one of the most common issues present in the lives of children known to DoCS whose deaths we review each year.

The recent special commission into child protection agreed with our view of the importance of interagency cooperation on a range of issues, including domestic violence. The most significant change recommended is to the mandatory reporting system and these changes will have a significant impact on police. You may know that of the 300,000 risk of harm reports received each year, approximately a third are made by police.

The recommendations of the special commission will mean the bar for reporting will be set higher. Agencies will now report risks of significant harm. This recommendation is aimed at creating a more intelligence driven child protection system. It is accompanied by the creation of Wellbeing units in each lead agency including Police. These units will deal with matters that do not reach the new higher threshold. A real challenge for police will be how these lesser matters which still alert us to risks with children and families are dealt with, particularly in light of concerns around the resourcing of involved NGOs.

This is something we will be watching closely and I know it is one of the topics you will be discussing tomorrow.

Conclusion

The future success of our relationship is built on two things: respect and recognition. We must always make sure we respect your experience, your professionalism and the value of your work. We must also respect the situations in which you are placed. As I said at the start, we recognise the challenges you face – day in/day out.

For the partnership to work, the respect and recognition has to go both ways. You need to understand and respect the role that we are performing, and recognise that we can add to, rather than subtract from, your effectiveness. A co-operative, respectful relationship will ensure the best outcomes. Finally, it is very important to remember that you have been provided with a great amount of responsibility by the community. My office is there to ensure that that power is exercised appropriately and fairly, so the people of NSW can remain confident in you maintaining and exercising those powers.

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