

# System change in bite-sized chunks

## Domestic violence revisited in the ACT

Detective Superintendent Chris Lines, in his capacity as coordinator of the ACT's crime prevention portfolio, last year addressed the Women and Policing Globally 2002 Conference in Canberra, on the ACT's interagency Family Violence Intervention Program. During his address to women police from more than 50 Australian and international jurisdictions, DS Lines laid out his views on how police response to family violence in the ACT has evolved in recent years.

“**D**r Cathy Humphries from the University of Warwick in England and Robyn Holder – the Victims of Crime Coordinator here in Canberra – both tell me that the existing body of knowledge on criminal justice responses to family violence lacks sufficient remarks from a police manager’s perspective about leading and managing changes to the traditional police response to family violence. If I am wrong, you can blame them for my presentation this morning.

In 1996, the Community Law Reform Committee candidly reported that family violence, “Is a problem” in the ACT. Among its recommendations, the committee called on government to establish a Family Violence Intervention Program (FVIP) in the ACT based on the model pioneered much earlier in Duluth, Minnesota, USA. In 1998, the first phase of the FVIP began in the ACT. Phase II commenced in 2000 and Phase III is presently underway.

The agencies and organisations driving the ACT FVIP include the Australian Federal Police, the Director of Public Prosecutions, the Magistrates Court, the Domestic Violence Crisis Service and

Legal Aid. Corrective Services, the Victims of Crime Coordinator and the Department of Justice and Community Safety are also on board.

After spending several years working on a project in another Australian jurisdiction, I came back to the ACT in 1999 as a freshly promoted superintendent. My new position took me to one of our smaller suburban police stations as the officer-in-charge. I remember sitting at my desk that first day and excitedly thinking to myself, “I just love being in charge”. I also recall naively believing that it would only take me three months to change my new station into what I wanted it to be, and to fix all its problems. Let me say that I have learnt a lot since then.

For me, two important factors existed when we embarked on the second phase of the Family Violence Intervention Program. Firstly, the timing was right for change. The weight of international, national and local research on family violence – together with local in-roads towards improved police responses to it – meant more and more people were talking up the need for advanced criminal justice interventions to family violence. It was therefore increasingly difficult to overlook the local issues any longer.



*Photo by Brian Hartigan*

But nothing was more influential on my understanding of the need for change than the evaluation report, released in 2002, about the first phase of our own interagency Family Violence Intervention Program. For me, the foremost passage in the report was, “By far the biggest concern to emerge from the evaluation is the initial response of the [Australian Federal Police] to family violence incidents and subsequent arresting and charging practices. ... From the perspective of those outside the AFP ... the problems with policing family violence cases relate to inconsistency in police response, with it being “hit or miss” justice depending on the individual officers who are attending the incident...”

Secondly, we coincidentally had people around us who sought – indeed demanded – change. I found myself sitting on the Domestic Violence Prevention Council and its Criminal Justice Sub-committee. The latter comprises representatives from criminal justice agencies and non-government organisations.

Talking about it as we prepared our paper, Robyn Holder and I agreed that the shape of the group and the workable mix of its personalities just happened. Perhaps the shape and the mix evolved naturally. Perhaps it was no more than simple good luck. Or a coincidence. In any case, the consistency of the group lies in its experience, commitment, and fundamental acceptance of interagency cooperation. Certainly, according to Robyn, the group dynamics did not come about through some master plan or grand design.

Importantly, I should point out here that the management group’s attributes do not signify the absence of tensions from time-to-time. Nor should you exclude the presence of someone who often pulled them altogether. On the contrary.

I first read the evaluation report about Phase I of the Family Violence Intervention Program when the Criminal Justice Sub-committee tabled the final draft at one of my earliest meetings. It was highly critical of the police. Briefly, some of the bigger-picture criticisms levelled at us were:

- inconsistent data collection on family violence;
- inconsistent police responses to family violence;
- a lack of training in family violence interventions;
- a lack of monitoring and accountability for family violence interventions;
- the failure by police officers to consistently apply the best practice guideline on family violence; and
- The imprecise wording of family violence protocols and the guideline.

I was appalled by these findings. The natural temptation, I think, supposed a hasty retreat to the trenches for an unfaltering defence of our performance.

But we did not retreat. Nor did we defend our performance. Rather, we acknowledged our failings to the Criminal Justice Sub-committee and gave an



Photo by Cpl Alisha Carr, Army Newspaper

undertaking that we would tackle the issues highlighted in the evaluation report. Moreover, we recognised the evaluation as a useful report card. It helped set our benchmarks for improved performance. It also told us exactly what we had to do in Phase II.

#### We Shifted Policy From 'Positive Action' To Arrest

As my education about police interventions into family violence continued, I must confess to some confusion about the research findings into mandatory and pro-arrest. I understand this is common so I do not feel half as bad about it now. What I did comprehend, though, was the need in any case for a clearly defined policy position.

Our past guideline on family violence informed officers that action must be taken in the collection of evidence and the active pursuit of charges. It also asked officers to consider the presumption against bail... in all circumstances. And it put prosecution as the most effective means of stopping violence and preventing its recurrence. It also described law enforcement as a deterrent to further acts of violence.

Do you think these statements clearly set out my organisation's policy on family violence? For me, at their best they are only a hint. Indeed, I actually find that our past guideline completely failed to clearly enunciate our policy position on family violence. It therefore had to change.

#### Compare the old guideline with today's (draft) guideline

The policy of ACT Policing in respect to interventions at family violence incidents is pro-charge, pro-arrest, and presumption against bail where evidence exists that a criminal offence has been committed. The decision to arrest is based on the evidence available and the circumstances surrounding the incident. It will not be influenced by the victim's reluctance to proceed or any anticipated outcome from a court proceeding. Members shall not ask a victim if they want the offender arrested or charged.

But we had to work very hard in the early days to overcome concerns about a policy position that put arrest as the primary measure of police interventions at family violence incidents where offences were apparent.

The first concerns came from police officers. They complained that the newly drafted policy eliminated their discretion and forced them to arrest. And it did not help their understanding much when – to the horror of Sergeant Sue Anderson, the Family Violence Project Officer – I said things like, “Pro-arrest means someone's coming with you”. Sue let me get away with this pretty broad interpretation a few times before reminding me that the evidence thing is most important to the concept of pro-arrest.

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The Ombudsman likewise expressed concern – indeed deep concern – about the impact of a policy of pro-arrest. And I equally startled his office with my early description of it. We engaged in much discussion and debate – some of it rather robust – with the Ombudsman’s office about pro-arrest. We exchanged any number of letters over the issue. In a report he released in 2001 following his own-initiative investigation into family violence in the ACT, the Ombudsman declared that the “understanding and implementation of the pro-arrest policy... would benefit from greater clarification and guidance” (Ombudsman, 2001, p. 8). However, he deferred his final judgement on the policy pending release of the best practice guide.

Put plainly, the agencies involved in the Family Violence Intervention Program simply could not implement the changes required without substantial supplementary funding. Thanks in the first instance to a substantial grant from the Commonwealth Government’s initiative called Partnerships Against Domestic Violence, the ACT Family Violence Intervention Program started from a strong financial position. This provided the criminal justice agencies with much needed equipment and people. Thankfully, the ACT Government took up the mantle when the Commonwealth’s seed funding ended. We therefore have sustainability for the future.

We occasionally took action without clear executive support and thereby over-stretched the concept of empowerment.

The timing added some risk, too, for we embarked on the second phase of the Family Violence Intervention Program with the Sydney Olympic Games fast approaching.

I kept nothing from my interagency colleagues. At every meeting of the Criminal Justice Sub-committee, I tabled an expenditure report and progress report, and highlighted any implementation problems. This transparency brought its own risks.

When the Ombudsman announced his own-initiative investigation into family violence, we gave his office (restricted) entry to the pilot police station and ready access to the police officers involved in the family violence intervention program. The Ombudsman’s research officer worked alongside the Family Violence Project Officer and accepted the offer of an operational ride-along. We provided unfettered access to the particulars of every family violence incident – including the job write-off – recorded during the pilot. We released all our policy documents. We handed over our training manual on family violence and invited the research officer to participate in the training course. By doing all these things, we risked substantiating the Ombudsman’s concerns about a policy of pro-arrest for family violence and threatened his support for it.



Photo by Brian Hartigan

From the outset of Phase II, the (specialist) family violence prosecutor identified those officers who produced good work and gave them individual, highly positive feedback. My office followed up this feedback with praise through face-to-face thank-you meetings with the individuals concerned and their supervisors. The supervisors in many cases also noted the individual's performance assessment. Not only did officers value these demonstrations of appreciation, they heard about court outcomes sooner and began to see themselves as part of a much larger team – which included the prosecutor's office.

During Phase II (and it continues today by the way), a member of the Executive Team (either an Assistant Commissioner or a Commander) consistently opened the family violence training courses. At every opening, she or he authenticated the executive's acceptance of the changes to police practice in responding to family violence, and acknowledged the strain on resources those changes sometimes brought. These observations helped prove to the officers at the sharp end of the change process that the Executive Team wholeheartedly supported the Family Violence Intervention Program.

The Project Officer and I also remained highly visible and accessible.

Nothing fortifies scepticism about change so much as a fall at an early hurdle. On the other hand, nothing

feeds success and satisfaction better than success. In Phase II, we purposefully took bite-sized chunks. We deliberately piloted the project at a small suburban police station. We planned carefully. We equipped the police officers in the pilot patrol with new technology. We trained them in a new methodology. We evaluated our first steps before we embarked on Phase III.

#### So, what's changed?

I'll feel guilty after all that if I finish without giving you at least some idea of the police outcomes from Phase II.

- The arrest rate in the pilot police station increased from 16 to 27 per cent.
- Action taken – including arrest – increased from 24 to 42 per cent in the pilot police station.
- Over the past three years, we have seen a 152 per cent rise in the number of family violence matters coming into the office of the Director of Public Prosecutions.
- The number of (criminal) family violence matters finalised at court by guilty plea increased in the first year of the Family Violence Intervention Program from 24 per cent to 40 per cent, then increased again the following year from 40 per cent to 61 per cent.

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- The case management procedure combined with the guilty plea rate saved 835 days in police time at court.

In the evaluation of the pilot project at Woden Police Station, officers working there were far more likely:

- To feel they had sufficient knowledge about the legislation, procedures, and role of specialised personnel (such as the Victim Liaison Officers);
- To use a wider range of investigation practices in cases of family violence;
- To believe that improved evidence gathering would lead to more convictions; and
- To report observed improvements in the prosecution of family violence cases.

Finally, the evaluation found that officers working at Woden Police Station were far more likely to disagree with the statement that there was little or no satisfaction in policing family violence matters.

### Conclusion

From time-to-time, I have grumbled to Robyn Holder – my co-author – that managing change in a police organisation is not difficult – it is impossible! But change we have.

So, to sum up, what did we do?

Luckily, the timing was right. And coincidentally we had dedicated people around us. Quite simply, the key people fell into place at the right time. Of course, these two attributes are difficult to replicate. It is that magic all change managers dream of, but can never plan for and rarely see.

We acknowledged our early failings. Now we have turned them to our advantage. We shifted policy. It sets a very clear position now. We acquired funding. Now we have new technology and more people. We took risks. Mostly they paid off. We made sure we said thank you and well done. We were visible and gave support. We took bite-sized chunks. We now look back at a finished project.

Our evaluation showed us that we changed our relationship with key stakeholders. It is stronger and more trusting now. We successfully changed police practice at family violence incidents. We also changed the satisfaction and confidence levels of the police officers that respond to family violence incidents. The levels are much higher now. We improved the understanding that police have about the dynamics of family violence.

And we did all this through a first-class training program developed by the interagency group.

I realize now, that this change thing is not based on rocket science. It's pretty simply really. I don't know what all the fuss is about.