DOMESTIC VIOLENCE AND CHILD PROTECTION: A POLICE RESPONSIBILITY?

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Abstract
In 1997, the authors undertook a collaborative research project with Barnardos, Australia, exploring domestic violence and child protection. The aim of the project was to develop and articulate a set of practice and policy principles to enhance future intervention with non-offending parents (over 98% of whom are women) and their children.

The project involved three sages: observation of intake procedures at statutory child protection offices, including interviews with intake workers and managers; focus group interviews with practitioners (including police) working in statutory and non-government agencies; and interviews with women, young people and children who have lived with domestic violence.

The paper draws on data obtained in the first two stages of the project. In the first stage of the project, the Police were identified as the main group to report children to the Department of Community Services, who were at risk because of domestic violence. In the second stage of the project again, the critical role played by the Police was identified. Practitioners recounted varying policing responses ranging from pro-active approaches to policing domestic violence, to minimal responses. This paper will consider the implications of these differing responses for the ‘policing of women’.

Introduction
Over the last several years police have increasingly been called to protect and assist victims in domestic violence incidents. Children are present in a high percentage of these situations. In NSW Domestic Violence Standard Operating Procedures (NSW Police Service, 1997a) provide police with policy and practice protocols to assist in the policing of domestic violence. Similarly the Child Protection Procedures for Recognising, Notifying and Responding to Child Abuse and Neglect (NSW Police Service, 1997b, 10) provide police with directions for dealing with children in domestic violence situations. These procedures state that, when a child has been present at a domestic violence incident: as a victim, as a witness, as a perpetrator, police must notify the Department of Community Services. Police must also complete a Child Notification Form and fax a copy to the local Department of Community Service Office.

This paper will explore the role of police in domestic violence and child protection. It will draw from research currently being undertaken which explores the child protection implications of domestic violence.

This project is being undertaken with an industry partner, Barnardos Australia. It comprises three discrete stages employing a range of different data collection methods. The first stage involved observation of intake practices as well as interviews of intake workers and assistant managers at five local offices of the Department of Community Services. In addition a sample of these referrals will be tracked over a two year period to ascertain the child protection practices that ensued following intake. In the second stage of the research focus group interviews were conducted with practitioners who are working with women and children who have lived with domestic violence (both in statutory and non-statutory organisations). The focus groups explored the policy and practice issues workers confront in relation to domestic violence as well as the strategies that they have found useful. In the third stage, which is currently being conducted, women, young people and children, who have lived with domestic violence, will be
interviewed. This paper will draw from data obtained in the first two stages of the project. In the first stage of the research although police were not the subject of the observation they nevertheless play a critical role in notifying children who are exposed to domestic violence. In the second stage there were three focus groups with police and police participated in several other focus groups. The issue of policing was raised in every focus group.

The context of the research
Over recent years interest around domestic violence and child protection has been increasing in Australia. This is evidenced by the growing attention to the issue in the media, the number of conferences dedicated to the issue and an increase in research in the area. While feminist practitioners have long been aware of the effects on children of living with domestic violence, it is only in the last few years that other practitioners in the human services have considered the implications of this knowledge for their practice. Research in the area has tended to focus on domestic violence and child abuse, resulting in the acknowledgment of a link between the two areas. More recently researchers have begun to explore the child protection implications for children who are living with domestic violence (Gibbons, Conroy and Bell 1995; Farmer and Owen 1995)

In New South Wales (NSW) in June 1994 the New South Wales Department of Community Services (DCS) introduced a new ‘child at risk’ notification category to permit the recording of domestic violence as a key factor in child protection allegations. The introduction of this category emotional abuse due to exposure to domestic violence (E80) evoked strong responses from professionals working in the areas of child protection and domestic violence. On the one hand these ranged from vehement opposition, because of the increased likelihood of punitive responses towards women who could be perceived as failing to protect their children. On the other there was strong support as this inclusion was seen to have the potential to assist in the development of innovative and creative approaches to child protection work (Irwin and Wilkinson, 1997). It was in this context that the three year research project exploring the child protection issues in relation to domestic violence in New South Wales commenced.

Children Living with Domestic Violence – The Police Role

The remaining sections of this paper will focus on the results from this research as they relate to the policing of domestic violence where children are present. The relevant data from Stage I of the research project followed by the data from Stage 2 will be presented. The paper will conclude with an examination of the implications of this research for policing.
Stage 1 – Observation of Intake Practices at DCS

Notifications of children at risk are made to the Department of Community Services. At the point of intake the notification is termed as a referral. The referrals are dealt with by intake teams and assessed or investigated or referred to community based agencies. It is this process that we observed in our research at the community service centres. In total 472 intake referrals were observed by the researchers at the five community service centres during the respective 20 day period (Irwin, Waugh, Wilkinson, 1998). This did not account for the total number of referrals received at each of the offices as the researchers were not able to observe all the referrals in those offices receiving high numbers of referrals. There are 43 official abuse codes that an intake worker can use when identifying the major concerns in a referral. Those abuse categories which included twenty or more referrals during the observation period were: domestic violence, physical harm, neglect, inadequate supervision for age, alcohol and/or other drug concerns, sexual harm and family wellbeing concerns for the child. The remaining observed cases were combined to produce a category called ‘other’ (see Table 1).

Of the 472 referrals 107 (22.6 per cent) were on primary grounds of domestic violence. The next highest primary code was physical harm accounting for 71 (15 per cent) of the referrals. This was followed by harm: neglect and risk of inadequate supervision for age both numbering 29 of the referrals. The next highest code was carer alcohol and or other drug use, numbering 28 of the referrals. This was followed by harm: sexual (25 referrals) and family: wellbeing concerns for the child (24 referrals) (See Table 1).

The highest second codes were domestic violence and family wellbeing concern for child each numbering 27 referrals. This was followed by 23 referrals for both carer: alcohol and or other drug use and harm: neglect. Nineteen domestic violence referrals accounted for the highest number in the third codes. This was followed by family: wellbeing concerns for child for 15 (3.2 per cent) of the referrals.

Table 1: Primary reported issue/harm during the 20 day period of observation at the five community service centres

<table>
<thead>
<tr>
<th>Primary reported issue/harm</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic violence</td>
<td>107</td>
<td>22.6</td>
</tr>
<tr>
<td>Harm: physical</td>
<td>71</td>
<td>15.0</td>
</tr>
<tr>
<td>Harm: Neglect</td>
<td>29</td>
<td>6.1</td>
</tr>
<tr>
<td>Risk: Inadequate supervision for age</td>
<td>29</td>
<td>6.1</td>
</tr>
<tr>
<td>Carer: alcohol and/or other drug use</td>
<td>28</td>
<td>5.9</td>
</tr>
<tr>
<td>Harm: Sexual</td>
<td>25</td>
<td>5.3</td>
</tr>
<tr>
<td>Family: Wellbeing concerns for child</td>
<td>24</td>
<td>5.1</td>
</tr>
<tr>
<td>Other (representing 23 codes)</td>
<td>159</td>
<td>33.9</td>
</tr>
<tr>
<td>Total</td>
<td>472</td>
<td>100</td>
</tr>
</tbody>
</table>
The Source of the Referrals
Police were the highest group of notifiers during the research period accounting for approximately one quarter (116) of the referrals overall. Three quarters of these police referrals were faxed and the remaining quarter were telephoned to the intake workers. Three fifths of referrals received from the police concerned domestic violence. The remaining two fifths involved ten other issues/harms including risk: risk of (physical) harm/or injury, carer: alcohol and/or other drug use, harm: neglect, harm: physical, harm: sexual (See Table 2).

Table 2: Nature of the primary reported issue/harm by the top three notifiers

<table>
<thead>
<tr>
<th>Code</th>
<th>The notifiers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Police</td>
</tr>
<tr>
<td>BO1 Carer: Adults behaviour - domestic violence</td>
<td>51</td>
</tr>
<tr>
<td>B02 Carer: Alcohol and/or other drug use</td>
<td>6</td>
</tr>
<tr>
<td>B06 Carer: Emotional state</td>
<td>2</td>
</tr>
<tr>
<td>B07 Carer: Carer: Financial problems</td>
<td></td>
</tr>
<tr>
<td>B09 Carer: Marital relationship problems</td>
<td></td>
</tr>
<tr>
<td>C01 Family: Behaviour Mgmt difficulties with child</td>
<td>2</td>
</tr>
<tr>
<td>C02 Family: Homelessness - Child (No safety/risk issue)</td>
<td></td>
</tr>
<tr>
<td>C07 Family: Wellbeing concerns for child</td>
<td></td>
</tr>
<tr>
<td>D05 General: custody/Access Issue (No safety or risk issue)</td>
<td>1</td>
</tr>
<tr>
<td>F01 Harm: Abandonment/Desertion</td>
<td></td>
</tr>
<tr>
<td>F02 Harm: Alcohol and/or other drug abuse by child</td>
<td>1</td>
</tr>
<tr>
<td>F03 Harm: Emotional</td>
<td></td>
</tr>
<tr>
<td>F06 Harm: Neglect</td>
<td>6</td>
</tr>
<tr>
<td>F07 Harm: Physical</td>
<td>6</td>
</tr>
<tr>
<td>F08 Harm: Sexual</td>
<td>6</td>
</tr>
<tr>
<td>G01 Risk: inadequate supervision for age</td>
<td>1</td>
</tr>
<tr>
<td>G03 Risk: Child's sexual behaviour inapp. for age</td>
<td>4</td>
</tr>
<tr>
<td>G05 Risk: DV Child harmed whilst intervening</td>
<td>3</td>
</tr>
<tr>
<td>G06 Risk: DV - Child witnesses violence</td>
<td></td>
</tr>
<tr>
<td>G08 Risk: Risk of (physical) harm/or injury</td>
<td>7</td>
</tr>
<tr>
<td>G09 Risk: Risk of (sexual) harm/or injury</td>
<td>3</td>
</tr>
<tr>
<td>G10 Risk: Suicide risk - child</td>
<td></td>
</tr>
<tr>
<td>H08 Mandate: Runaway child</td>
<td>1</td>
</tr>
<tr>
<td>unknown</td>
<td></td>
</tr>
<tr>
<td>information only</td>
<td>4</td>
</tr>
<tr>
<td>missing</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>116</td>
</tr>
</tbody>
</table>

The second highest group of notifiers was school principals, referring 69 children, three twentieths of the referrals. The highest concern referred was harm: physical (15). The next highest categories referred by school principals were family: wellbeing concerns for child and harm: sexual (8 each). Parents were the third highest source of referrals, relating concerns regarding 58 children (See Table 2).
Domestic Violence Referrals
There were 125 referrals (just over 26 per cent) that included allegations concerning domestic violence (107 as the primary code of abuse and 18 as the second code of abuse). In those referrals where the primary code was domestic violence, the highest second code related to drug and alcohol abuse (10) and the third highest code concerned risk of (emotional) harm/injury (7). It is interesting to note that between June 1994 and January 1997, after the introduction of *emotional abuse due to exposure to domestic violence* this category accounted for approximately 10 per cent of the total notifications (New South Wales Department of Community Services, 1998). Our research indicates that there has been a significant increase in the proportion of referrals that involve domestic violence as a primary reason for the abuse allegation. An analysis of the statistics of the three months before and after the observation at the five offices showed a comparable number of domestic violence notifications as was found during the data collection period.

*Source and mode of reporting the domestic violence referrals*
The police were the main source of the domestic violence referrals (just over 55 five per cent - see Figure1). This rate of referral from the police is twice as high as the period during which the earlier domestic violence category had been in existence (that is from June 1994 until January 1997). This figure suggests that the police directive that officers must notify DCS of all matters in which domestic violence occurs where there is a child present in the house, has increased the number of reports on domestic violence considerably. The second largest source of referrals on grounds of domestic violence during the period of observation was from community organisations, just under 13 percent.

The most common method of domestic violence referrals was by fax (over 43 per cent) with the police most commonly referring this way. Given the police directive to fax information to DCS it is not surprising to learn more than 72 per cent of the total referrals made by police were received by fax. This however posed some problems in some DCS offices as there was often insufficient information in the fax and it was often difficult to obtain this as the police concerned were often difficult to contact to obtain the necessary information. The most common means to refer domestic violence issues for those other than the police was by telephoning DCS occasionally followed up with a fax.

*Breakdown of Police Referrals*
Overall the police made 116 referrals with 59 per cent (69) of these being as a consequence of domestic violence. In 48 per cent of the police referrals there had been no previous notification. This compares to 46 per cent of all referrals in the research project. Of all the police referrals 63 per cent resulted in notifications requiring either ‘immediate action’ or ‘other planned action’. This compares with 66 per cent of all referrals from all other sources (excluding the police).

Of the total domestic violence referrals two thirds were ratified by the assistant managers as notifications requiring either ‘immediate action’ or ‘other planned action’ and one quarter were deemed to be ‘intake only’. Thus, if the referral was made on the basis of domestic violence concerns there was a higher likelihood that it would be recorded as a notification for immediate action than in the total sample. The question arises as to whether the police as the main source of referrals in domestic violence issues influenced the higher rate of notification in relation to
domestic violence. The outcome of the police’s domestic violence referrals was notifications for two thirds, ‘intake only’ for nearly three tenths and a decision about four of the referrals had not been finalised at the completion of the observation period. Excluding the domestic violence referrals made by the police, three quarters were entered on the CIS as notifications requiring either immediate action or other planned action, 16 per cent were deemed to be notifications – ‘intake only’ and the remaining four constituted ‘information only’. This suggests that it is not only the police who are a source of serious concerns about domestic violence which result in a notification requiring either ‘immediate action’ or ‘other planned action’.

Stage 2- Focus group interviews
Twenty-two focus group interviews were held with practitioners who work with women and children who have lived with domestic violence. The focus groups were held in rural and urban NSW, and participants came from both government and non-government organisations. Three focus groups were held with police and, in addition, police attended several other general focus groups. The data concerning police fell into two main categories, firstly the issues confronting police in dealing with domestic violence where there are children present and secondly the views held by practitioners about the policing of domestic violence.

Issues confronting police in responding to situations of domestic violence when children are present
a) Some of the issues identified by police related to the conditions under which they worked. These included
the sheer size of the workload - at some stations DV is the main focus of the work 130-140 -call outs a month
the heavy workload often means that police are reactive in situations when they would prefer to be pro-active and there is little opportunity for taking an educational role
decrease in the numbers of DVLOs with more officers required to perform their DVLO role on a part-time basis
workloads are heavy so DVLOs are ‘burnt out’
age and gender of police can be an issue in that younger police inexperienced and female police are more responsive to children
‘the amount of time it takes in dealing with one domestic violence job’
residents in some areas have phone bars (because of poverty can only get incoming calls) and can only phone out on 000 which means that the police get large numbers of calls in those areas.
limited resources can lead to delayed response times in domestic violence incidents
limited time often means that police are not able to ‘provide consistent response’ in reports concerning children to DCS
lack of time to become familiar with current policy changes which affect practice.

b) Some police commented on issues that posed problems for them when called out on a domestic violence incident. Many of these were framed in terms of unco-operative women who were the victims of domestic violence. Some participants considered that their policing role was made more difficult when:-
women allow the perpetrator into the house and then when there is violence
women keep presenting but refuse to take action
women who are victims of domestic violence are aggressive and consider the police are intruding in their family life
negative attitudes towards police are present especially if children have to be notified
c) Police identified both training and clear policy guidelines as important in enhancing the management of domestic violence incidents. In particular it was noted that:

- ‘police need to be mindful of the correct procedures and follow through on them’
- there was insufficient training on how to deal with domestic violence
- the policy guidelines are available but not all police are aware of them

Views about the policing of domestic violence
Practitioners identified numerous issues in relation to the police responses to domestic violence. The responses fell into four main areas.
There were numerous comments about police and Apprehended Violence Orders (AVO).
These included:
- police were often inconsistent in their responses to breaches of AVOs.
- some police are reticent to put children on AVOs
- some police do not take out interim telephone orders

Many comments related to the police’s understanding of domestic violence. These included:
- limited understanding by some police about what behaviours constitute domestic violence
- the police tendency to minimise violence
- the reluctance of police to respond at times
- the literal interpretation of children ‘witnessing’ by police
- lack of understanding by police about the dynamics of domestic violence

There were many comments on the issue of notification of children to DCS
- the police often having a different interpretation of what witnessing constitutes
- some police not aware of the requirement to notify DCS if children are present in the household where there is a domestic violence incident
- inadequate details on faxed notifications by police
- police often do not know how to talk to children

There were several comments related to women from non-English speaking backgrounds, women living in rural and remote areas and Indigenous Australian women. These included:
- the lack of sensitivity by some police towards women from non-English speaking background
- inappropriateness of police using children as interpreters
- minimal or no response when dealing with domestic violence in relation to Indigenous Australians
- the activation of warrants often several years old particularly against Indigenous Australians
- concerns about the racist attitudes of some police
- lack of police presence in some rural areas resulting in a delayed response.
- misogyny of some Police – discounting women’s experiences of violence.

Useful Strategies
Participants in the focus groups identified several useful strategies in responding to domestic violence where there are children present. The most frequent response was related to interagency approaches. Other strategies pertaining to the police related to community consultation, community education, policing practices, police training and policy development.

Interagency approaches included taking a co-ordinated approach to dealing with domestic
violence involving all the players including the police. Several participants referred positively to
the joint investigative teams which have begun to operate in some parts of NSW. Working
collaboratively and sharing of information was seen as critical. Also improved liaisons between
Police and DCS staff was considered to be important in overcoming the lack of feedback from
DCS. In some areas this was facilitated by regular meetings between DVLOs and DCS staff.
Also police participation in local domestic violence committees was seen to reflect their
commitment to working towards the prevention of domestic violence.

The importance of police consulting and liaising with indigenous communities was raised by
indigenous refuge workers as being central if police were to be responsive to the needs of
indigenous women who were experiencing domestic violence. This practice has commenced by
a DVLO in a rural area of NSW. Other innovative programs by police with NESB women in
which information about their rights and the rights of their children was provided had
commenced. These approaches reflect a pro-active policing policy.

The police’s critical role in community education, of raising public awareness about domestic
violence was considered to be an important strategy. The police’s support of the national “Stop
domestic violence day against women” reinforces the criminality of domestic violence.

Some general duties police considered they were removed from the development of future
policy and procedures and some DVLOs spoke about the importance of creating mechanisms
by which DVLOs are able to present the issues affecting general duties police as they implement
the DV policy to senior police. In this way future policy development is informed from grass
roots rather than from the top down. Having access to senior police officers, DVLOs, as well as
peer support and being provided with the opportunity for informal debriefing were seen to be
important factors which could assist with the ongoing development of less experienced police
officers.

Conclusion
Good policing practice around domestic violence is critical. Arguably more and more police
time is taken up dealing with domestic violence incidents. In a large proportion of these
situations there are children present. Achieving good policing practice is difficult when there is a
continuing eroding of resources. Limited training in dealing with domestic violence means that
police are frequently faced with complex, difficult and unpredictable situations in which they are
required to make judgements about the safety of women and children. Hence, more training
(including initial and ongoing training) in dealing with women who have been abused and their
children would be beneficial to general duties police. While NSW Police (1997a) Domestic
Violence Standard Operating Procedures stress the importance of interagency work this is
often restricted by the demanding workloads. Partnerships between police, other government
departments and community agencies appear to be an effective way of providing protection and
support to women and children living with domestic violence. In this way the responsibility for
responding to domestic violence can be shared enabling police to develop a more pro-active
response.
References
NSW Department of Community Services (1998) Information and Research Unit, Data on domestic violence notifications.