

## Country Reports

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## Department of Justice activities: violence against women and child sexual abuse

Country: South Africa

The Department of Justice has embarked on a number of initiatives in order to carry forward and realise its commitment to effectively and holistically address the problem of violence against women and children. The initiatives set out below seek to protect and improve the quality of life of these vulnerable groups. They are one of the priorities on the agenda of the Department.

### SADC declaration on the prevention of violence against women and children and accountable framework

A strategy developed in the past year aimed at improving regional collaboration resulted in the SADC Conference on the Elimination of Violence Against Women, held in March 1998. At the conference, all SADC states committed themselves to implementing a number of agreements within the context of collective monitoring. A Draft Declaration on the Prevention of Violence against Women and Children, to be signed by Heads of SADC States was the result, and was accompanied by an Accountability Framework, to monitor the Declaration's process and progress. The Framework also provided a holistic outline of priority interventions required to deal effectively with various types and aspects of gender based violence and violence against children.

### National policy guidelines for victims of sexual offences

The policy guidelines and a brochure for victims were launched on 26 September 1997. The guidelines were developed intersectorally to help sensitise services provided to help survivors of sexual violence.

There is an ongoing awareness that will be intensified and reviewed. Training on the guidelines will continue to be offered to relevant personnel within the criminal justice.

The guidelines are used by service providers to promote an efficient, effective and responsive service delivery to victims of sexual violence. They also promote the reduction of secondary victimisation often experienced by victims of sexual offences within the criminal justice system.

### Gender Policy Considerations document

A draft Gender Policy Considerations document has been developed, and consultative workshops were held with civil society and focus groups including religious groups, traditional leaders, legal profession and organised labour. The policy is in the process of finalisation. Justice personnel will be given training on Gender Analysis, diversity awareness, and on violence against women, with an emphasis on integrated approaches.

### Domestic violence

A Domestic Violence Bill has been tabled in Parliament. It addresses inadequacies in the Prevention of Family Violence Act of 1993. Improvements include strengthened early intervention measures by way of outlawing stalking, removing financial constraints (waiver of fees for interdicts) and making it easier to obtain protection orders and secure arrest when such order is violated. The bill also

provides that the court may order that the abuser leave the common home and still be responsible to discharge mortgage or rental payments.

## **Special courts**

Courts that specialise in dealing with sexual offences have been set up as pilot projects in the Western Cape province. The conviction rate at these courts is estimated at 69 per cent. These courts are currently set up in Wynberg, Mitchell's Plain and Parow. In collaboration with key role players, the office of the newly appointed National Director of Public Prosecutors will develop a national policy on prosecutions relating to all forms of violence, which includes violence against women and children.

Family courts are in the process of being set up. These courts will have jurisdiction in all family related matters, including domestic violence. Victim empowerment and support is a priority of these courts.

## **Equipment in the courts**

Closed circuit televisions and one-way mirrors have been installed in approximately 200 courts countrywide in order to protect witnesses under the age of 18 years, who may well suffer emotional distress if made to testify in an open court. Such witnesses testify through an intermediary in a separate room adjacent to the court.

## **Pre-trial services**

Pre-trial services have been established as part of victim empowerment at a number of courts. Victims are supplied with information brochures that inform them about their rights, responsibilities and the law. Victims receive trauma counselling and are assisted with the completion of family violence interdicts.

Bail management, which entails monitoring if the accused complies with bail conditions and providing necessary information to the police in case of non-compliance, is also part of the functions of the pre trial services.

## **Information desks**

Some courts have established information desks that offer legal information, advice and referral to appropriate agencies. These desks are staffed by personnel with specialist knowledge of the law. They are also trained to receive complaints on poor treatment received in courts. Victims can approach these desks for information and advice on their rights.

## **Sexual offences against children**

An Issue Paper on sexual offences against children has been produced and disseminated to the public for input. The SA Law Commission also has a mandate to include adult victims in the investigation. The envisaged legislation will promote the protection of all victims of sexual offences.

## **Commission on Gender Equality Act No. 39 of 1996**

It provides for the establishment, powers and functions of a state institution supporting constitutional democracy, the Commission on Gender Equality.

This independent Commission has responsibility for:

- monitoring and evaluating policies and practices of state departments, statutory and public bodies and authorities, private businesses and enterprises and institutions, in order to promote gender equality and to make any necessary recommendations
- developing, conducting and managing information and education programmes in order to foster public understanding of matters pertaining to the promotion of gender equality and the role and activities of the Commission
- evaluating Acts of Parliament, systems of personal and family law or custom, systems of indigenous law, customs or practices, or any other law in force, that affects or is likely to affect gender equality or the status of women.

The Commission on Gender Equality has already been established.

## **Criminal Procedure Act No 85 of 1997**

The Criminal Procedure Act restricts the granting of bail in certain circumstances. Before granting bail, there are several things the court must consider, including:

- the nature of offence
- did the offence induce shock or outrage in the community?
- whether the release of the accused will put peace and security of members of the public will be put at risk
- whether the release of the accused will undermine or jeopardise public confidence in the criminal justice system.

## **Criminal Law Amendment Act No 105 of 1997**

Minimum sentences for offences such as rape where a firearm or dangerous weapon was used or assault with intent to do grievous bodily harm on a girl under the age of 14 years:

- a minimum sentence for a first offence is 15 years
- a minimum sentence of 20 years for a second offence
- a minimum sentence of 25 years for a third or subsequent offence.

## **Witness protection legislation**

Legislation establishing the National Witness Protection Directorate has been enacted. More than 700 witnesses and their family members are currently being protected under the Witness Protection Programme. Victims of gender-based violence as well as child victims also benefit under the Witness Protection Programme.

## **National Prosecuting Authority Act No. 32 of 1998**

As contemplated in the Act, the National Director of Public Prosecutions has been appointed and is attending to the development of a National Prosecutions Policy and guidelines.

The National Director of Public Prosecutions is expected to play a pro-active role in promoting the institution of prosecutions in cases of violence against women and children.

## **Training**

Attorneys-General's offices have distributed to prosecutors copies of the National Policy Guidelines on Victims of Sexual Offences, to assist them in dealing with cases of sexual violence against women and children.

Training on substantive procedural law relating to violence against women is offered by Justice College. A 'train a trainer' programme started in June 1998 for service providers within the Department of Justice, namely prosecutors, clerks, interpreters and magistrates. The aim of the strategy is for the training to filter down from the trainers to all service providers who come into contact with victims of violence. Discussions are under way to implement similar initiatives for providers in the other departments involved in the National Crime Prevention Strategy, namely South African Police Services, Department of Health, Department of Welfare and Department of Correctional Services.

## **Public outreach campaigns**

A number of public outreach campaigns on violence against women and children have been launched. These include the Campaign on the Prevention of Violence against Women, the Constitutional Week Campaign on Children's Rights and Child Abuse (with a special emphasis on Violence against the Girl Child) and Open Court Days. The purpose of these activities was to educate the public about court procedures, the law, their rights and duties.

The Constitutional Week Campaign on Children's Rights and Child Abuse included information sessions by judges, magistrates and prosecutors at schools countrywide. School children were informed on how courts protect the rights of child victims of violence, particularly sexual violence.

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## Family violence policy

Country: New Zealand

The policy has been divided into two parts:

Part I outlines the broad range of Family Violence including protocol development, investigation and arrest, bail, firearms, support for victims and reporting practices.

Part II outlines procedures and practices associated with the Domestic Violence Act 1995 and the enforcement of protection orders.

### PART I: Family violence issues

#### Introduction

In 1987 the New Zealand Police adopted a more positive approach when dealing with violence arising out of domestic incidents – victims of violence were provided with appropriate and timely support and offenders were arrested. Prior to this policy change, the Police endeavoured to mediate the parties and reconcile interests. This latter approach was short-term and did not challenge the underlying causes of family violence.

The term 'family violence' includes violence that is physical, emotional, psychological and sexual abuse. It includes intimidation or threats of violence. The term 'family' includes such persons as parents, children, extended family members and whanau, or any other persons involved in relationships. Examples of such relationships include partners, caregivers, boarders, flatmates and persons in same-sex relationships, but does not include neighbours. This definition has the same meaning as sections 3 and 4 of the Domestic Violence Act 1995 relating to the meaning of 'domestic violence' and 'domestic relationships'.

This policy promotes and acknowledges that the protection of the victim is paramount. Victim protection is best attained by stopping the violence, and implementing a process that brings the offender into the criminal justice system.

The policy recognises developments in family violence policy and practices, and the benefits of positive intervention. Policy and practice are based upon three core principles:

- protection of victims (including children who witness family violence)
- holding assailants accountable
- consistent practices across agencies and groups.

#### An inter-agency approach

Successful models for responding to family violence suggest the implementation of a coordinated and inter-agency approach within a framework of locally developed protocols. The principles of 'consistent messages' and 'no gaps in services' should underpin local responses. Protocols must include reference for appropriate support and protection for victims, suitable programmes to rehabilitate offenders, and procedures for local monitoring and evaluation of services. 'Fast-track' options for court hearings are an option.

Where resources are available within local communities, an inter-agency network should include representation from the following:

- Women's Refuge
- Victim Support
- Perpetrator 'Stopping Violence' Programme
- New Zealand Children and Young Persons' Service
- Community Corrections
- Family Court
- District Court
- Maori/iwi Family Violence Service Providers
- Safer Communities Councils
- Police.

The above list is not exclusive and the composition of any inter-agency network must also recognise the demographics, cultural and ethnic populations within the different communities.

Where no existing inter-agency networks have been established, and where Safer Community Councils are unable to facilitate such networks, police must take action to initiate discussions and the development of local protocols and networking arrangements.

## Children and the effects of family violence

Research suggests that in about 70 per cent of reported family violence cases, children or young persons have been present or have witnessed the incident. Children and young persons are often victims of family violence-related assaults, or can suffer trauma from witnessing family violence. (The term 'child' includes young persons as defined by the Children and Young Persons and Their Families Act 1989 from this point).

As a matter of best practice, attending police officers must ascertain whether children are involved as victims or have witnessed the incident under investigation. In the interests of child safety, it may be necessary to speak to the children directly.

When support agencies receive requests for crisis intervention from attending police officers, they must pay full cognisance to the safety and protection of any children present.

In most instances, the interests of the children are best met by a child advocacy service or agency. Such service or agency as a matter of good practice, is required to liaise with the police, New Zealand Children and Young Person's Service, and other family violence service providers.

The child advocacy service is responsible for ensuring full consideration of the child's interests and that appropriate interventions are established to afford maximum protection. Such consideration must reflect the principles of the Children and Young Persons and Their Families Act 1989.

Where the immediate safety of the child is considered to be at risk, attending police should liaise directly with the New Zealand Children and Young Person's Service for appropriate action to be undertaken in accordance with existing child abuse protocols.

Where required, details of the child's involvement should be made available to the New Zealand Children and Young Persons' Service, support agencies or child advocates, as agreed by local protocols.

## Investigation practices

Family violence offences and incidents have the potential to include a wide range of crimes. These range from homicide, sexual offences, assaults, threatening behaviour, wilful damage, trespass and

burglary, to incidences where no criminal offence has been committed, but still require some police involvement.

Police called to attend situations involving family violence as outlined in Appendix 1 must treat such situations seriously and action taken must focus on:

- protection for victims (which includes children who may have witnessed the violence)
- identifying and investigating offences; and
- arresting officers

Sound response and investigation techniques must be followed, including:

- querying the family violence database to obtain information relating to previous complaints, the existence of orders, and any access to firearms – a staff safety imperative
- asking the direct question, 'Are there any firearms or weapons in the home? Does the offender have access to firearms or weapons?'
- having the victim identify the offender and the nature of their relationship
- having the victim outline the complaint in front of the offender
- noting the offender's response
- establishing the identity of all parties present during the offence or incident and interviewing those persons
- noting injuries to the victim or damage to property
- photographing the victim and requesting the victim undertake a medical examination, if required.

## Arrest

Offenders who are responsible for family violence offences shall, except in exceptional circumstances, be arrested. In the rare case where action other than arrest is contemplated, the member's supervisor must be consulted.

## Police bail and custody

Where an arrest has been made, the offender should be kept in custody until the next available Court hearing.

If circumstances indicate that it may be appropriate to bail the offender, full consideration must be given to all of the issues, including the safety of the victim, together with provisions of the Bill of Rights Act 1990. The authority of an NCO must be obtained before an offender is to be released from police custody. Before the offender is released, Police must ensure that the victim is informed of the intention to release and is afforded appropriate protection and/or support.

Conditions of bail, including the imposition of non-association clauses, residency clauses and curfews, may be applied, pursuant to amendments to the Summary Proceedings Act 1957. The victim should be given an opportunity to discuss any conditions that may be imposed. Care must be taken when imposing bail conditions. Conditions must be practical and where possible, must not interfere with the offender's ability to remain in employment.

Victims must be advised of any conditions of bail pertaining to the offender. This can be achieved by providing victims with a copy of the bail bond. Breaches of bail are to be regarded as serious. Offenders who breach their conditions of bail shall be arrested and kept in custody until the next available Court hearing.

## Support and information for victims

Police believe that all victims of family violence must have access to appropriate and timely support and information about services and remedies.

All agencies responsible for the delivery of local community family violence services must negotiate protocols establishing responsibilities, expectations and boundaries for service delivery.

District commanders must ensure that appropriate responses to family violence cover the entire district and are not limited to urban areas. Gaps in support services or resources should be identified and strategies developed among agencies to provide appropriate and timely support for victims. They must also ensure that local protocols identify how appropriate support agencies can be readily contacted.

The Women's Refuge is the primary agency delivering support for victims of family violence. In districts where other agencies deliver victim support, police shall ensure local protocols and agreements between support agencies are in place.

## Privacy

Unless the victim has already indicated that he or she does not require support, attending Police shall take action to ensure immediate notification of the relevant support agency, in accordance with locally agreed protocols. In developing local protocols, attention must be given to the Privacy Act, Victim of Offences Act and General Instructions: Victims of Crime.

Support agencies must operate within the framework of 'one victim-one referral' with referral meaning 'actual contact with the victim'. Disclosure of victim information to a second or subsequent support agency is permitted in certain circumstances, eg, the agency giving initial support has reasonable grounds to believe that such disclosure is necessary to ensure the victim receives the highest level of support.

## Firearms: standard action

When attending situations involving family violence, members of police shall always consider firearms may be involved. Attending members of the police shall always endeavour to establish if the offender has access to firearms.

In all cases involving family violence, and where there are grounds under the Domestic Violence Act 1995 for the making of an application for a protection order against the offender, police shall consider the seizing of all firearms, ammunition, or explosives, in the possession or control of the offender pursuant to Section 60A (b)(i) of the Arms Act 1983 (refer Appendix 2).

When members of Police exercise powers of seizure pursuant to section 60A (b)(i) of the Arms Act 1983, section 60(3) requires a report to be submitted to the Commissioner within three days by sending a \*FIRE message.

Following seizure of firearms, enquiries including the views of the victim, shall be completed to determine whether any licenced firearms holder is considered to be a 'fit and proper' person to hold a firearms' licence. In appropriate cases revocation action pursuant to section 27 and 27A of the Arms Act 1983 should be taken.

## Family violence coordinators

District commanders shall ensure a person with suitable communication skills and family violence training is appointed to the position of district or area family violence coordinator.

Family violence coordinators have responsibilities for local inter-agency liaison, problem resolution, monitoring staff compliance with local protocols, and family violence-related training.

Although the position of family violence coordinator may not be full-time, district commanders shall ensure that family violence coordinators are available to respond promptly to requests from local agencies at appropriate times.

Due to geographical factors, it may be necessary to appoint several members of police to take responsibility for coordination or monitoring functions within a district. For administrative purposes, one person will take overall responsibility for family violence issues.

## Reporting family violence offences

All family violence offences, incidents, and breaches of protection orders (including existing non-molestation and non-violence orders) will be reported using the 'Family Violence Report' (Pol 400). This form is the basis of the 'Family Violence Database' which is the subject of a separate policy guideline (Refer Ten One 1994/01).

District commanders must develop procedures to ensure in all cases of family violence, a Family Violence Report is submitted whether or not an arrest is made. Family violence cases must only be resulted as K0, K6 or K9. The Family Violence Report replaces the Offence Report or Short Report (101) as the originating file document.

The original copy of the Family Violence Report should be forwarded to the district or area family violence coordinator. One copy should be made available to an agreed victim support agency and one copy retained on file.

## Recording protection orders

Each district must enter details of persons who have protection orders (or non-violence or non-molestation orders) against them on the Persons of Interest Sub System, as a 'Prohibition' (record type 'P'). Police must receive written confirmation from the Department of Courts relating to the status of protection orders before any amendments are made to the Person of Interest records.

Police must ensure that Courts provide relevant details for applicants and respondents on protection orders. These details must include name, date of birth. In the case of respondents, occupation must be included.

## Case disposition

In appropriate family violence cases the specific offence 'Male Assaults Female' section 194, Crimes Act 1961, shall be used. In other cases the specific charge will relate to the seriousness of the particular case.

When a breach of a protection order (or a non-molestation or non-violence order) has occurred and an assault is also detected, the offender is to be charged with the assault as well as the breach of the order.

Prosecutors must ensure that bail conditions set, or sought, are adequate to ensure protection of victims. In general, the views of the victim shall be obtained in relation to any conditions of bail. Non-association conditions should be standard where the parties do not reside together.

Victim Impact Statements form an important part of any decision made by the Court. Staff must ensure accurate and current reports are available. Victim impact statements must be prepared as part of the prosecution file when first submitted. If necessary, Victim Impact Statements shall be updated after 21 days of being made. Women's Refuge, Victim Support or representatives of other agencies providing initial support to victims may be able to assist.

An essential element of the prosecution, consistent with the Victims of Offences Act 1987, will be the need to keep victims informed of the progress of Court cases. They must also be given suitable advice for their protection, including access to Court orders.

The majority of offenders in family violence cases will appear before the Court. There may be rare cases when diversion might be considered, providing it is not seen as the 'easy option'. In such cases, the Police Diversion Policy (27 September 1994) must be followed. Commissioned officers authorising diversions must be satisfied there are suitable local programmes in place offering a 'stopping violence course' with a code of practice and an appropriate monitoring mechanism.

## Monitoring and evaluation

To achieve and maintain an effective and appropriate response to family violence, local services and protocols will need to be monitored, evaluated and, where necessary, modified. Monitoring of compliance with protocols and policies must include standardised internal police performance measures (which may involve victim surveys). External monitoring within the framework of an inter-agency approach could be offered.

## Protection orders: general

For the purposes of this policy, the terms 'protection order', 'domestic violence' and 'domestic relationship' have the same meaning as defined in the Domestic Violence Act 1995.

The Domestic Violence Act 1995 provides for one protection order to cover a wide range of situations for an extended group of applicants (sections 7-18).

Protection will be afforded to 'specified person' who may include children of the applicant. The order may also be stated to specifically provide protection to a particular person with whom the applicant has a domestic relationship.

Non-molestation orders and non-violence orders existing at the time the Domestic Violence Act came into force, will be treated as though they were a protection order under the new Act. The exception is that they will not contain conditions pertaining to weapons. Breaches of orders taken out under the Domestic Protection Act 1982 will be prosecuted under the appropriate provisions of the Domestic Violence Act 1995. Police must ensure that non-molestation orders prosecuted after the introduction of the Domestic Violence Act were still valid at the time the Act came into effect.

### **Protection orders can only be discharged by the Court**

Parents cannot take out a protection order against a child or young person. Violent children or young persons should be dealt with under the provision of the Children and Young Persons and Their Families Act 1989.

## Powers of arrest, detention and bail

Offences involving breaches of protection orders are detailed in section 49 of the Domestic Violence Act 1995.

Where a protection order is in force, police may arrest without warrant, any person whom the member of police has good cause to suspect has committed a breach of the order. In considering whether or not to arrest, the member of police must take the following matters into account:

- the risk to the safety of any protected person if the arrest is not made
- the seriousness of the alleged breach of the protection order
- the length of time since the alleged breach occurred
- the restraining effect on the person liable to be arrested of other persons or circumstances.

Given the provisions, offenders responsible for breaches of protection orders shall, except in exceptional circumstances, be arrested. In rare cases where action other than arrest is contemplated, factors raised must be considered. The member's supervisor must be consulted.

Where a person is arrested for breach of a protection order, that person must not be released on bail during the 24 hours immediately following the arrest. However, the police are still required to bring that person before a Court as soon as possible. The Court may bail that person notwithstanding this occurring within 24 hours of the arrest.

In circumstances where the arrested person is not brought before the Court within 24 hours immediately following the arrest, the person may, at the expiry of the period, be released on police bail.

## Protection orders and weapons

'Weapon' means any firearm, airgun, pistol, restricted weapon, ammunition or explosive, as defined in the Arms Act 1983. Sections 21-26 of the Domestic Violence Act 1995 set out the standard conditions relating to weapons. Pursuant to (s.21)(1) of the Domestic Violence Act 1995, it will be a condition of every protection order:

- that the respondent must not possess, or have under his or her control, any weapon
- that the respondent must not hold a firearms' licence
- that the respondent must:
  - as soon as practicable after the service on him or her a copy of the protection order, but in any case no later than 24 hours after such service, and
  - on demand made, at any time, by any member of the police, surrender to a member of the police:
    - any weapon in the respondent's possession or under the respondent's control, whether or not any such weapon is lawfully in the respondent's possession or control, and any firearms' licence held by the respondent.

Where a protection order is issued, any firearms' licence held by the respondent is deemed to be suspended. Where the protection order becomes a final order, any firearms' licence held by the respondent is deemed to be revoked (section 21(2) and section 22).

Police must retain the weapon for the period of the suspension and, except in circumstances where the weapon may be lawfully retained, must return the weapon to the person as soon as practicable after the suspension ceases to be in force (section 25).

Police will provide suitable storage for all weapons that have been seized pursuant to the Domestic Violence Act 1995 or Arms Act 1983 for the period of the suspension of the firearms' licence.

In instances where a final order is made, firearms are forfeited and will be disposed of in accordance with section 28 of the Arms Act 1983.

## Protection Orders and Arms Act: responsibilities

Police powers to independently consider whether or not any person is deemed to be 'fit and proper' to hold a firearms' licence remain unchanged.

When Police receive a copy of an order where the respondent or associated person holds a firearms' licence, then the Officer in Charge of the police station must arrange for a commissioned officer of police to consider immediately whether or not the powers conferred under sections 27(1) and 27A of the Arms Act 1983 (which relate to revocation of a firearms licence) should be invoked.

The officer in charge of the police station must also arrange for an appropriate person to consider immediately whether or not the powers conferred under sections 60A of the Arms Act 1983 (which related to the seizure of firearms in cases of domestic violence ) should be exercised in that case. (When police exercise powers pursuant to section 60A of the Arms Act 1983, section 60(3) requires a report to be submitted to the Commissioner within three days by sending a \*FIRE message.)

Police will be responsible for taking appropriate action when they receive information that may disclose unlawful possession of a firearm by the respondent or any associated person.

Under no circumstances should police approve the issue of a firearms' licence while there is a protection order or non-violence or non-molestation order applying to the applicant for such a licence.

## Service of protection orders

When a protection order is issued by the Family Court, the Registrar of the Court in which the order is made will ensure that a copy of the order is made available, without delay, to the District Commander at the nearest Police District Headquarters.

The District Commander will forward copies of the order without delay to the officer in charge of the police station:

- nearest to where the protected person/s resides
- nearest to where the respondent resides.

Where a copy of a protection order is received at the police station nearest to where the respondent resides, the officer in charge of the station shall establish whether or not the respondent holds a firearms' licence, consideration must be given to invoking the provisions of sections 27 and 27A of the Arms Act 1983 (revocation of licences) and section 60A of the Arm Act 1983 (seizure of firearms).

Where the respondent does not hold a firearms licence, the officer in charge of the police station must consider whether or not to search the respondent's address pursuant to section 60A of the Arms Act 1983.

When a district commander receives a copy of an order where the respondent is a member of the police, a copy of the order will be sent to the District Commander in whose district the respondent is stationed, for appropriate action to be taken. Where the respondent is a member of police, and is above the rank of superintendent, a copy of the order will be sent to the Assistant Commissioner : Human Resources.

Police will serve, or accompany authorised persons to serve protection orders where the respondent holds a firearms' licence or is believed to be in possession of any weapon (as defined by the Domestic Violence Act 1995), whether or not the respondent has a licence for such a weapon. At the time of service, Police will demand surrender of all firearms and the firearms' licence (section 21). Respondents who fail to surrender on demand all firearms in their possession, or their licence, may be arrested for breach of the protection order. (Where the respondent of the Court will be responsible for service of copies of protection orders).

Staff safety is of paramount importance when determining appropriate methods to seize firearms or firearms' licenses.

To ensure safety of victims and members of police, service of protection orders must be afforded priority and carried out without delay.

The process for dealing with firearms and protection orders is summarised in the flow chart at Appendix 3.

## **Firearms and members of police as respondents**

Under provision of section 21(1)(a) of the Domestic Violence Act 1995, it will be a breach of a condition of the protection order for members of police, who are respondents, to have in their possession or under their control, any firearm. District Commanders must ensure that members of police do not have possession or control of firearms in circumstances that would constitute a breach of a protection order.

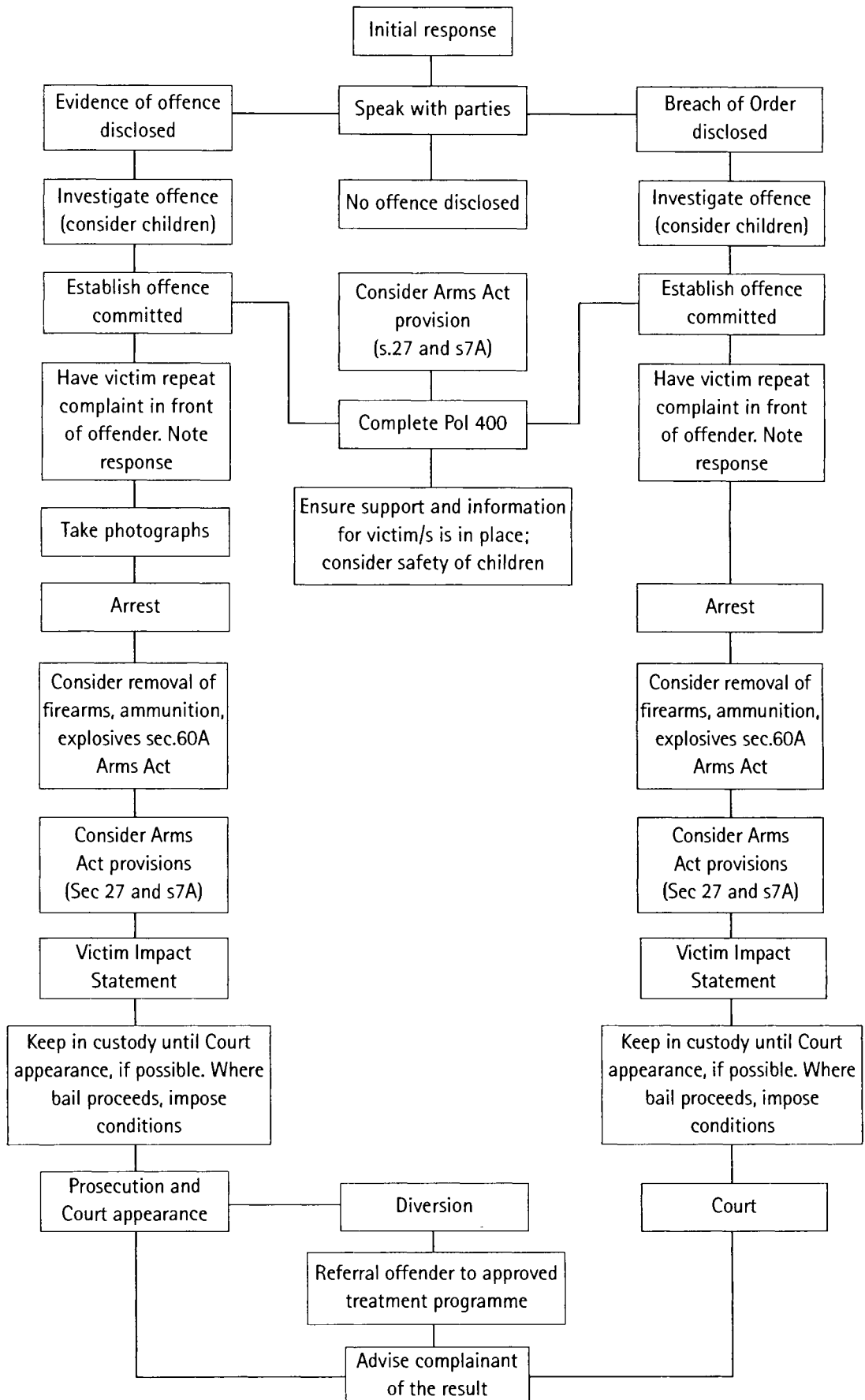
The Court has power to dispense with, modify, discharge or reimpose conditions relating to firearms. Before amending the protection order, the Court has to be satisfied that the safety of the applicant will not be compromised.

Attention of members of police who are respondents of protection orders is to be drawn to General Instruction C145 which relates to 'Court Action By or Against Members'. Where any member becomes a party to such civil litigation, they must immediately report the fact to their supervisor.

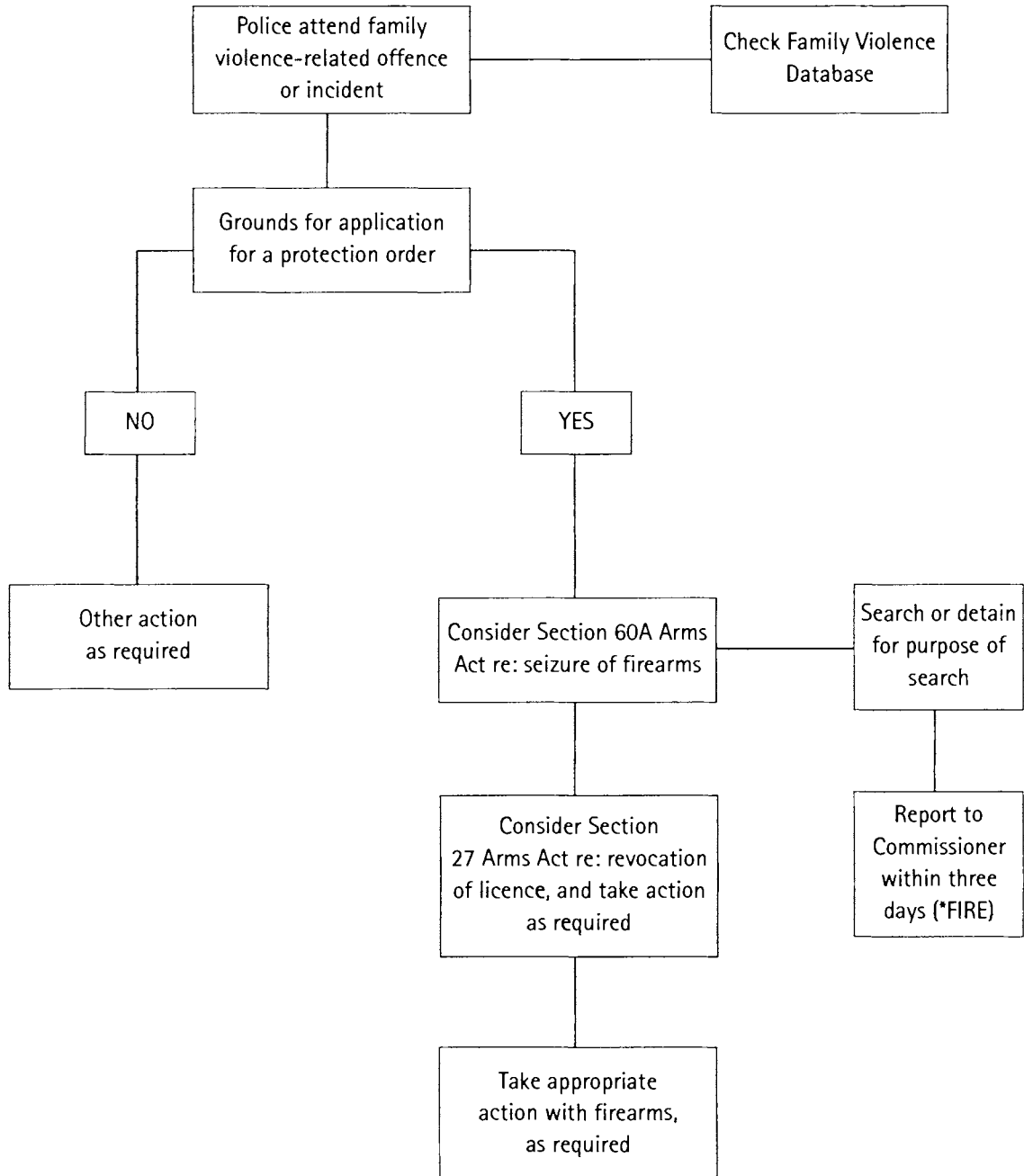
**R N Macdonald**

Commissioner

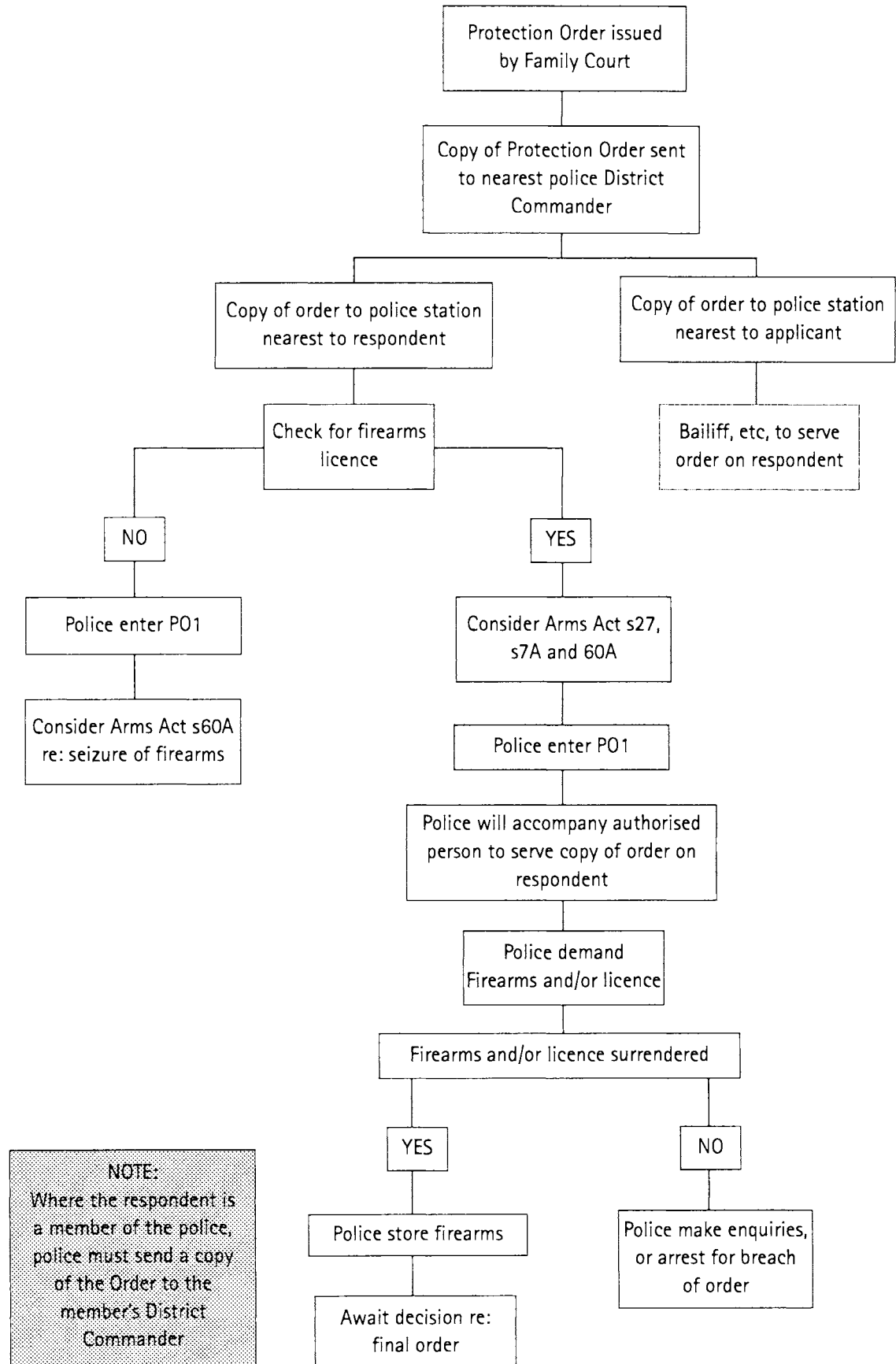
Appendix 1: Family Violence Action Plan



Appendix 2:  
 Procedures when Attending Family Violence Situations where Firearms may be Present



Appendix 3: Service of Protection Orders and Seizure of Firearms (Procedures for Courts and police)



12.3

# The role of women police officers in dealing with victims of sexual offences

Country: Singapore

## Task description

The Republic of Singapore Police has recognised the need for a body of trained women officers competent in the investigation of sexual offences. It is an acknowledgement that sexual offences are not about sex, but about the violence and humiliation. With its continued commitment to community-policing, the police has to evolve from an offender-oriented to a victim-oriented approach to sexual offences. The proficiency of the investigator is no longer sufficient. The investigator must now be equipped to respond to the needs of the victims.

Thus, the role of women officers in the investigative process is to alleviate the stress and trauma normally associated with police investigations into sexual offences. They are intended as a counter-balance to the generally perceived view that male officers are biased and unsympathetic to these victims. It is envisaged that women officers will eventually form a core of experienced police investigators, in the investigation of sexual offences and the handling of victims.

## Trainees' background

Course participants are expected to be Women Police Officers of the rank Sergeant and above. The officers will come from a cross-section of the Police Force, with the majority holding administrative and staff positions. Though some are or will have been in Team Policing, few (except for the Women Inspectors) will have had any hands-on experience of police investigations.

## Training strategy

The training guide outlines the expected roles of the participants in the investigation of sexual offences. It is intended as an introduction to the course, 'Interviewing Victims of Sexual Offences'. As such, the topics covered are brief discourses on what will be elaborated on later in the course. The lesson is to be conducted in conjunction with the set of OHP slides enclosed.

## Objectives

At the end of the session, the trainees should know:

- the common perception towards victims of sexual assault
- the myths and prejudices that may affect a successful investigation
- the type and nature of offences expected to be investigated by Women Police Officers
- the role of Women Police Officers in the investigation of sexual offences
- the objectives in having Women Police Officers deal with victims of sexual offences
- the procedures in the investigation of sexual offences
- the basic interview techniques
- the proper requirements of the statement and other evidence for successful prosecution
- the role of Women Police Officers following the initial interview
- the role of Women Police Officers in the recovery of the victims from the trauma of the assault
- the attitudes to avoid in dealing with victims of sexual offences.

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## Part 1. Introduction

### A view of rape

1. In the book *Against Our Will: Men, Women and Rape* by Susan Brownmiller, the author comments that rape is 'nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear', and is motivated less by sex, than by a desire to inflict violence and humiliation.

### Attitudes of police officers

2. The upshot is the realisation that male police officers investigating sexual offences may leave pre-conceptions which are likely to be detrimental to the prosecution of the offender, and to the welfare of the victim. Indeed, studies (not in Singapore) have shown an ingrained bias of police investigators against the victims of rape. This is demonstrated in the following article by a British detective sergeant in a 1975 issue of *Police Review*:

*'It should be borne in mind that except in the case of a very young child, the offence of rape is extremely likely to have been committed against a woman who does not immediately show signs of extreme violence. If a woman walks into a police station*

*and complains of rape with no such signs of violence, she must be closely interrogated. Allow her to make her statement and then drive a horse and cart through it. It is always advisable if there is any doubt of the truthfulness of her allegations to call her an outright liar. Watch out for the girl who is pregnant or late getting home one night; such persons are notorious for alleging rape or indecent assault. Do not give her sympathy. If she is not lying, after the interrogator has upset her by accusing her of it, then at least the truth is verified.'*

3. To eradicate and alleviate such possible perceptions or bias in our investigators (who are after all mostly men), the Republic of Singapore police force has decided to introduce women officers into the process of investigation of sexual offences.

## Sexual offences

4. The sexual offences in which the Republic of Singapore Police envisaged its women officers having an active role are:
  - rape under Section 376 of the Penal Code
  - incest under Section 376B of the Penal Code
  - unnatural offences under section 377 of the Penal Code
  - aggravated criminal force to outrage modesty under section 354A of the Penal Code; and
  - attempts to commit the above offences.

As incest is an adjunct to rape, and the incidence of buggery on women in Singapore is negligible, the aim is thus to train women officers in the procedures and attitudes to adopt when dealing with victims of serious sexual offences, particularly rape, and during their investigations.

5. The incidence of rape in Singapore is, on average, fairly low, with about one case being reported every three days. The number of reported rapes in 1990 was 112. Although there is no comparative study in Singapore on the scale of unreported rapes, studies in other countries have shown that reported crimes form only 10 per cent of the total. If this is applied to Singapore (and there is no reason why it should not), then the magnitude of the potential problem can be appreciated.
6. As the police's commitment to a community-oriented policing philosophy becomes public culture, and the victim confidence in the police increases, then the percentage of reporting of rapes would inevitably rise. This cadre of women officers, trained and versed in the investigations of sexual offences, would thus equip the police to meet this eventuality.
7. It must be reiterated that all sexual offences are serious and brutal crimes. The laws of Singapore recognise this, which is reflected in the severity of various prescribed punishments. As an example, for rape, Section 376(1) of the Penal Code stipulates a mandatory term of imprisonment of up to 20 years, with a fine or caning. Section 376(2) stipulates a mandatory minimum term of imprisonment of eight years, up to a maximum of 20 years, with caning of not less than 12 strokes for an aggravated form of rape.

## Part 2. The victim

### Trauma

8. It is necessary to understand the trauma of victims of sexual offences to enable officers to feel empathy and thus to work more effectively in the investigation.
9. Studies have confirmed the existence of a rape trauma syndrome in victims of rape. This syndrome has two phases. There is an immediate or acute phase, in which the victim's lifestyle is completely disrupted by the rape crisis, and there is the long-term process, in which the victim must reorganise her disrupted lifestyle. This syndrome may also arise in victims of brutal molestation, or attempted rape.
10. Besides physical injury, a wide range of emotions are expressed by victims during the acute phase and these are not always overtly apparent, as in hysteria and/or tears. These emotions may be expressed in the following styles:
  - controlled – the victim appears calm, composed, subdued and in control of her feelings
  - expressive – the victim demonstrates her anger and anxiety by being tense, crying or smiling nervously, or
  - she is withdrawn – remains silent, maybe for several days.
11. The reaction of the victims can be divided into emotional and physical. Emotional reaction includes:
  - anger
  - fear
  - humiliation
  - guilt
  - shame
  - embarrassment
  - self-blame
  - helplessness
 Physical reaction includes:
  - decrease in appetite
  - sleep disturbances
  - nausea
  - tension headaches
  - fatigue
  - abdominal pain
  - vaginal complaints.
12. In the long-term process of re-organisation, victims may display:
  - compounded reaction: victims who experience severe psychological trauma may exhibit suicidal behaviours, somatic disorders, and may need psychotherapy
  - silent reaction: persistent anxiety, marked irritability and change in sexual behaviours, phobia reactions, loss of self-esteem or

development of guilt due to the myths surrounding rape and the internalisation of these myths by the victims and those around them.

## Factors influencing trauma

13. The manner, severity and persistence of such trauma symptoms in victims of sexual assault depends on many factors, including:
  - the personality of the victim
  - the support systems available to the victim
  - the victim's relationship with the offender
  - the degree of violence used in the assault
  - the type of sexual assault(s)
  - perception of the assault
  - social/cultural influences
  - the victim's previous experience with stress
  - the victim's success in coping with previous crises
  - immediate personal contacts after the assault.
  
14. Clinical studies have observed that almost all victims of rape or attempted rape suffer severe and long-lasting emotional trauma. The sexual aspects of the crime are not necessarily the most significant factors of this psychological trauma. There appear to be a combination of the following distinct features of the assault experience, whether:
  - it is sudden and arbitrary
  - it is perceived as life-threatening
  - its apparent purpose is to violate the victim's physical integrity and/or render her helpless
  - the victim is forced to participate in the crime
  - the victim cannot prevent the assault or control the assailant, her normal coping strategies failed, and thus she becomes the victim of someone else's rage and aggression.

## Myths and prejudices

15. The trauma of the sexual assault victim is often compounded by the myths, prejudice and stigma associated with the crime. This burden can be overwhelming, especially if the people the victim comes into contact with reinforce these myths and prejudices. It is therefore essential that officers understand the trauma of the victims and do not cause further aggravation to the victims, who must be given all form of possible support.
  
16. What then are the myths and prejudices commonly associated with rape and other sexual offences, which the officers must appreciate in order to work more effectively in the investigation of the crime. Studies in different countries have revealed a myriad of myths associated with rape, which are mostly similar, as the myths are largely based upon the unequal relationship between men and women that exists in all countries.
  
17. These myths and prejudices have the effect of:
  - discouraging victims and their families from reporting the crime to the police

- exacerbating the trauma of the victim
- hampering the recovery of the victim
- providing the offenders with the means to escape criminal liability or get reduced penalty
- hampering society's realisation of the causes of sexual assault and the seriousness of its impact on victims and thereby preventing fullest support and assistance to the victims

18. The myths and their attendant facts are tabulated below:

<i>Myth</i>	Rape is sex
<i>Reality</i>	Rape is violence, not sex. It is used as a weapon to put the victim in a position of helplessness and degradation. The primary motive is to discharge feelings of anger, contempt, vulnerability or inadequacy.
<i>Myth</i>	Men are unable to control their sexual desires, so rape is a spontaneous assault
<i>Reality</i>	Because rape is seen as sex, the rapist is perceived as a lustful male who is sexually starved. A study in Philadelphia found that 71 per cent of rapes are pre-mediated and the London Rape Crisis Centre reported that only 14 per cent of rapes reported to them were not pre-mediated.
<i>Myth</i>	Women provoke
<i>Reality</i>	Because rapists are believed to be motivated by lust, victims are believed to have enticed them. The blame is shifted thus from the assailant to the victim for reasons such as dressing, behaviour or whereabouts.
<i>Myth</i>	Most rapists are strangers to the victims
<i>Reality</i>	A woman is most likely to be raped by someone she knows. In a study in the Philippines, only 9 per cent of assailants are strangers. <ul style="list-style-type: none"> <li>25 per cent – acquaintances</li> <li>22 per cent – relatives</li> <li>6 per cent – unrelated household members</li> <li>9 per cent – boyfriends/friends</li> <li>11 per cent – neighbours</li> <li>16 per cent – employers</li> <li>2 per cent – doctors</li> <li>9 per cent – strangers</li> </ul>
<i>Myth</i>	Women can prevent rape if they want to
<i>Reality</i>	The Philadelphia study noted that higher rape degrees of resistance provoked higher degrees of violence and the findings dispelled the myth that it is impossible to rape a struggling woman.

<i>Myth</i>	Women are raped when they are out alone at night
<i>Reality</i>	The reality is that rape occurs almost anywhere and not necessarily in dark secluded places.
<i>Myth</i>	Women falsely accuse men of rape
<i>Reality</i>	Studies in the USA indicate that only 2 per cent of reports of rape are false, no more than is normal in all crimes. In fact, rape is the most under-reported of all major crimes because of the stigma and the difficulty in prosecuting the offender.

## Part 3. Investigation

### Role of police

19. The role of the Police in the investigation of sexual offences is to collect and preserve evidence, whether oral, physical or documentary, and to identify and apprehend offenders, with the ultimate aim of criminal prosecution.
20. A successful prosecution would require the proving of the elements of the offence alleged as well as corroboration of the victim's allegations. The investigation would therefore be tailored to this end. For example, in rape, the prosecution has to prove:
  - penetration of the vagina by penis, and
  - that penetration occurred against the victim's will, without her consent, or consent obtained under coercion (consent is not relevant if victim is under 14 years of age), and
  - the penetration was by the accused.
21. Corroboratory evidence is independent evidence or material fact that implicates the accused and confirms that he is guilty of the offence alleged. It may consist of:
  - medical evidence
  - physical trauma – vaginal tears, physical injury
  - laboratory specimens – semen, skin scrapings, hair, cloth fibres, blood stains
  - evidence at scene of crime, for example, footprints, personal belongings of accused
  - an independent eye-witness, and/or
  - testimony of third party to whom the victim reported the assault to immediately after its occurrence.

### Preliminary investigations

22. Investigations are initiated on the report of a sexual offence. This can take the following forms:
  - telephone calls to Radio Division, Divisional Stations, Neighbourhood Police Posts or CID

- lodging of NP299 reports at Divisional Stations, NPPs or CID
  - referrals by hospitals, ministry of Community Development, Samaritans of Singapore, etc.
23. The officer recording the complaint should not attempt to go into details of the sexual offence *per se*, but should restrict himself (herself) to the ascertaining of the victim's particulars and the main elements of the offence. It suffices that the nature of the offence (for example, rape), the location and timing of the offence and the identity or brief description of the assailant be recorded.
24. The report would then be referred to the woman officer delegated to deal with victims of sexual offences or, in some instances, to the Senior Investigating Officer (SIO) on duty. Arrangements should be made for the victim to be sent for a medical examination.

## Medical examination

25. The victim should be escorted by a WPC in plainclothes for the medical examination, together with the NP306A/97 medical examination form (medical forms for complainant of sexual assault), endorsed by the SIO/IO. The following guideline is to be followed in determining the hospital to which the victim will be sent:
- if the sexual offence was committed within the preceding 72 hours, the victim is to be sent to Kandang Kerbau Hospital
  - if more than 72 hours has passed since the committing of the sexual offence, the Rape Investigation Squad (RIS), CID shall make arrangements for the victim to be sent to Kandang Kerbau Hospital, Singapore General Hospital or National University Hospital for the medical examination. Prior arrangements have to be made with the respective hospitals. Nevertheless, if the circumstances merit immediate medical attention for the victim, the medical officer at one of these hospitals may be requested to examine the victim. In this instance, the arrangements shall be made by the Divisional Investigator on the instructions of RIS, CID.
26. For a victim under 16 years of age, the consent of a parent or guardian must be obtained prior to the medical examination.
27. To lessen the stress and trauma of the victim, referrals to other Divisions or CID for investigation will only be done after the medical examination (for cases requiring immediate medical examination). The SIO/IO of the investigating Division or CID is to be alerted and the escorting WPC will send the victim to the investigating Division or CID, on completion of the medical examination. Cases of rape will be referred to the RIS, CIS for investigation. If they involve additional offences such as robbery and housebreaking, then the case shall be referred to the Organised Crime Branch, CID for investigation.
28. It is at this stage then that the role of the women officers trained to deal with victims of sexual offences begin.

## Role of women officers in investigations

29. Participants in the course on 'dealing with victims of sexual offences' are women officers of the rank of sergeant and above. They are chosen from all facets of police work, and on completion of the course, will be rostered for duty by the divisions or CID, to which they are currently posted.
30. The women officers on duty will be activated by the respective SIO whenever there is a report of a sexual offence that requires her presence and expertise. When they are not engaged with a victim, the women officers are expected to carry on with their normal duties.
31. To give the women officers hands-on experience of investigation procedures and techniques, they may be allocated cases of shop lifting and other minor offences, which may include the following sexual offences:
  - Obscene Act under Section 294 of the Penal Code
  - Criminal Force to outrage Modesty under Section 354 of the penal code
  - Insulting the modesty of a woman under Section 509 of the Penal Code.
32. This will familiarise the officers with interview and statement taking techniques, as well as the gathering of relevant evidence necessary to prove the alleged offences.
33. Once assigned to the investigation of a sexual offence, the woman officer must keep an investigation diary of her actions, observations and other relevant facts pertaining to the case. This investigation diary is a requirement under Section 127 of the Criminal Procedure Code. The investigation diary would:
  - serve to refresh the woman officer's memory in case of a subsequent court trial, and
  - would aid the investigating SIO by providing a full record of what the woman officer had done or observed in the course of her contact with the victim.
34. In carrying out her role, the woman officer must bear in mind that the primary object is to handle the victim with empathy, and with proper regard to her dignity. This is desirable for three compelling reasons:
  - it helps the victims to overcome their trauma, insensitive questioning by investigating officers would also serve to worsen their condition
  - it ensures that no vital evidence is lost through unnecessary delays or improper handling of the exhibits, and
  - it removes the perception that investigation procedures will be a harassing ordeal for the victims, thus increasing the reporting of sexual assaults.

## Preliminaries to interviewing the victim

35. The main duty of the woman officer is to record the initial detailed statement from the victim of the sexual assault.

36. If the victim had already been examined by a Medical Officer, the police officer should liaise with the SIO to ensure that the victim's clothing had been retrieved by the WPC (or other officer as appropriate) after the medical examination. The clothing may be able to provide important forensic evidence such as sperm, bloodstains, saliva, and hairs. Explain to the victim why it is necessary to keep the clothing, and that it is unlikely the clothes will be returned before the end of the trial.
37. In the event that the victim's clothing is handed over to the woman officer, a note to this effect must be made in the investigation diary. In addition, the particulars of the person handing over the clothing, and the manner of the packaging should also be recorded, to ensure that a 'chain of evidence' is maintained. This is to protect the evidence from contamination. In other words, there is no possible way that any foreign matter could have been introduced and the evidence could not have been tampered with, prior to its dispatch to the Department of Scientific Services.
38. The officer should also ascertain from the escort WPC that samples of the victim's pubic and head hair had been obtained. These can then serve as control specimens against which hairs found at the crime scene and on the accused can be matched.

## **Background information on medical examination**

39. The medical examination is required by the police as a necessary corroboration of the assault. This examination consists of a thorough internal and external inspection of the genital area, and the whole body. The Medical Officer is also looking for signs of physical force, inflammation, bruising or tearing.
40. In order to conduct an effective interview, the woman officer must strive to obtain all available background facts to the case, and must therefore briefly consult the examining Medical Officer on the following :
  - the Medical Officer's overall assessment of the case
  - the demeanour of the victim during the examination, to help assess the credibility of the allegation
  - the state of the victim's clothing and hair
  - the extent of the external injuries and whether they could be self-inflicted
  - any alcoholic breath
  - any physical defects and evidence of inability to defend herself
  - whether the victim exhibited a suicidal tendency.

## **Place of interview**

41. Thought should be given to the place of the interview, with due consideration to the comfort and privacy of the victim. The location of the interview should preferably be in an enclosed room, free from all manner of physical interruptions. The interior of the room should also not be visible from the corridor or other place of common access.

42. The woman officer must ensure that no other persons can have access to the room on some pretext or other. This is to prevent an ogle parade, where curious officers come by just to take a look at the victim, as well as interference by the victim's relatives or friends. Even the SIO/IO in charge of the case should not have free access, unless there is a need to clarify certain urgent matters bearing on the immediate apprehension of the offender.
43. Except under extenuating circumstances, the interview should be conducted in the police station or CID. This enables the officer to have more control over the progress of the interview as well as the presence of third parties.
44. Requests for interviews at the victim's home can only be acceded to if the officer feels that without the psychological support of the normality of the home ambience, the victim may not otherwise be able to stand the rigours of the interview.

## Persons present at interview

45. Any request by the victim to be accompanied at the interview by a relative should not be rejected out of hand. The officer should explain to the victim that the presence of a relative may inhibit her giving the fullest detail of the assault and thus hinder a proper investigation. If the psychological state of the victim is such that the officer feels the need for the calming influence of a relative, the officer should first explain to the relative that he/she must not under any circumstances interrupt the interview or aid the victim in her answers.
46. The woman officer should try to tactfully discourage the presence of third parties at the interviews by explaining that they may be summoned to the subsequent trial as a witness to the interview proceedings. In the case of a victim under 16 years of age, a parent or guardian's presence can be acceded to if that would facilitate the recording of the victim's statement. However, the officer must be careful to ensure that in cases of incest, the parent or guardian present has no vested interest in down-playing the offence alleged.

## Statement

47. When interviewing the victim, the officer must bear in mind the following uses to which the victim's statement may be put to:
  - the basis of the questioning of the accused when and if he is apprehended
  - the basis to corroborate other witness or forensic evidence
  - the basis of the prosecution's case in Court.
48. The woman officer is recording the victim's statement under the powers given to the police under Section 121 of the Criminal Procedure Code. Before the commencement of the statement, the officer must thus comply with the provisions of the section. The victim must be warned that she is bound to state truly the facts and circumstances with which she is acquainted concerning the case, except that she may decline to make any statement that may expose her to a criminal charge, a penalty or forfeiture.

49. Although this warning is printed on the statement form, the officer must nevertheless explain the warning and its implications to the victim.
50. The statement is to be recorded in a narrative, but words or phrases that the victim uses to describe the assault must be recorded verbatim. The officer should not sterilise the language by using the proper English terms. Interpreters should be used if the victim does not understand English.

## Interview skills

51. The principles that the officer must observe when interviewing the victim are:
  - **confidentiality:** this is the most important of the principles. The victim must be assured of the confidentiality of the information given to the police. Officers should have access to the victim's statement only on a need-to-know basis
  - **non-judgemental attitude:** any attempt at judging or blaming the victim, whether intentionally, will elicit feelings of guilt, anger and powerlessness, and a reluctance to cooperate fully with the officer
  - **acceptance:** accept the dignity and personal worth of the victim. This does not require approval of the victim's behaviour, but does mean that the officer should not reject or judge the victim. Once the victim is assured of acceptance, she will be more ready to speak freely of the assault
  - **individualism:** the right of the victim to be treated as a unique individual, with her own thoughts, feelings, needs and experiences. Officers must overcome their own bias, which may have arisen out of work experience, and not make assumptions or stereotype the victim.
52. Effective communication is one of the fundamental skills needed when recording the victim's statement, ie, the ability to listen well. The officer should follow attentively what is said both verbally and non-verbally by the victim. When the facts or answers given are not clear, the officer must clarify them with the victim and not resort to assumptions.
53. To listen well, the officer must combine a sensitive understanding of what is communicated with finely tuned responses to elicit further information. The skills involved in this are:
  - use of minimal encouragement
  - verbal following
  - questions, which may be close-ended or open-ended
  - paraphrasing
  - confrontation.
54. Officers conducting the interview should not rush the victim or give the impression that the statement is a chore which she wanted to finish as soon as possible. The victim should be allowed to speak and answer at her own pace.
55. If the condition of the victim is such that she is unable to continue with the interview, the officer should not be insistent on finishing the statement. It is not a requirement that the victim must finish her statement at one sitting

and arrangements can be made for a further statement. This is because, in some instances, the victim may be able to give a clearer and more accurate account of the incident once she overcomes the initial shock of the assault.

## Content of statement

56. The information and facts to be covered by the officer in the statement should include:
- the victim's employment, marital status and family relationships
  - previous history of similar occurrences or related offences in which the complainant was the victim
  - exact location of the commission for the offence
  - locations where preparations for the offence may have been made
  - places visited prior to the assault
  - persons seen prior to the assault
  - route followed before arriving at the place of the offence
  - locations of rooms, houses or other establishments from which the occupants could have heard or seen the events, names and addresses of occupants
  - physical force employed by the accused
  - description of any weapon used by the accused
  - areas of the body to which physical violence was applied
  - statements or utterances of the accused at the scene of the crime
  - nature and degree of resistance offered by the victim
  - duration of efforts at resistance
  - utterances of the victim at the time of the offence
  - screams or outcries of the victim
  - movements of the accused and the victim subsequent to the offence
  - to whom the victim first reported the offence
  - exact time of the victim's report
  - was the report made voluntarily or after persuasion
  - victim's relationship to the accused, previous acquaintance, possible motives for false accusation.

## Post-interview role

57. Once assigned to a particular victim, the woman officer is expected to act as the contact person between the police and the victim. As such, the emphasis is for the officer to cultivate and build up rapport and trust with the victim, so as to facilitate the victim's recovery from trauma, and a successful investigation. This is regardless of any subsequent posting of the woman officer to a different unit. The officer's name and contact number is thus to be provided clearly to the victim.
58. Apart from the recording of the victim's statement, the woman officer is to accompany the victim to the crime scene. There, the victim can give a mental walk-through of the assault and the officer should note down any additional information or details that were not covered in the statement. This can be remedied by a further statement. Any collection of evidence at the crime scene is the responsibility of the investigating SIO. The primary role of the woman officer is to provide moral support to the victim.

59. The woman officer is also to accompany the victim to the Rouges Gallery, CID or when a composite picture of the offender is attempted.
60. If the offender is arrested, and an Identification Parade then becomes necessary, the woman officer is to contact the victim and is also required to be present at the ID parade itself. The officer's role is to provide support to the victim in the possible face-to-face confrontation with her assailant.
61. If the case goes on to prosecution, the woman officer assigned will be expected to be the victim's companion at:
  - any interviews with the Deputy Public Prosecutor
  - the Preliminary Inquiry in the Subordinate Courts
  - the trial in the High Court.
62. The officer should also keep in constant touch with the Medical Social Worker assigned by the hospital to assist the victim, in order to aid in the victim's readjustment and to help her come to terms with the assault.
63. If it appears at any time that the victim requires more counselling because of extreme depression or a suicidal tendency, the officer can seek assistance from the Samaritans of Singapore at Blk 18, Outram Park, #03-21, Singapore 160018 (telephone numbers 1800 2212122 and 1800 2214444).

## Cautionary advice

64. In rape investigation, the lack of physical injuries or a victim's calm composure should not be mistaken for consent deemed given and therefore rape has not occurred. Similarly, any delay in reporting the assault should not be held against the victim or damage her credibility. Assumptions should not be made that all victims will complain immediately or that the delay enables the victim to concoct the whole story, inflict suitable injuries to person and clothes and so on. Officers must understand that the delay could be due to the victim being in shock after the assault, or the effects of the threats of further injury or reprisals made by the assailant/s if the victim reports to the police.
65. In the investigation, officers must not exhibit the following:
  - slowness or lack of interest in pursuing the complaint
  - insulting or insensitive treatment of the victim during questioning, such as being moralistic and judgmental
  - unnecessarily oppressive, callous or harsh treatment, for example, the victim being questioned by unnecessary numbers of officers, who perhaps display a disordinate interest in the details of the case
  - lack of vigilance in carrying out a proper investigation
  - giving out confidential information about the case or identity to the media
  - pressurising the victim to withdraw the case, such as emphasising the delay in reporting, lack of physical injuries, etc.

## Part IV. Conclusions

66. In dealing with a victim of rape, the woman officer must be patient and explain what she is doing and why, so that the victim understands the need for each step in the investigative procedure. The officer should also offer alternatives, so that the victim feels she has some control over the situation. The victim will be far more willing to cooperate and be able to offer real assistance to the investigation only when it is understood what is needed and why.
67. To sum up, the role of the woman officer is thus akin to that of a counsellor. She must be able to communicate effectively and feel (empathise) with the victim, rather than feel (sympathise) for the victim. It is important to establish a rapport with and the trust of the victim, in order to:
- facilitate a successful investigation
  - assist the victim on the road to recovery from the trauma of the assault
  - build up public confidence in the police's handling of the victims of sexual offences in the course of investigations.

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12.4

## Learning together, working together: integrated justice system training to enhance the safety of women

Country: Canada (British Columbia)

### Abstract

This paper reviews the history, practices, strategies and challenges that underlie the development and delivery of coordinated interdisciplinary training for justice system personnel in British Columbia, Canada. Over a 15-year period, there has been a successful collaboration between the Justice Institute of British Columbia and the Ministry of Attorney General to design and offer training for the police, Crown Counsel, victim services workers, corrections personnel, service providers and community advocates, on issues related to violence against women.

In 1984, the federal government's called on the provinces to revise their criminal justice policies and practices, to respond proactively and charge appropriately in cases of wife battering. In 1984, British Columbia responded by offering both occupation-specific and cross-occupation training to a broad range of participants on the nature and dynamics of violence against women, the role of the State in responding effectively, and strategies to support and ensure ongoing safety for women. This process has evolved and grown over the years to include a number of training opportunities that range from classroom-based sessions to distance education packages.

The interdisciplinary training has been closely linked to, and frequently mirrored, violence against women policy development and its implementation strategies. Practice has shown that to be effective, violence against women policies must be grounded in the experiences of women who have been abused. The policies should include clear enforcement and implementation strategies. They should also support criminal justice system personnel who comply with the policies, and facilitate partnerships among community agencies, criminal justice personnel and health and human services.

An integrated approach is also required for training. To be effective, the training must reflect the work environment of the learners, present concrete and practical approaches to doing the work, promote working relationships among the sectors, and build on the existing competence of the personnel involved. A number of approaches and techniques have been used to ensure that the principles embedded in the Violence Against Women in Relationships policy are reflected and promoted in the training. Through the use of credible field instructors, presenting the voices and concerns of abused women and reinforcing key messages, this training has attempted to address the information and practice skills necessary to intervene and support women in abusive relationships.

There have been a number of successes, although further challenges need to be addressed. The experience in British Columbia, however, has shown that effective policy implementation combined with coordinated community intervention and relevant interdisciplinary training, are important first steps on the journey to a community free of violence against women.

## Introduction

In 1972, the Deputy Attorney General of British Columbia had a vision to bring together the five separate justice and public safety training centres, place them under one roof and to provide opportunities both for occupation-specific and cross-occupation training. In 1978, the British Columbia Justice Institute opened. It was to become the first college in Canada to provide training for police officers, firefighters, paramedics and other pre-hospital care workers, probation and corrections personnel, deputy sheriffs and court clerks. Through the continuing education division of the Justice Institute, a broad range of training opportunities was offered to human services, health and education staff whose jobs brought them into contact with the criminal justice system.

It is within this context of cross-occupation and interdisciplinary training, that the Ministry of Attorney General and the Justice Institute of British Columbia have collaborated to provide value-based and skill-focused training on issues related to violence against women. In addition to classroom-based training at introductory and enriched levels, the two organisations have collaborated on the development of curricula, handbooks, information packages and video productions.

## Context

British Columbia is a geographically and culturally diverse province. The westernmost province in Canada, British Columbia's climate and topography ranges from west coast rain forest to arid semi-desert lands, and from rich farming valleys to densely wooded mountains and pristine glaciers.

The province has a culturally diverse population of 3.9 million. Approximately 40,000 immigrants arrive in British Columbia per year. Foreign-born individuals represents 20 per cent of our provincial population. Aboriginal peoples represent about 6 per cent of the population. The majority of aboriginal and First Nations people live in dense population areas of Vancouver and the surrounding lower mainland, as well as the southern part of Vancouver Island near the capital city of Victoria.

British Columbia is viewed by the rest of Canada as a province with a high standard of living. Canada itself is seen as a country dedicated to promoting peace, a country where women have access to post secondary education and freedom of expression, a country where women are free to pursue the occupation they choose and to move with out constraint.

And yet violence against women is endemic and has devastating consequences, both for the individual victims and for society as a whole. The extent of the problem has been well documented. According to Statistics Canada, 59 per cent of women in British Columbia have experienced male violence since the age of 16 years, compared to a national average of 51 per cent.<sup>1</sup>

## History: looking back over the last 20 years

Twenty years ago, most Canadians thought violence against women ('wife battering') was uncommon, that it was a private matter, and that the women themselves were somehow responsible for the abuse they experienced.

This view was reflected in the justice system response to these matters. In the 1970s, wife battering was considered a domestic matter not requiring criminal justice intervention. When the police were called, counselling or mediation services were usually recommended. This did little to reduce the incidence of assaults or protect women in their relationships.

In 1981, the federal government appointed a standing committee to look into the problem of family violence, particularly violence against women. The committee's recommendations were brought to

the floor of the House of Commons by a British Columbia member of Parliament. The general response was laughter. This incident created such a widespread outcry that policy makers were forced to respond. A number of important federal initiatives were undertaken, including the Solicitor General's directive that police were to lay charges in case of spousal assault where there was reasonable and probable cause. An integrated response to the problem was called for, along with a nationwide charging policy. The directive also emphasised the need for public education that informed women that assaults against them were no longer private matters but were concerns of the State. Funding was increased to services providing protection, counselling and support to battered women.

In British Columbia, the first Wife Assault Policy was developed in 1984. This policy called on criminal justice system personnel to proactively charge and prosecute such cases, thus removing responsibility from victims. Some training was undertaken and there were limited efforts to ensure compliance. In 1986, the policy was revised, taking into account concerns expressed by the criminal justice system. Several training and public education initiatives were undertaken and funding was increased for transition house and counselling services.

However, it took a tragedy of national proportions to bring the reality of violence against women back into public consciousness. The 'Montreal Massacre' in which 14 female university students were murdered and another 13 students were injured on 6 December 1989, made it extremely difficult for governments, police agencies and the general public to minimise the extent and impact of violence against women. Following the massacre, there was increased attention to this issue.

The 1990s have been a time of growth and achievement in the areas of policy development, training design and service delivery. In 1993, the Wife Assault Policy was revised and renamed the Violence Against Women in Relationships (VAWIR) policy. A comprehensive justice system training strategy was designed and developed in collaboration with the Justice Institute of British Columbia. These initiatives included:

- a 15-minute video, *It's a Crime - Violence Against Women in Relationships*, and a user guide to introduce personnel to the policy
- a six-module training package for police recruits that focussed on the nature and dynamics of violence against women, the fundamentals of the policy and effective intervention strategies
- a three-module training package for corrections personnel
- a 'train the trainer' package for senior police officers involved in roll call training
- a three-hour training package for victim service workers
- a manual for crown counsel
- a two-day community based interdisciplinary curriculum for front-line workers, and
- a 'travelling road show' throughout British Columbia to discuss the policy and to describe the roles and responsibilities of criminal justice personnel.

In 1993, following a number of highly publicised incidents, the Criminal Code of Canada was amended to include the crime of criminal harassment. Criminal harassment was now seen as one aspect of violence against women and often part of a continuum of violent behaviour directed toward an estranged spouse or partner. Following the changes to the British Columbia Ministry of Attorney General policy on Violence Against Women in Relationships to include the Criminal Code amendments, an interdisciplinary training package was designed for justice system personnel.

Another tragedy, this time in British Columbia, occurred in April 1996 when an estranged husband entered the home of his former wife's family and systematically shot nine family members. The tragedy brought into question police officers' understanding of the early warning signs of violence in relationships and police ability to take appropriate action. The estranged wife had repeatedly informed the police of her husband's threats, yet despite this he was able to legally acquire firearms.

The Attorney General of British Columbia ordered tougher checks on all applicants for gun permits, required that training for Firearm's Officers include the dynamics of violence against women and accelerated the implementation of two new training initiatives: Interdisciplinary Criminal Harassment Training and Enhanced Interviewing and Investigating Skills.

## Creating the environment for change

Unlike many new criminal justice policies and procedures that address specific practices, the Violence Against Women in Relationships policy embodies a fundamental shift in perspective as well as practice. For the policy to take hold and effectively change how assaults are handled, a comprehensive strategy had to be developed which would:

- facilitate a shared vision among criminal justice personnel and community advocates to stop violence against women and children
- secure political commitment and motivation for change
- provide adequate resources for practitioners and women who experience violence
- encourage commitment within and among participating sectors, and
- build bridges among key players based on an agreed set of values and principles.

In British Columbia, responsibility for ongoing implementation of the VAWIR Policy rests with the Violence Against Women In Relationships Committee. The Committee comprises the Royal Canadian Mounted Police, municipal police, Crown Counsel, corrections, courts, victim services, community coordinators and staff from the Ministries of Health, Human Resources and Women's Equality.

## Principles of implementation, coordination and training

Since 1993 this committee has developed a multi-faceted approach to policy implementation which includes: law enforcement, training, community, community coordination, victim support services, assaultive men's treatment, monitoring and review, public education and awareness. Clearly defined terms of reference address governance, structure, mandate, accountability, roles, responsibilities, liaison and guiding documents. An ongoing dialogue regarding the principles inherent to policy and practice is key to community and government intervention which support coordinated responses of agencies and practitioners who respond to violence against women.

Practices can be guided by the following rights and principles:

- violence against women is a crime; it is a public matter and requires a state response
- protection of the victim must take priority<sup>2</sup>
- intervention must be responsive to the totality of harm done by violence rather than be incident or punishment focused<sup>3</sup>
- intervention must respect the needs of women who are multiply discriminated against, including aboriginal women, women of colour, immigrant women, women with disabilities, older women, lesbians and low-income women
- intervention practices must reflect a basic understanding of, and a commitment to, accountability to the victim, whose life is most impacted by individual and collective actions
- to make fundamental changes in a community's response to violence against women, individual practitioners must work cooperatively, guided by policies, training, job descriptions, and standardised practices that are all oriented toward the desired changes
- preventative approaches and measures of a legal, political, administrative and cultural nature, should be developed that promote the protection of women against any form of violence, and ensure that re-victimisation of women does not occur.

## Applying policy principles to training delivery

Designing and developing interdisciplinary training programmes on issues that require participants to question their existing values and beliefs as well as develop empathy and understanding for the clients is challenging. Bringing together police, crown counsel, probation officers and women's organisations to learn about new policies and procedures and to develop new ways to serve victims, consistent with the value-based principles embedded in these policies and procedures, is a departure from traditional and typical training approaches.

Over the years, the Justice Institute and Ministry of Attorney General staff have explored a variety of methods to provide a meaningful and useful training environment. Not all of the efforts have been successful and not all of the learners have absorbed or retained the information and skills presented in these sessions. However, there have been a number of strategies that have been used that have provided a 'road map' for effective training in this area. The following strategies have been used, adapted and revised over a 15-year period.

### **Design the training with the work environment of the learners in mind**

When the first Wife Assault Policy was introduced in 1984, it was a significant departure from the traditional way criminal justice personnel had responded to cases of wife battering. Many did not feel they should intervene in a private matter, collectively believing their discretion to charge was being removed. Consequently, many of those who participated in the training did not understand why they had to attend and, more importantly, they did not feel they had anything new to learn. Therefore, the initial workshops did not focus on investigation or prosecutorial skills and strategies, but on 'consciousness raising', ie, presenting the issues from the perspectives of the women who were being assaulted and from those who were supporting them. The content focused on both the social and economic factors that kept women in abusive relationship. The emphasis was on why battering was a public concern and not a private matter and on the role criminal justice personnel needed to play in order to ensure the safety of these women.

### **Involve the learners in the development of the training**

For interdisciplinary training to be effective, the content has to cover the information and skills that each discipline requires to do their work as well as the information and skill that all discipline need to have in order to work together. Over the years a number of different approaches have been used. In the 1980s an approach borrowed from the adult education field, the DACUM (Develop a Curriculum) process, was used to identify the key information and core skills required. It provided the basis for the formation of behavioural learning objectives to guide the training delivery.

To reach this point a small group of people representing each of the disciplines participating in the training were brought together to undergo a systematic process of identifying and prioritising the core knowledge and skills. Given the nature of this specific training, particular attention was taken to document the attitudes and values that underlie effective intervention. This process has now evolved to a more informal focus group structure whereby key players come together to develop the purpose, goals and key learning objectives. The draft instructional plan is then reviewed by the same group who propose specific content and instructional strategies.

### **Be clear about the values and attitudes required**

Criminal justice personnel believe that they have to remain impartial in order to carry out their functions. The women's movement made it clear that by being impartial the criminal justice system was not able to see, understand and respond to the systemic sexism, racism and classism of our political and social structures. Without an understanding of why women were victimised and how, historically, the State chose not to intervene in order to maintain women's lesser status, criminal justice personnel would not be able to change their approach and apply the principles contained in

the new policies. The training has clear principles underlying its policy formation and practice expectations. It specifically addresses systemic sexism and racism and uses materials in the classroom that have been developed from a feminist perspective. Feminist advocates and service providers participate in the training as instructors, panel members and participants.

#### **Value the work of all who participate in the training**

Everyone who contributes to the training as a panelist, facilitator, organiser or instructor should be compensated in some way for their work in order to ensure the training takes place.

#### **Select a few key messages**

As there are often few opportunities to provide cross-occupation training, it is tempting to cram as much information and skills into the training session as possible. Adult education theory suggests, and experience has shown, that this is not effective. The following few key messages may be all that is possible to convey in a single training session:

- violence against women is a crime
- the State has a responsibility to ensure the safety and well being of women, and
- it is the criminal justice system's role to proceed with charges.

#### **Build on past training opportunities**

As with any other group of learners, criminal justice system personnel need to be credited for their current knowledge and skills. Training opportunities should be seen as 'developmental'. Each training event should refer to past events and the knowledge and skills presented should build on each other. It is better to challenge participants than to bore them. At the same time, repetition may be necessary in some specific content areas.

#### **Diversify the training format and instructional approaches**

Over the years, a number of different approaches and formats have been used. A variety of experiential instructional approaches have been taken, from role-plays through to simulated interviews using actors. Increasingly, the focus of the training is on shifting values and increasing skills through challenging the participants' existing practice. Lectures, panel presentations, videos and case studies all have some value in providing learning with new information, and are used to some extent. However, research has shown that it is training that reaches the 'affective domain' that has the greatest impact on future practice.

#### **Offer different types of training in a range of formats**

Although classroom-based learning is the most typical format, a number of different formats have been used, including the participation of senior officers and Crown counsel in 'train the trainer' sessions, using a standard scripted curriculum. It is then the responsibility of those who attended to deliver worksite training through roll call sessions, half-day seminars or teleconferences. Other formats that have been tried include videos and discussion guides on specific topics, video conferences using a high profile speaker, individualised instructional modules, and community based seminars. While none of the described formats can replace classroom training for sophisticated skills transfer, they are effective in reaching those participants who would not normally attend training sessions, or those requiring basic awareness training.

#### **Recruit instructors from the field**

Instructor credibility is critical to the success of criminal justice training. Participants believe that they work in a unique environment and that they face specific challenges and threats not experienced by other professionals. By using experienced police officers and prosecutors to deliver the training, learners find it more difficult to refute or reject the key messages. It is critical, however, to select instructors who not only come from the work environment but also those with field credibility.

This requires judicious selection because often the personnel who have the most appreciation, and acceptance of the values and attitudes necessary to work with women who have been assaulted, may be seen by their colleagues as being 'out of touch'.

### **Respect the contributions of all participants**

One of the most important outcomes of interdisciplinary training is to build bridges among all parties involved in order to facilitate effective case management. Each occupation brings to the training their specific knowledge and skills as well as a unique organisational culture. There is also a tendency for each to blame the other for not carrying out their part of the intervention process. When service providers and shelter worker also attend the training, a certain defensiveness may arise among criminal justice personnel, who feel that they are being unjustly criticised.

## **Successes**

Throughout the training process, from the point of advertising the training, to the instructors' summary of the content, all participants must be made to feel respected and to believe that their contribution is valid. Based on our experience of working within the justice system, we can identify a number of factors that we believe have contributed to the initiative's success.

- collaboration among the key players in the justice and community support systems in identifying, responding and resolving problems. This collaboration has been assisted by each sector's understanding of the other's roles, responsibilities and limitations. Interdisciplinary training facilitates mutual understanding, bridge building and integrated case management
- development of a broad range of training opportunities in a variety of formats and approaches. Current training initiatives include introductory awareness training, enhanced interviewing and investigative skills, dispatch and communication operator training and working with women from diverse cultural and ethnic communities
- ongoing training opportunities are seen as an essential component of successful policy implementation and have been included in the Ministry's overall strategic plan guiding new policy development
- key messages contained in training are now reflected in practice. There is evidence to suggest that where training has been delivered, abused women feel better served and conviction rates increase. One Vancouver Police Officer recently reported a significant increase in the number of charges recommended and suggested that this increase was related to departmental training. Dispatch operators report that they are more likely to dispatch officers for calls related to criminal harassment after receiving training
- instructors are recruited from the field and represent workplace concerns and issues. The training offered is dynamic and relevant and is delivered by the people that actually do the work.
- issue papers are prepared each year to ensure that dollars for training development and implementation, including travel subsidies for participants or Crown replacement are included in budget proposals
- there is senior level commitment to, and respect for, the benefits of training. Training is no longer seen as a perk for productive employees or a punishment for troublesome ones. It is seen as essential to effective policy implementation.
- Communication channels exist for frontline staff who have concerns with how cases are handled and this information is used to inform future training content and instructional strategies.

## **Challenges**

- Finding adequate resources to design, revise, update and offer more training is difficult in times of financial restraint. Travel budgets are often the first to be cut. Staff reductions place more pressure on existing staff to find time to attend training.

- Providing consistent and relevant training while taking into account geographic, regional and community differences in practices, services and outlook.
- Convincing some lawyers that they require training in matters other than the law.
- Scheduling training on days when court is not in session or other matters being given higher priority.
- Incorporating issues related to culture, class, gender and ability in the training without participants feeling preached to.
- Evaluating training effectiveness and long term retention.
- Involving the judiciary in training or even convincing them to offer their own training using similar curricula.
- Protecting travel and tuition funds to ensure that all sectors of the justice system have equal access to training.
- Protecting the impartiality of the training while presenting a gender analysis of violence.
- Maintaining momentum regarding training in this area when other issues begin to take precedence.
- Avoiding the creation of a hierarchy of abuses whereby certain issues such as child abuse and neglect are seen to be more worthy of resources and training.
- Devolving training delivery to the community so that there can be ongoing offerings based on hiring practices and recruitment policies rather than rely on provincial initiatives.

## Conclusion

Violence against women is a crime. We all have a responsibility to ensure that women are safe and protected from future harm. This is only possible if all components of the criminal justice and human service systems come together, share information and then carry out their own responsibilities to the best of their abilities. Sound government policies, adequately resourced services and effective training can all contribute to the successful achievement of this goal.

Training initiatives enable practitioners to do their jobs efficiently. Committed managers and senior executives ensure that good practice is acknowledged and poor practice is changed. Successes build on each other. Participants in the training feel empowered by the training process and feel comfortable bringing back new ideas and approaches to the workplace. Coordinated responses to specific situations ensure that individual women receive maximum services at each step of the process from the time the dispatcher responds to calls through the point where the judge reaches a decision. Integrated case management enables practitioners to see potential gaps and barriers along the way and prepare appropriate responses.

We believe that we have made some important inroads. There are, however, many more things left to be done. We look forward to the day when values-based, comprehensive, integrated and skills focused training is part of every police recruit, law student and corrections personnel training. We look forward to the day where these initiatives will be part of annualised budgets, not simply results of community tragedies. Most importantly, we look forward to the day when women and children are safe from violence and there is no requirement for such initiatives in our province.

*SADC Conference: Prevention of Violence Against Women, Durban, South Africa, 5-8 March, 1998. Shelley Rivkin, Justice Institute, New Westminster, British Columbia, Canada, and Jane Coombe, Victim Services Division, Ministry of Attorney General, Victoria, British Columbia, Canada.*

## References

1. Statistics Canada, *Violence Against Women Survey*, Ottawa, Canada, 1993.
2. *Duluth Domestic Abuse Intervention project*, 1996.
3. Article 4, *UN Declaration on the Elimination of Violence Against Women*, 1993.

12.5

## Police training: A review of internal and external courses\*

Country: Australia

### Introduction

The discussion of police training is presented in two parts. The first part considers training offered by police departments to qualified police officers and recruits. The second part considers external courses that police officers commonly undertake. It is noted that there is a shift in police training towards academic qualifications.

The discussion of the internal training includes an analysis of the content of training within the framework of the NCVAW Position Paper. This was possible because of the quality and extent of information provided by all police departments, including curriculum outlines and training notes. Examples from the training notes are used in the discussion to illustrate different approaches.

### Internal police training

Topic	Target groups	Contents
VICTORIA (VIC) Domestic violence	<ul style="list-style-type: none"> <li>Recruits, 12 periods</li> <li>Sub Officers' Course, two sessions and role plays</li> <li>In-service for all operational members up to four hours</li> <li>Community Policing Squad, three days of a two-week course</li> <li>Detective Training Course, one session</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Safety and operational procedures</li> <li>Police attitudes</li> <li>Response strategies</li> <li>Victim sensitivity</li> <li>Crisis intervention</li> <li>Cycle of violence</li> <li>Referral services</li> <li>Emphasis on legal action</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>Recruits</li> <li>Detective Training Course, one day</li> <li>Community Policing Squad, major part of two-week course</li> <li>Victim Sensitivity Course, two weeks, primarily sexual assault</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Statement taking</li> <li>Victim sensitivity</li> <li>Referral services</li> <li>Attitudes</li> <li>Affirming responses</li> </ul>

\* National Committee on Violence Against Women in Australia

Table 1: Summary of internal police training courses (continued)		
Topic	Target groups	Contents
<b>NEW SOUTH WALES (NSW)</b> Domestic violence	<ul style="list-style-type: none"> <li>Recruits, Investigators, Detectives' Education Programme</li> <li>Constable 1st Class, on the job in-service package</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Safety and operational procedures</li> <li>Statement taking</li> <li>Referrals</li> <li>Role of domestic violence liaison officer</li> <li>Emphasis on legal action</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>Initial Response Officers' Course, two weeks in class then 12 months field experience, assessed by a local panel including community groups</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Statement taking</li> <li>Networks</li> <li>Referral services</li> <li>Interviewing techniques</li> <li>Gender issues</li> </ul>
<b>QUEENSLAND (QLD)</b> Domestic violence	<ul style="list-style-type: none"> <li>Recruits, four days</li> <li>In-service (targeted to domestic violence liaison officer), four days</li> </ul>	<ul style="list-style-type: none"> <li>Patterns of family violence</li> <li>Identification of gender/power issues</li> <li>Myths and facts on domestic violence</li> <li>Effects on children</li> <li>Law</li> <li>Police procedures</li> <li>Referral services</li> <li>Emphasis on legal action</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>Two weeks in-service for Sexual Assault Investigators' Course</li> <li>Introducing a three-day in-service on sexual assault for general duties police</li> </ul>	<ul style="list-style-type: none"> <li>Interviewing techniques</li> <li>Legislation</li> <li>Statement taking</li> <li>DNA testing</li> <li>Police procedures</li> <li>Communication skills</li> <li>Effect on victims</li> <li>Cultural issues</li> <li>Intellectual disabilities</li> <li>Stress management</li> <li>Domestic violence</li> <li>Support services</li> </ul>

Table 1: Summary of internal police training courses (continued)		
Topic	Target Groups	Contents
<b>NORTHERN TERRITORIES (NT)</b> Domestic violence	<ul style="list-style-type: none"> <li>• Recruits, 2.5 days</li> <li>• In-service open to operational members, not compulsory</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion of pattern of violence (pre-fear, selective fear, constant fear and gross stress reaction)</li> <li>• Cycle of violence</li> <li>• Myths</li> <li>• Legal options</li> <li>• Emphasis on prevention of further violence</li> <li>• Legal action where there is a threat to the safety of family members or prior physical violence</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>• Two-week in-service course for investigators, covers child abuse and sexual assault</li> </ul>	<ul style="list-style-type: none"> <li>• Myths about sexual assault</li> <li>• Law</li> <li>• Effect of sexual assault on adults and children</li> <li>• Domestic violence</li> <li>• Statement taking</li> <li>• Sexual assault referrals</li> <li>• Interviewing Aboriginal victims</li> <li>• Protective behaviours</li> <li>• Medical examination of victims</li> </ul>
<b>WESTERN AUSTRALIA (WA)</b> Domestic violence	<ul style="list-style-type: none"> <li>• Recruits, three-day seminar on crisis intervention, covers child abuse, suicides as well as domestic violence</li> <li>• Promotional courses</li> </ul>	<ul style="list-style-type: none"> <li>• Law</li> <li>• Cultural issues</li> <li>• Crisis intervention techniques</li> <li>• Emphasis on acting with caution (training under review)</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>• Recruits</li> <li>• Promotional courses (by correspondence)</li> </ul>	<ul style="list-style-type: none"> <li>• Law</li> </ul>

Table 1: Summary of internal police training courses (continued)		
Topic	Target Groups	Contents
<b>SOUTH AUSTRALIA (SA)</b> Domestic violence	<ul style="list-style-type: none"> <li>Recruits, 2.5 days to be increased to five days plus practical exercise</li> <li>In-service, one day</li> <li>In-service for Domestic Violence Crisis Unit, five days</li> <li>Victims of Crime Contact Officers' Course</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Myths</li> <li>Cycle of violence</li> <li>Support shelter (includes visit to women's shelter)</li> <li>Interviewing</li> <li>Masculinity and patriarchy</li> <li>Emphasis on legal action</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>Recruits</li> <li>Sex Crime Investigators' Course</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Myths</li> <li>Historical, social and cultural factors</li> <li>Interviewing techniques</li> <li>Protective behaviours</li> <li>Offender types (no mention of gender)</li> <li>Physical evidence</li> <li>Offenders' perception</li> </ul>
<b>AUSTRALIAN CAPITAL TERRITORY (ACT)</b> Domestic violence	<ul style="list-style-type: none"> <li>Recruits, eight periods or one day</li> </ul>	<ul style="list-style-type: none"> <li>Police procedures</li> <li>Liaison with Domestic Violence Crisis Unit</li> <li>Potential danger</li> <li>Law</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>Fifteen days in-service to qualify to work in Sexual Assault Unit</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> <li>Police procedures</li> <li>Support services</li> <li>Effect on victims</li> <li>Psychological profiles of sex offenders</li> <li>Court procedure</li> <li>Medical examination</li> </ul>
<b>TASMANIA (TAS)</b> Domestic violence	<ul style="list-style-type: none"> <li>Recruits</li> </ul>	<ul style="list-style-type: none"> <li>Causes (alcohol, stress, etc)</li> <li>Crisis intervention</li> <li>Law</li> <li>Fact finding strategy</li> <li>Containment strategy</li> <li>Referral service</li> <li>Emphasis on caution</li> </ul>
Sexual assault	<ul style="list-style-type: none"> <li>Recruits</li> </ul>	<ul style="list-style-type: none"> <li>Law</li> </ul>

Training for police can be categorised into three areas: basic or recruit training, promotional and specialist training, and in-service training.

### **Basic training**

Basic training is required for recruits to qualify to become sworn members of a police force or service. The course involves a combination of theoretical education and practical on-the-job training. The qualification in several States is an Associate Diploma. The accreditation for the diploma consists of a combination of units offered at a Technical and Further Education (TAFE) institution and the Police Academy.

An example is the Queensland Associate Diploma Justice Studies. Candidates apply through the Queensland Tertiary Admissions Centre (QTAC) and, on acceptance, are employed by the Queensland Police Service. The first semester of the course is provided at the TAFE campus; the second semester is provided at the Police Academy. Participants then complete 12 months field-based training, where they are supervised by field training officers who must complete a training programme themselves.

### **Promotional and specialist training**

Promotional or specialist training refers to courses that police must undertake in order to qualify for promotion or to be eligible for specialist positions such as detective work. Some States also require tertiary qualifications. Promotional levels that would require completion of courses are sub-officer or sergeant- and officer-level inspectors, or above. Some specialist courses are open to any members who are interested, with priority given to those who are working or want to work in a particular area. Examples of this are the Domestic Violence Unit, which is a five-day course offered to South Australian police. While the Unit is primarily designed for police who want to work or are working in the Domestic Violence Units, it is open to other police officers.

### **In-service training**

Another area of police training is that of in-service training. All States and Territories have a structure of ongoing education for police. States and Territories vary in the degree to which such training is voluntary.

Queensland has introduced a Competency Acquisition Programme where, in order to qualify for increased pay points, members must gain certain competencies through a distance learning module. In Victoria, in-service training is provided by district training officers. In most cases the sessions are not compulsory; however, sometimes, because of legislative requirements or force priorities, it will be compulsory for every police officer to undertake a particular session.

There are also the one-off, or ad hoc, in-service courses. Although these may focus on violence against women, they are not part of a formal structure.

## **Extent of training**

### **Domestic violence**

All States and Territories incorporate dedicated sessions on family violence and sexual assault into their recruit training programme. At a minimum, this includes a discussion of relevant legislation. The time spent directly on domestic violence ranges from a couple of sessions in Western Australia to four days in Queensland. Styles of teaching vary, with a number of innovative practices that include spending a day in a women's shelter (South Australia), role plays, videos and guest speakers. A number of sessions on domestic violence are also included in promotional training, particularly at the sub-officer level.

The only State that appears to address domestic violence at the senior management level is Queensland, where the Coordinator of the Domestic Violence Unit presents a one-hour session to the Executive Development Programme. In-service programmes on domestic violence are offered in most States and Territories, ranging from a session of up to three hours in Victoria, to a five-day programme in South Australia.

### **Sexual assault**

There appears to be less time dedicated to sexual assault than domestic violence in both basic and promotional training. The topic of sexual assault generally involves a discussion of the law with limited attempts to develop an understanding of the victim's perspective or the nature of sexual assault. Often, where this is covered, it is as part of a general session on victim sensitivity. However, in contrast to domestic violence, a number of States provide courses of up to 15 days to qualify to work in a specialist field such as Community Policing or Sexual Assault Units.

Three States offer in-service programmes for general duties police:

- Western Australia has a one-week course directly following recruit training for women officers
- Queensland has just introduced a three-day in-service workshop on sexual assault
- New South Wales offers a two-week course followed by 12 months field training for general duties members. Completion of the New South Wales course qualifies a police officer to take statements from victims of sexual assault. This course encourages police officers to make their own local networks with service providers and involves community representatives in the final assessment procedure.

### **Peer influence**

All States and Territories expressed concern about the potentially negative impact of the attitudes and practices of older colleagues on newly sworn police officers who go into the field. This has been addressed in Queensland through their Field Training Officer Programme. The field training officer acts as a mentor or 'buddy' to the junior member. To be nominated as field training officers, police officers must complete a training programme that includes units on domestic violence. The idea of a mentor system was also suggested in the interviews. However, there is a danger that reliance on such a system could simply reinforce bad practices or attitudes unless it is tied to a rigorous system of education for the mentors.

### **Senior management**

The lack of recognition of violence against women in education programmes for senior management is an issue of concern. It is these officers who will make decisions about the allocation of resources, operational procedures and responses to complaints about police handling of violence against women. There have been major changes in public expectations and police policy over the last decade, however, most senior police underwent training at a time when violence against women was either ignored or not perceived as the polices' responsibility. Attending calls to family incidents, which consumes a large amount of police time and resources, is thus a critical management issue.

## **Violence as a criminal offence**

The degree to which violence against women, particularly domestic violence, is defined as a criminal offence varies among States. New South Wales, Queensland, South Australia and Victoria all clearly convey the training message that domestic violence is a criminal offence. However, conflicting approaches and definitions can be found. For example, in South Australia the Basic Psychology Notes used in initial recruit training begin the discussion under the heading Legal Approach:

*Legal approaches to domestic disputes may not be applicable or appropriate...*

This contrasts with the South Australian PCO Circular 458, which states:

*Police should be committed to the full application of the criminal law in cases of domestic violence...*

Thus, police receive mixed messages about the appropriateness of legal intervention.

Some training notes do not encourage a criminal view of violence against women. For example, the notes on domestic violence of the West Australian Extension Studies Unit 5, which form part of the advanced training notes, include the following:

*Outline the necessity for caution in arresting husband or wife for assault.*

*If in difficulties for a peaceful solution, a little bluff or hint to possible consequences goes a long way: separation orders lead to maintenance and children may be removed from a poor environment*

It should be noted that Western Australian police have indicated that they are reviewing their training practices. Tasmania's recruit training notes include a detailed response which appears to discourage legal action and offers recruits the advice that:

*If a complainant in a minor assault is seeking to have an arrest made only because he/she is upset or angry, then it is important that you should point out the consequences of that action. These are:*

- possible loss of income
- possible effect on the children
- probable cause of further deterioration or breakdown in family relationships and certain widening of any gaps, and
- necessity for complainant to appear in court to give evidence.

Any discussion of violence against women should make it clear that allegations of the use or threat of violence will be treated as a criminal investigation. The Northern Territory basic training suggests that different approaches should be taken according to the level of the victim's fear. This can be problematic, as the focus is on the victim and her reaction rather than the possible criminal offence.

Police acknowledge they are reluctant to lay charges or to arrest the offender in cases of violence against women. It is, therefore, important that training notes are phrased in such a way as to encourage action, as in the New South Wales Police Procedures which act as guidelines for police:

*If satisfied an offence has been committed, no matter how minor, police are encouraged to arrest and charge the offending party. (our emphasis)*

## Issues of gender and power

An examination of police training notes revealed a lack of recognition of the influence of gender and power in discussions of violence against women. Not only are these issues rarely addressed, but generally the language used to discuss domestic violence and sexual assault is gender-neutral. Thus we have phrases such as:

- some people are more disposed to violent behaviour than others
- spouse abuse is practiced by more than half of all US couples
- violent relationship, and
- complaints of assault between husband and wife.

The use of this gender-neutral language obscures the fact that most crimes against women are committed by men.

Although some notes include discussions about the psychology of the offender or offender types, gender discussions are omitted. There is rarely acknowledgment that men are generally the offenders in domestic violence and sexual assault. At the same time this objectivity is not maintained in language which discusses the investigator:

- the investigator should maintain his objectivity
- the investigator must first satisfy himself

Some states do recognise that:

*Most commonly (domestic violence) is violence by a male partner, either married or defacto against his female partner. (Victoria CPS Course Notes)*

South Australia also includes a brief discussion of patriarchy in their notes for Police Practice II, used in recruit training.

Currently within police training, adult and child sexual assault is often taught under the broad umbrella of child abuse. This runs the risk of hiding the gendered nature of sexual assault. In both adult sexual assault and child sexual assault, at least 90 per cent of the perpetrators are male. To combine training in adult sexual assault and child sexual assault with other forms of child abuse is to deny the differences between them.

The Western Australian Child Sexual Abuse Taskforce noted that:

*Child sexual abuse differs from other forms of abuse in its aetiology, the planned nature of the act, its criminal status, its impact on all family members and its long-term effects on all individuals involved.*

*Further, Hewitt argues that child sexual assault should be considered as one form of the general phenomenon of sexual assault, not as child abuse.*

The language of training notes, the location of the training and the recognition of gender are important in order to provide a context for understanding violence against women. As the NCVAW Position Paper clearly states, violence against women must be seen in its entire social context. Many police officers may be uncomfortable with this approach, which identifies men as the perpetrators and responsible parties. Recognition of the gender issues implicit in violence against women carries with it implications for practice such as the gender of the investigating officer and his or her knowledge of gender-specific support services.

## Cultural considerations

While most general training programmes include some discussion of cultural influences, there is little detailed discussion of cultural factors in relation to violence against women. The exceptions are the Northern Territory, which includes a session on interviewing Aboriginal and Torres Strait Islander victims in the two-week in-service course on child abuse and sexual assault, and Queensland, which includes a discussion on cultural issues in the sexual assault in-service course.

Although violence against women is universal and not culturally specific, it is important that police respond to violence with cultural sensitivity. This includes ensuring that the victim understands her rights, is aware of the use of interpreters and is able to assess the appropriateness of particular types of police intervention. Nevertheless, cultural sensitivity should not override the need to respond to the violence as criminal behaviour. Police should also be aware that some cultural and

ethnic groups may be reluctant to involve them and that there will be, particularly with Aboriginal and Torres Strait Islander communities, the need to balance racial sensitivity with the need to protect women from further violence. A point raised during the interviews was that the police often feel hampered by a perceived lack of legal powers, which is likely to have an influence on whether or not they take action. The response of the courts, the degree of cooperation from the victim and the weighing up of evidence will have an impact on police action. However, the starting point is to recognise that physical or sexual assault is a crime.

Despite the introduction of legislation designed to protect people from assault by family members in all States and Territories, and numerous related reports and committees, police often resort to excuses such as a lack of legislative powers or an expectation that the victim will 'back down'. South Australian police have developed a response to the latter by recognising the pressures on women not to proceed to court. Rather than use this as an excuse for inaction, they have addressed the problem by providing victims with support and counselling to assist them to gain the courage to proceed with giving evidence.

Training which raises police awareness of the nature of violence against women and which stresses the criminal nature of the violence will assist in developing more positive approaches in the future.

## External Police Training

Institution	Course	Comments
Phillip Institute of Technology, Victoria	<ul style="list-style-type: none"> <li>• BA (Criminal Justice Admin)</li> <li>• Human Rights Victimology</li> <li>• Sociology 2c (Australian Social History)</li> </ul>	Domestic violence and/or sexual assault is not mentioned in any course outlines, nor are gender issues. Domestic violence and sexual assault in the two units noted. Unit offered on Modern Political Ideologies studying 'major traditions of ideological thought, in particular, liberalism, conservatism, democracy, socialism, nationalism, and Marxism' – no feminism.
Griffith University, Queensland	<ul style="list-style-type: none"> <li>• Advanced Certificate in Policing</li> <li>• Issues in Australian Society</li> <li>• BA (Justice Administration, Social Justice)</li> </ul>	For each unit, four to seven hours are spent on domestic violence and sexual assault. 100 to 150 officers complete the first unit each year and 100 the second. The first unit 'examines the main social divisions of class, gender and race and ethnicity'. The second includes an examination of sociopolitical concerns surrounding social justice and welfare policies and studies particular 'client groups' including women and girls.

Table 2: Summary of external police training courses (continued)		
Institution	Course	Comments
Charles Sturt University, NSW	<ul style="list-style-type: none"> <li>• BA Social Sciences (Policing Studies)</li> <li>• Sociology of Police and Sociology of Family</li> </ul>	Both units cover one semester and about 20 per cent of study on domestic violence and sexual assault. 120 police complete both units each year. Overall, the course aims to 'acquaint students with a range of community issues facing police today'.
Queensland University of Technology, Qld	<ul style="list-style-type: none"> <li>• BA (Justice Studies)</li> <li>• Contemporary Issues in Australian Society 1 and Contemporary Issues in Australian Society 2</li> </ul>	First unit completed by Qld police recruits: 325 in 1991; 65 so far this year. Includes an analysis of masculinity and patriarchy. Six to nine hours are spent on topics of domestic violence and sexual assault in units 1 and 2. Second unit is open to serving police officers, with 110 enrolled in 1992.
Edith Cowan University, WA	<ul style="list-style-type: none"> <li>• ADA (Justice Studies)</li> <li>• BA (Justice Studies)</li> <li>• ADSocSci(Police Studies)</li> <li>• BSocSci(Police Studies)</li> </ul>	Provide pre- and post-employment education for police. While domestic violence is not specifically targeted, the objective is to develop a more sensitive, questioning officer with increased knowledge of the 'big picture' and the major issues in her/his locality.
Australian Police Staff College, NSW, but Australia-wide enrolments	<ul style="list-style-type: none"> <li>• Focus on 'Strategic Management Issues'</li> <li>• No units specifically on domestic violence or sexual assault</li> </ul>	Plan to introduce courses on 'contemporary social and policy issues' which will include domestic violence and sexual assault. Also noted that domestic violence and sexual assault often discussed in case studies and forums
University of Western Sydney, New South Wales	<ul style="list-style-type: none"> <li>• BA Social Science</li> <li>• Violence and Crisis Intervention</li> </ul>	Forty-two hours, includes both family violence and sexual assault. No plans to extend. Unit is one of eight electives.

Ten tertiary institutions offer courses specifically designed for and undertaken by police officers. Written responses were received from seven institutions, with Charles Stuart University and Monash University responding by telephone. Unfortunately, due to time constraints they are not included in this analysis. It was emphasised during interviews that one benefit of external studies was that police students would often be in classes with students from other disciplines. This contributed to a breaking down of the police culture and allowed for an experience of different perspectives.

### Extent of Training

As with the internal training, all responses acknowledged that there was at least some discussion about domestic violence and sexual assault and, in some cases, considerable time devoted to the topics.

The survey generated interest among respondents, indicating an acknowledgment of the importance of addressing violence against women, and a defence of why it was not always addressed. For example, a response from Edith Cowan University, WA, noted:

*... the job of policing is so diverse that we can't prepare individuals for every problem they might encounter and should, instead, attempt to give them a more general education that forces them to think, question and tackle every problem creatively rather than in categories.*

## Violence as a criminal offence

It was difficult to gauge from the information provided whether there was an emphasis on the criminality of violence against women. The Queensland University of Technology responded that police training should discuss responses to violence against women within an investigative framework. This approach would clearly place such violence in a criminal context.

## Issues of gender and power

There appears to be no in-depth analysis of gender and power issues. The exceptions to this were Queensland University of Technology, which includes an analysis of masculinity and patriarchy, and Griffith University in Queensland where the Advanced Certificate in Policing includes an examination of 'the main social divisions of class, gender, race and ethnicity'. Edith Cowan University also encourages their students to complete an elective from another department, one of the options available is a unit on Women's Studies, although this option is rarely taken.

In interviews it was generally agreed that police training should recognise the social context of violence against women by being made aware of the gender issues in domestic violence and sexual assault. It was agreed that this should include an acknowledgment that men are the perpetrators of sexual violence against women; the degree of power and control which men exercise, particularly in the criminal justice system; and an analysis of rape as an act of power not as an act of sex. However, it was also noted by those interviewed that this issue should be handled cautiously as students may become antagonistic if they believe they are being given a 'hard feminist line'.

Queensland University of Technology discussed the reaction of police who completed the units Contemporary Issues in Australian Society 1 and 2, which include an analysis of masculinity and patriarchy. They have found that the units are very confronting. The first unit will often be the first time participants are exposed to a feminist perspective and students often have a negative reaction. However, the participants in the second unit react much more positively and openly, having already had some exposure and time to reflect after the first unit. The point was made that the incorporation of information about the social context of violence against women in other parts of the course helps students to develop a better understanding.

## Senior management education

The Australian Police Staff College attracts participants from the ranks of senior police officers and has as its focus 'Strategic Management and Policy Issues'. The College does not offer courses which have a specific focus on violence against women although the response noted that it is sometimes a topic for discussion in case studies and scenarios. Given the lack of internal training on violence against women for senior police officers, the Australian Police Staff College could play a role in the development of courses on management issues related to violence against women.

## Gaps in training

The analysis of both internal and external police education indicates that police are being exposed to a small degree of information about domestic violence and sexual assault. It therefore could be expected that those who recently participated in basic training would have a reasonable understanding of legislation and police procedures. The areas where gaps appear are as follows:

- little recognition is given to the fact that those who commit violence are men who, generally, are in a relationship with the woman
- there is no exploration of the difficulties faced by women in dealing with a 'male culture' police force and criminal justice system
- in some States and Territories, the criminality of violence against women is not clearly recognised or emphasised in internal training
- the training of those police officers in the field who have not undertaken in-service or promotional courses has not been addressed
- only one State addresses violence against women from a management perspective, as a dedicated topic, and even that is quite limited. Police in senior management positions must be encouraged to have an understanding of violence against women to equip them to make management decision and respond to complaints about policing
- little attention is paid to cultural issues and the need for police to develop a culturally sensitive response while still responding to violence against women as a crime.

## Recommendations

The NCVAW recommends that:

1. recruit training for police officers include a discussion of the nature of sexual assault, consequences for the victim and strategies for responding which respect and affirm the victim and promote women's safety as the paramount consideration
2. all police departments develop a module on violence against women for operational police who have not undertaken training in this area for five years or more, and that the module be compulsory and address issues of violence against women, updating police on the changes in community expectations about the way violence against women should be responded to and examining reasons behind changes in legislation and police procedures
3. the National Committee on Violence Against Women consult with police departments in each State and Territory to develop a training package on violence against women for inclusion in all internal police training, and that the package include:
  - recognition of the criminality of violence against women
  - discussion of the impact of the violence and the consequences for women who have been subjected to violence
  - recognition of the social context of violence against women
  - discussion of issues of gender and power
  - analysis of the way in which the perceived/actual gender bias of the criminal justice system might frame the response to violence against women
  - discussion about strategies for responding to a woman who has experienced physical or sexual violence which recognise the women's experience and which are affirming, and
  - recognition of cultural diversity.

4. That a core unit be included in external 'Police Studies' courses which includes an analysis of the gendered nature of violence, a discussion of different types of violence and their impact on women who have been subjected to violence and a discussion of the different contexts in which violence is perpetrated against men and women.
5. That police forces and services in all States include an analysis of the management issues relating to violence against women in any course or development programmes provided for police officers in senior management positions.
6. That the Australian Police Staff College develop a course on the management implications of policing violence against women.
7. That the above recommendations be forwarded to the Australian and New Zealand Police Commissioners' Conference, the Australian Police Ministers' Council and the Australian Education Council.