



HARM IN THE NAME OF SAFETY

VICTORIAN FAMILY VIOLENCE WORKERS' EXPERIENCES OF FAMILY VIOLENCE POLICING

**BEYOND
SURVIVAL**



 **RMIT**
UNIVERSITY



HARM IN THE NAME OF SAFETY

VICTORIAN FAMILY VIOLENCE WORKERS' EXPERIENCES OF FAMILY VIOLENCE POLICING

PUBLISHED BY FLAT OUT INC, AUGUST 2025

MALINS, P. & CAULFIELD, L. (2025) "HARM IN THE NAME OF SAFETY: VICTORIAN FAMILY VIOLENCE WORKERS' EXPERIENCES OF FAMILY VIOLENCE POLICING", BEYOND SURVIVAL PROJECT REPORT, FLAT OUT INC.

www.flatout.org.au

All images are courtesy Charandev Singh, except for: the image on page 89 (courtesy Jenna Golden); images on pages 22, 59-60, 80, 83 and 94 (courtesy Flat Out Inc.); cover and back cover images (courtesy Charandev Singh and Shutterstock); and image on the Table of Contents page (courtesy Shutterstock and Istock).



Acknowledgements

This report has been prepared on the stolen lands of the Wurundjeri People of the Kulin Nation. The authors and the project team pay respects to Elders, past and present, and recognise that the sovereignty of Traditional Owners has never been ceded.

We would like to thank all the research participants who took the time in the context of the demands of family violence responses and front-line support work to respond to the survey and provide insights into their practical experience of family violence policing in Victoria.

Our respect and gratitude to the survivor advisors, researchers and academics who guided and reviewed this work, including Associate Professor Amanda Porter, Associate Professor Crystal McKinnon, Dr Tamar Hopkins, Charandev Singh, Dr Jana Katerinskaja, Dr Delanie Woodlock, and the police-perpetrated violence survivor network.

Thank you also to the Flat Out and Beyond Survival Project volunteers, to Emma Belfield for editing assistance, to Estelle Petrie for content contribution, and to Jacqueline Rayner for report design.

We wish to acknowledge the Victorian Legal Services Board Grants Program for essential funding to the Beyond Survival Project to enable legal and social work support for victim-survivors harmed in the course of family violence policing.

Author contacts:

Dr Peta Malins (RMIT University) peta.malins@rmit.edu.au

Lauren Caulfield (Beyond Survival) advocacy@flatout.org.au



Executive summary

This report details the findings of the 'Policing and Family Violence' survey of frontline family violence workers in Victoria, which asked for practice-based observations of Victoria Police responses to family violence.

This survey was undertaken during 2020-21 to gather evidence related to how family violence is policed in Victoria. It explored the experiences and observations workers have of police responses to family violence, including: how these responses supported or impacted survivors; what actions they took when police responses were harmful; whether they observed key policing issues or trends; what gaps and barriers they identified to effectively support people harmed by police; and if they had any recommendations for change.

Victoria Police has been made central to the family violence service system in Victoria in recent decades, but in the absence of public reporting about issues and harms related to family violence policing, including significant issues like police 'misidentification' of the predominant aggressor and police-perpetrated family violence, the data concerning harms enacted by police in the context of family violence is often arduous to obtain.

Survivors and family violence support workers have significant lived and work experience

that provides valuable anecdotal and practice-based evidence of issues and harms, as well as gaps in pathways and support services. However, the consolidation of a sector-wide evidence base outlining the nature and scale of police harms has been hindered by capacity challenges in the high-pressure context of family violence response work. There are also important privacy and confidentiality considerations that make data-sharing across services difficult. Given the special expertise of family violence practitioners, community lawyers and other frontline workers, the number of people they assist and the complexity of this work, they are an important yet often overlooked part of the evidence-base for evaluating the efficacy of family violence responses (Breckenridge & Hamer 2014).

225 frontline family violence workers, including specialist family violence workers, community lawyers and other community and support workers from a wide range of agencies across Victoria completed our survey, giving comprehensive responses and permission to publish their practice-based evidence. To our knowledge, this survey of family violence workers on the issue of police responses to family violence is the largest of its kind undertaken in Australia. Most qualitative studies of family violence policing, including Ombudsman reports, either focus exclusively on police or victim-survivor

perspectives, or draw on the perspectives of a comparatively small number of workers (generally fewer than 40).

The vast majority of the 225 survey participants identified a wide range of issues and concerns with police responses to family violence in Victoria, and with the harmful impacts of family violence policing generally. Their detailed responses offer damning testimony about the nature of harmful and ineffective police responses to family violence, and the limited pathways for people impacted by this policing to seek satisfactory recourse.

The key intersecting trends in police harms identified by practitioners include:

- 1. police minimising or downplaying the violence and harm done to victim-survivors and increasing the risks of further harm**
- 2. police extending the violence through collusion with people using violence, enabling of systems abuse, and the criminalisation and punishment of victim-survivors**
- 3. police targeting and discriminating against Aboriginal and Torres Strait Islander people, migrant and other racialised communities, LGBTIQ+ communities, disabled people, sex workers, drug users and those who have been previously criminalised**
- 4. police ‘misidentifying’, or wrongfully identifying, victim-survivors as perpetrators**
- 5. police perpetrating family violence and institutionally protecting officers who abuse**
- 6. police resisting feedback, avoiding accountability, and preventing access to justice and remedies for victim-survivors who are harmed by police.**

Many workers also shared their visions for reimagining frontline responses to family violence - which ranged from suggestions for mitigating the harms of policing or improving police responses, through to decentring police from family violence responses, and extending the suite of options available to people experiencing family violence to include community-based and non-police alternatives.

The findings show that in many cases, rather than helping victim-survivors, police responses to family violence significantly disempower or sideline survivors’ own risk assessments and autonomy, replicating the very power and control dynamics that underpin family violence, and increasing risk, harm and trauma. Ineffective, problematic and harmful police responses to family violence are not isolated events but are a regular feature of interactions police have with victim-survivors.

The findings build and expand upon existing research literature that documents extensive problems in family violence policing and in policing practices and police institutional cultures more broadly. When taken together, this research and the findings in this report show that there are deep, foundational, systemic and structural problems with police as an institution, including with police workplace culture and the ways that this culture manifests and is displayed in police responses to family violence.

These are problems, therefore, that cannot be remedied through limited reforms, such as better education or training, but instead demand a much more significant rethink of the existing reliance on police in responses to family violence.

This report shows that victim-survivors urgently need alternative safety and support options outside of policing: pathways that do not

replicate dynamics of control and domination but are instead survivor-led and community-led mechanisms that centre autonomy, safety and wellbeing.

SUMMARY OF KEY FINDINGS

1. POLICE MINIMISING OR DOWNPLAYING THE VIOLENCE AND HARM DONE TO VICTIM-SURVIVORS AND INCREASING THE RISKS OF FURTHER HARM

Frontline family violence workers documented many examples of Victoria Police responses to family violence that effectively downplay or minimise the violence and harm victim-survivors are experiencing and, in doing so, not only fail to offer effective support, but also increase the risks of further harm.

Many described extensive failures by Victoria Police to take family violence seriously, particularly men’s family violence against women. This includes examples of police: taking too long to respond to incidents; not doing welfare checks when needed; taking insufficient interest in investigating cases; not taking statements; failing to impose intervention orders when needed; not following up on intervention order breaches; losing evidence; not communicating effectively with victim-survivors about matters directly affecting safety; using minimising or dismissive language; engaging in victim-blaming and shaming; invalidating victim-survivor experiences; failing to do adequate risk assessments; failing to refer victim-survivors to support services; inadequately considering the needs of children and young people; and failing to take effective actions to keep victim-survivors safe.

Many also describe Victoria Police as displaying a widespread lack of understanding of family violence, particularly of the gendered drivers of violence, the nature of coercive control, the ways victim-survivors respond to and resist violence, and the increased risks faced when trying to seek help or leave. This includes police: dismissing or ignoring non-physical or coercive forms of violence; failing to take into account the histories and contexts of violence; and failing to recognise when DARVO (Deny, Attack and Reverse Victim and Offender) tactics are being mobilised by people who are using violence.

The detail and specificity of the examples quoted in the report point to core issues with family violence policing, where police responses display a lack of nuanced understanding of family violence and coercive control, and are ineffective and/or harmful. Practitioners detail how police minimisation of family violence significantly increase risks for victim-survivors, who not only face the psychological harm of having experiences of violence invalidated but are also left without material interventions and practical supports to improve safety.

It is also clear from worker responses that police family violence response failures are significant, prevalent and patterned. For example, more than two-thirds (69%, 156) of surveyed workers agreed they had witnessed “duty failures or substandard response from police”, and when given a range of examples of police duties under the code of practice and asked how often police responses had been appropriate or adequate, generally only one quarter to one third of participants selected ‘mostly’, with the vast majority of participants selecting ‘sometimes’, ‘rarely’ or ‘never’.

This data indicates widespread differences between policy and practice, along with foundational problems in understanding and response,

that manifest in every-day practice failures and contribute to multiple harms. Given the level of risk facing those who are experiencing family violence, these failures are extremely dangerous and can be best described as what Charandev Singh (Carrick, 2012) calls potentially “lethal indifference” and inaction on the part of police.

2. POLICE EXTENDING THE VIOLENCE THROUGH COLLUSION WITH PERPETRATORS, ENABLING OF SYSTEMS ABUSE, AND THE CRIMINALISATION AND PUNISHMENT OF VICTIM-SURVIVORS

Family violence workers in Victoria are also concerned about the ways in which police responses serve to actively extend the abuse and victimisation of people experiencing family violence.

Without prompting, nearly two thirds (65%, 143) of participants reported having witnessed police practices which in some way operate to extend the abuse of, or harm to, victim-survivors, including by: criminalising victim-survivors (32%, 71); colluding with or extending the tactics of the person using violence (including police processes weaponised as systems abuse) (12%, 28); or otherwise increasing victim-survivor experiences of harm or risk (48%, 109). This included examples, given without prompting, of police criminalising victim-survivors by deploying existing warrants or issuing new charges (3%, 6); wrongfully identifying victim-survivors as perpetrators of family violence (31%, 69); taking the side of the person using violence because they seemed more calm or more charming (8%, 19); and enabling police processes or responses to be weaponised by people using violence in the abuse of victim-survivors (3%, 7).

Worker narratives make clear that police collusion with people using violence, and the weaponisation of police powers against people experiencing violence, have significant

violent and cascading impacts, including on victim-survivor movements, access to housing, and capacity to care for children effectively, including the ability to make effective custody claims. They demonstrate how police family violence responses are – in many cases - not merely ineffective, but function to actively exacerbate and extend the violence and cause further harm to victim-survivors. This significantly problematises the central role police have been allocated in the family violence response system, and the increased integration of family violence services with police.

3. TARGETED, BIASED AND DISCRIMINATORY POLICING

The frontline workers in this study detail widespread and routine police discrimination toward women, and a range of targeted and marginalised groups including Aboriginal and Torres Strait Islander people, People of Colour, LGBTIQ+ communities, young people, people from marginalised culturally and linguistically diverse communities; people with mental illness/es, neurodivergence and other disabilities; people using drugs; sex workers; and people who have been previously criminalised.

Many participants (22%, 49) proactively identified police discrimination toward targeted and marginalised communities as a key problem they have observed. When later prompted regarding specific forms of police discrimination or bias they may have encountered, nearly all participants (90%, 202) selected at least one form of discrimination, indicating that police targeting, discrimination and bias are regular and widespread occurrences in family violence policing.

The shocking examples of bias detailed in the report by participants indicate that police are engaging in sexist and misogynistic comments, attitudes and behaviours and using

racist, sexist, ableist, homophobic, and ageist assumptions in deciding who they will respond to, take seriously and trust, and who they will ignore, arrest or criminalise. Many workers detailed specific concerns relating to police not using interpreters where needed, describing the significant negative implications of this for victim-survivors. Others raised concerns about police biases against young people in family violence cases, where they take the side of parents/carers who are abusing young people and misidentify young people as perpetrators.

The distressing examples given throughout the report have clear negative implications for the well-being of already marginalised victim-survivors, for whom police responses frequently occasion further discrimination and the compounding of harm, rather than supportive interventions to reduce risk and build safety.

4. ‘MISIDENTIFICATION’: POLICE WRONGFULLY IDENTIFYING VICTIM-SURVIVORS AS PERPETRATORS

The patterned problem of police wrongfully identifying victim-survivors of family violence as perpetrators is an issue of significant concern to frontline family violence workers in Victoria, who detail widespread, regular and repeated cases of police incorrectly and inaccurately assessing the victim-survivor as the predominant aggressor in family violence cases.

Wrongful identification was the most common issue raised spontaneously by participants, with nearly one third (31%, 69) of participants mentioning ‘misidentification’ or wrongful identification as a key issue in family violence policing.

When later directly prompted, a massive 83% (186) of participants agreed they had encountered situations where the person experiencing family violence has been wrongly identified by police as the perpetrator, while

just 15% (33) disagreed. And of the 83% who had encountered it, approximately two thirds (64%, 120; or 53% of all survey participants) said they had seen it happen five or more times over the last five years, and more than half of those (64; and 28% of all survey participants) said they had seen it happen more than ten times in the past five years.

These extraordinary statistics, alongside detailed worker narratives illustrating the prevalence of wrongful identification, the commonality of its patterns and biases, and the reluctance of police to change course, seriously undermine the proposition that ‘misidentification’ is in fact a police ‘mistake’. The accounts given by workers suggest that wrongful identification by Victoria police is instead a product of deep cultural, structural, institutional biases against women – particularly Aboriginal women and migrant or CALD women – and other marginalised and targeted groups: the very people also most targeted by family violence.

Worker narratives provide a picture of a policing response that seems determined to rationalise men’s violence, support people using violence who are men, and criminalise women, while being intransigently disinclined to fix incorrect assessments, no matter what the evidence before them suggests. The examples given by workers demonstrate a pattern of misogyny and gender-bias in police responses to family violence, linked to a wilful disregard of the gendered power dynamics that underpin family violence. They also show how many of the policing problems earlier documented in this study all play a role in wrongful identification, including: failure to take statements from women; failure to take separate statements from each person; failure to provide an interpreter; failure to investigate the histories and contexts of the violence; failure to take non-physical forms of violence



seriously; and failure to take young people seriously as potential victims of family violence. Concerningly, many participants in this study also gave accounts of police being reluctant to change course, or investigate further, after being notified of likely misidentification, even when presented with substantial evidence.

The pervasiveness, persistence and intransigence of police wrongful identification detailed by workers in Victoria is particularly concerning, considering the many varied and often cascading and compounding negative consequences for people experiencing violence. This includes criminalisation, employment impacts, consequences for family law and other related matters, access to or removal of children, children being left or placed with inappropriate or dangerous people, and loss of housing, as well as trauma and significant mental health impacts, including suicidal ideation caused by the distress. It also impacts access to much-needed support services, and severely diminishes the capacity for victim-survivors to keep themselves safe.

The scale of wrongful identification by police documented by family violence workers, the specific cohorts of victim-survivors being ‘misidentified’, and the reluctance of police to change course in the face of evidence, indicates that rather than a policing ‘mistake’, this practice is driven by, and in turn makes visible, systemic bias, discrimination and racial profiling by Victoria police. It is clear then that addressing the problem of wrongful identification requires far more fundamental change than increased police education and training or other policing reforms.

5. POLICE-PERPETRATED FAMILY VIOLENCE AND INSTITUTIONAL PROTECTION OF OFFICERS WHO ABUSE

The direct perpetration of family violence by police was also identified by many workers as a significant issue of concern in family violence responses in Victoria. When prompted, more than half (51%, 114) of the workers in this study said that they had encountered situations where the person using violence was a police officer, with more than three quarters of those participants (76%, 88; or 39% of all survey participants) having encountered it more than once, and almost one quarter of those (23%, 26; or 12% of all participants) having encountered it five or more times.

Victorian frontline workers note that the family violence used by police officers tends to be more coercive, manipulative, covert and nuanced because police perpetrators know the system and how to get away with violence effectively, and that there are increased risks for victim-survivors because police perpetrators can, and do, use their work role, including their capacity to criminalise the people they target, as well as their access to surveillance equipment, databases and weapons, to threaten and enact additional violence.

Workers raised specific concerns about: police perpetrators enlisting other police to perpetrate or extend the violence; police collusion with and protection of officers who abuse; police disbelieving or discrediting victim-survivors of police-perpetrated family violence or treating survivors as liars; a lack of independent support options for victim-survivors when the perpetrator is a police officer or employee; and the fact that police perpetrators of family violence are still working in the police force, including in roles policing family violence.

Many participants (39%, 44 or 20% of all participants) reported cases where fear of this collusion was negatively affecting: victim-survivors' willingness to report abuse, pursue an FVIO or report FVIO breaches; the likelihood of victim-survivors being forced to travel long distances to report the abuse to a far-away station or to move far away and/or change identity to escape the violence; victim-survivor distrust of other agencies that work with, or cooperate closely with, police; and victim-survivor experiences of fear, hopelessness, isolation and exhaustion.

The extent and impact of the police-perpetrated family violence described by workers in this report directly challenges the notion of police representing safety in the context of family violence, and demands an urgent re-consideration of the powers, resources and social licence extended to police as family violence first responders and across their role in investigations and the Family Violence Intervention Order system.

6. POLICE RESISTANCE TO FEEDBACK AND AVOIDANCE OF ACCOUNTABILITY

Many family violence workers in Victoria raised concerns about police feedback and accountability processes, and the difficulties workers face when seeking to address policing issues, improve practices or to hold police accountable. Half of the survey participants (50%, 113) noted having attempted to take some action previously, and the overwhelming majority of those that had tried (80%, 90) expressed some sort of frustration with these efforts. When asked specifically if workers have identified gaps in support for victim-survivors who experience issues with family violence policing, three quarters (75%, 168) of participants answered "yes", with only 11% (24) selecting "no".

Police feedback and accountability problems described by workers include: a lack of clarity around processes for raising concerns; the lack of appropriate processes; a lack of consistency in police responses; police responding defensively or putting up resistance to feedback; a lack of long-term changes or improvements; a lack of sector capacity to provide support with complaints; the large power imbalances between police and complainants (including between police and service providers); the added barriers to lodging a complaint faced by marginalised victim-survivors (including Aboriginal and Torres Strait Islander, CALD, LGBTIQ+, neurodivergent people, people with mental health issues, and disabled people more generally); the lack of victim-survivor awareness around rights and possible mechanisms for complaint; the added trauma faced by victim-survivors when police ignore complaints; clients being reluctant to make complaints due to exhaustion, trauma, fear of retaliation or lack of support in future; examples of police actually making things worse for clients after complaints were made; and the need to maintain good working relationships with police for the benefit of their clients.

Some workers noted that due to the power imbalance and a fear of police retaliation or poor support in the future, many clients do not consent to a complaint being made, while others said that they have given up all together on raising issues with police due to a sense that it is a waste of time, disempowering, time consuming inherently biased, futile, and/or too risky. Many also raised concerns about the lack of alternative police accountability mechanisms and the limited family violence support options outside of policing that are made available to people experiencing issues with family violence police responses in Victoria.

7. REIMAGINING FAMILY VIOLENCE RESPONSES: A CALL FOR CHANGE

In addition to their clear identification of systemic problems associated with Victorian family violence policing, many family violence workers shared a range of practical ideas geared towards both prevention of, and better response to, the family violence policing issues they have encountered in their work. These ideas ranged from reforming and improving policing practices, to building and investing in alternatives outside of policing.

Suggestions for reforming and improving policing practices, including ideas for enhanced training, improved police processes, and overhauling police culture, were proposed by around half of the participants (54%, 122). Given that police reforms have so far been the dominant response of governments and policing agencies whenever policing practice issues are brought to light, it is not surprising so many workers highlight police reforms as part of the answer. However, the extent and scale of deeply entrenched problems documented in this report raise serious questions about the ability of such reforms to solve any of these problems.

It is for this reason that many workers (18%, 40) called instead for investments that enhance or build alternatives to policing in response to family violence. These suggestions include: decentring and divesting from police in family violence responses and investing in alternative services and approaches; establishing and/or adequately resourcing independent and community-controlled specialist safety and crisis support options that de-centre police; creating independent police complaints and accountability processes; training family violence workers on how to best raise complaints and advocate for clients; training lawyers and court staff on how to identify and manage common police errors and biases; and funding specialised legal

representation to assist workers and clients in resolving problems or making complaints.

Many noted the inherently problematic power dynamics related to police involvement in family violence responses, the need to manage risk and safety plan outside and around police responses, and the work already taking place outside of policing to support those experiencing family violence. Some also pointed to the need to move away from an event-specific, binary victim/perpetrator approach to family violence responses, to instead develop a wholistic 'all of family' approach to responding to violence, that addresses the safety, housing and other primary support needs of all who are involved, maximises survivor agency, and focuses on developing effective long term strategies that reduce risk and harm for everyone. Many articulated a need to radically rethink how family violence is responded to in Victoria, including by de-centring police both as frontline responders and within broader family violence support system responses, and investing in community-based services and supports grounded in principles of transformative justice, safety and accountability.

CONCLUSION: THE NEED TO CONSTRAIN POLICE HARMS AND BUILD AND STRENGTHEN ALTERNATIVE SURVIVOR-LED AND COMMUNITY-BASED FAMILY VIOLENCE RESPONSES

Fundamentally, the findings of this report show that rather than supporting victim-survivors and enhancing safety and autonomy, too often the policing of family violence significantly increases risk, harm and trauma. Ineffective, problematic and harmful police responses to family violence are not isolated events but are occurring in many interactions police have with victim-survivors. Overall, the vast majority of family violence workers in this study gave accounts of, or raised concerns about,

police responses in some way criminalising, harming or otherwise adding to the risk to and disempowerment of victim-survivors. The widespread harms enacted through the centring of policing in family violence responses, and the ways that these harms replicate the very power and control dynamics of abuse, form another layer of risk and violence that is being perpetrated against both survivors and workers. Worker accounts make plain that the policing of family violence often entails harm enacted in the name of ‘safety’, where the very power and control dynamics and dominator cultures that drive family violence are not challenged, but instead frequently replicated and extended, to the detriment of victim-survivors.

The evidence in this survey report therefore fundamentally challenges the notion that police can or should be considered a site of safety for people experiencing family violence, and provides clear insight into the fundamental dissonance in positing policing as a solution or response to family violence. Our findings, particularly when read alongside the existing evidence and literature base, show that there are deep foundational, cultural and structural problems with police as an institution. These are not problems that can be remedied simply through better education or training, or increased service sector collaboration with police. A much more substantial move away from the centring of, and reliance upon, police in responding to family violence is required.

Practice examples of effective community-led interventions to violence that do not rely on police are already in operation. On this continent, where intersecting interpersonal and state-based gender violence continues to target Aboriginal and Torres Strait Islander People and Communities, there are numerous First Nations-led examples of non-carceral community-based response to family violence. Alternative pathways for reporting violence, which

have already been found useful in supporting a sense of self-determination and autonomy for victim-survivors of sexual assault, could also play a role in family violence responses. Overseas models, including community first responder programs, also offer salient lessons in building community-based response to violence. These international examples of successful community-led first response systems that involve mobile teams skilled in de-escalation and crisis response, offer important practice approaches for consideration and application here in Victoria. These initiatives, whether operating outside of state funding models, or in jurisdictions that have more formally redirected resources from policing to community-based responses and/or invested in alternative first responder programs (The Marshall Project, 2024), provide vital practice examples of responses to violence that are not reliant on policing. They demonstrate that alternative, non-police first responder models, often called-for by impacted communities and grassroots activists, are indeed very possible.

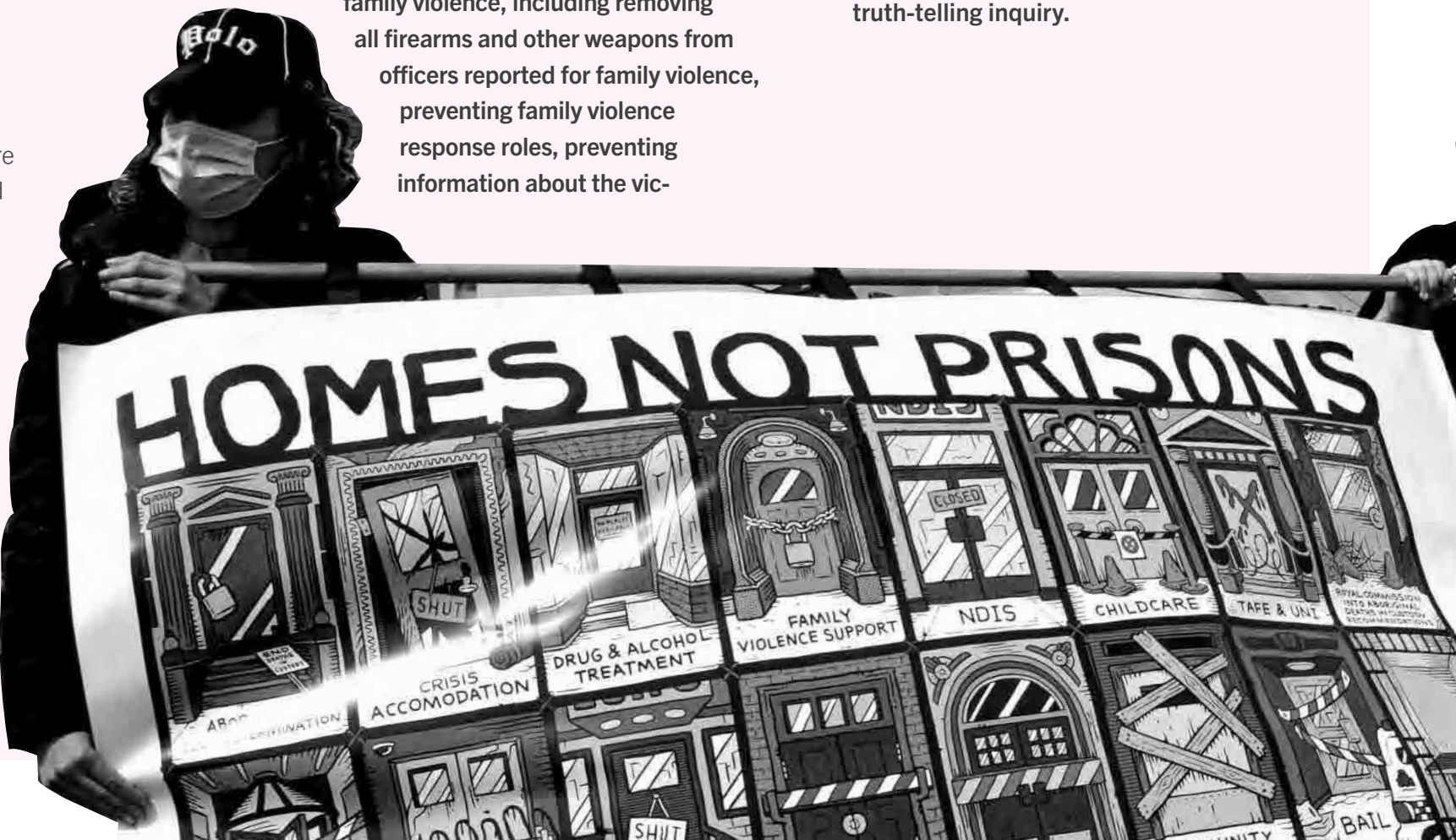
Understanding how different community-based first responder models and other interventions respond to intimate partner or family violence, including their principles, practice approaches and potential applications, must form part of the crucial re-imagining of responses to violence here in Victoria. This will help guide the important and much-needed work of building community-led pathways that address and constrain the harms of policing, while developing alternative options to better support people experiencing violence. As the National Justice Project’s (2025) recent position paper on alternative first responders suggests, implementing and supporting such initiatives here will be a vital mechanism for intervening into violence and crisis, and supporting people towards safety without police intervention.

SUMMARY OF KEY RECOMMENDATIONS:

- 1. Build alternative family violence first responder initiatives, including allocating funding for research and establishing a pilot program.**
- 2. Invest in community-based family violence responses, including strengthening existing community-led services, funding new community-led services, and investing in affordable housing.**
- 3. Build and strengthen community-based and non-carceral violence prevention, early intervention and accountability initiatives, including community-based violence prevention and education programs, early intervention programs, non-carceral accountability pathways, behaviour change programs, peer-led support groups and culturally specific healing and support programs.**
- 4. Take immediate action to restrain and address the harms of police-perpetrated family violence, including removing all firearms and other weapons from officers reported for family violence, preventing family violence response roles, preventing information about the vic-**

tim-survivor or family members being shared, implementing independent family violence risk assessment, implementing rigorous background checks, suspending paid administrative leave, and establishing an independent system to track police-perpetrated family violence.

- 5. Abolish self-investigative police complaints processes.**
- 6. Mandate public reporting of data on family violence policing harms, including data on police-perpetrated family violence, data on wrongful identification (‘misidentification’), data on complaints about family violence policing and their outcomes, and data on Victoria Police costs related to defending and/or settling legal claims related to family violence policing harms.**
- 7. Adequately resource services addressing police harms.**
- 8. Establish a community-led truth-telling inquiry.**





Contents

1. Introduction	1
Family violence in Australia	1
Discriminatory and violent policing	2
Family violence policing	9
The limits of reform	13
Summary	15
2. Research methods	17
Project context and aims	17
Survey design and data collection	18
Participant demographics: roles and experience	19
Terminology and reporting conventions	20
Research ethics	23
3. Research findings	25
3.1 Police minimising or downplaying the violence and harm done to victim-survivors and increasing the risks of further harm	26
3.2 Police extending the violence through collusion with perpetrators, enabling of systems abuse, and the criminalisation and punishment of victim-survivors	35
3.3 Targeted, biased and discriminatory policing	40
3.4 ‘Misidentification’: Police wrongfully identifying victim-survivors as perpetrators	47
3.5 Police-perpetrated family violence and institutional protection of officers who abuse	61
3.6 Police resistance to feedback and avoidance of accountability	68
3.7 Reimagining family violence responses: a call for change	75
4. Conclusion	83
References	95
Appendix: Survey	105
Survey: Policing & Family Violence	105



1. Introduction

FAMILY VIOLENCE IN AUSTRALIA

Despite increased media and policy attention over the last two decades, family violence remains a significant issue in Australia. Evidence shows that family violence is very gendered, with most people who perpetrate intimate partner violence being cisgender men, while victim-survivors are overwhelmingly women and people of marginalised genders (Our Watch, 2021; Victorian Government 2025).

Approximately 1 in 4 women have experienced violence from an intimate partner since the age of 15, compared to 1 in 14 men (Australian Institute of Health and Welfare, 2024). Family violence against women and children causes significant physical, psychological and other harm, and can be lethal (Our Watch, 2021; Alisic et al., 2023). On average, one woman is killed every nine days by a current or former partner (Bricknell, 2023), although during 2024 family violence homicides roughly doubled this rate, with at least 78 women killed by men's violence, or an average of one every 4.7 days (Counting Dead Women Australia, 2024). Most people who experience family violence do not report to police (Our Watch, 2021), so the scale of violence is significantly underrepresented by statistics.

Family violence is also very clearly not targeted or experienced equally across the community. Experiences of family violence - including emotional, physical and sexual abuse has been found to be disproportionately high for transgender, gender diverse and intersex people (University of NSW, 2014).

Aboriginal and Torres Strait Islander women are also significantly and disproportionately targeted by family violence, and experience high rates of physical, emotional and sexual abuse (Our Watch 2018). Nationally, Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised due to family violence than non-Indigenous women and 11 times more likely to be killed due to assault (First Nations Advocates Against Family Violence, 2024). In Victoria, Aboriginal women are 45 times more likely to experience family violence than non-Aboriginal women, and this violence is mostly perpetrated by non-Aboriginal men (Djirra, 2024).

Higher rates of family violence are also perpetrated against migrant and refugee women in Australia (Segrave, et al., 2021), as well as women and girls with disabilities (Our Watch & Women with Disabilities Victoria, 2022), LGBTQA+ people (Amos et al., 2023), neurodivergent people (Gibbs & Pellicano, 2023), and other women targeted and impacted by intersectional discrimination and marginalisation (Mitra-Kahn et al., 2016).

While these disproportionate rates of violence are often described in research and policy in terms of ‘vulnerability’ to violence or ‘vulnerable groups’, a more robust and helpful analysis focuses on the dynamics of the violence itself and who is targeted.

This understanding of family violence – as a violence that capitalises on and compounds existing structural biases, discriminations and inequalities – enables an analysis of such violence as not only gendered, but also racialised and discriminatory, and where the targeting and tactics used are intended to increase power and control at the nexus of different systems of oppression (Crenshaw & Phillips, 1998; Collins, 2017). First Nations women’s experiences of family violence, for example, cannot be understood as separate to the ongoing impacts of settler-colonial occupation and violence (Buxton-Namisnyk, 2021). This intersectional and structural understanding of the way intimate partner and family violence is used and who is targeted is essential to examining the relationship between individual gender-based violence, and forms of state-sanctioned violence – including the harms of policing – and how these violences intersect and compound one another.

DISCRIMINATORY AND VIOLENT POLICING

.....

From this intersectional understanding of family violence, it is no coincidence that the same groups most targeted by family violence in Australia are also those most targeted by policing surveillance and violence (Sisters Inside & ICRR, 2022). Institutional racism and misogyny are core to the foundations and fabric of policing in this country, and the impacts of this are

made evident – historically and currently – in who policing targets and harms, for whom policing represents violence rather than safety, and to whom the burden of the work for truth-telling about this violence falls (see for example: Gorrie 2022; Gorrie 2024; Porter, 2024).

THE TARGETING OF FIRST NATIONS PEOPLE AND COMMUNITIES

Targeted and violent policing enacted against Aboriginal and Torres Strait Islander people and communities has been a constant feature of settler-colonialism in Australia. It includes direct police involvement in massacres, assaults and forced displacements, intensive surveillance and harassment, the removal of children from families, the assaults and deaths (killings) of Aboriginal people in custody - the rates of which currently surpass the levels at the time of the 1991 Royal Commission into Aboriginal Deaths in Custody – and the notable lack of concern police hold for the high numbers of ‘missing’ (disappeared and/or murdered) Aboriginal women and children (Porter & Cunneen 2021; National Justice Coalition 2015; McQuire 2024). As Sisters Inside and the Institute for Collaborative Race Research (ICRR) wrote in their joint submission to the Commission of Inquiry into Queensland Police Force Service responses to domestic and Family violence: “In the settler-colonial state, police have historically been the mechanism used to control, dispossess and harm Aboriginal and Torres Strait Islander peoples” (Sisters Inside & ICRR, 2022, p4).

The contemporary practices and harms of policing in the Australian colony must therefore be understood as inherently part of the intention and function of policing in the arc of the colonial project (Porter & Cunneen, 2021). It is within this context of colonialism, white supremacy and racism that contemporary policing here was established, and it is this context within

which current practices and harms of policing occur, and that in turn form so-called ‘barriers to change’ and defeat attempts at accountability.

Writing on the realities and lived experience of racist police violence for Aboriginal people, Amangu Yamatji researcher Associate Professor Crystal McKinnon details ongoing racialised policing practices that target and enact state sanctioned violence upon Aboriginal communities (McKinnon, 2020). McKinnon documents practices of racial targeting that result in Aboriginal people being over-represented in the police-to-prison pipeline and in all aspects of the criminal legal system, including massive rates of over-incarceration.

While Victoria Police are not mandated to publicly release data about the officer-perceived ethnicity of the people stopped by police, or any racial disparities and disproportionality, data obtained from Victoria Police under Freedom of Information laws by the Centre Against Racial Profiling revealed that in 2023 police were 11 times more likely to search Aboriginal and Torres Strait Islander people, than those perceived by officers to be white (Centre Against Racial Profiling, 2024).

RACIALISED POLICING

Police racial profiling also targets migrant and settler People of Colour (POC) in Australia. Between 2020-2023, Victoria Police officers were found to be six times more likely to search someone perceived to be African, up to five times more likely to search someone of Middle-Eastern appearance, and four times more likely to search a person from a Pasifika background, than to search a White person (Centre Against Racial Profiling 2024; The Racial Profiling Data Monitoring Project 2025). This is despite the fact that, as part of a 2013 landmark Federal Court racial profiling case (Haile-Michael v

Konstantinidis 2013), Victoria Police admitted to targeting and harassing young people of African descent in the Flemington area, and then established the ‘Equality is Not the Same’ action plan to eradicate racial profiling and targeting, which included a commitment to review their “field contact” (stop and search) practices (FKCLC, 2010).

While some of the more public coverage, litigation and campaigns related to racial profiling in Victoria have highlighted the targeted street-based stops and harassment of young men of colour, there is also significant evidence of racialised policing and racial profiling of women. This specifically includes the racial targeting and discriminatory policing of Aboriginal women, such as investigated in the coronial inquests into the deaths in custody of Yorta Yorta woman Tanya Day, who died in police custody in a holding cell in Castlemaine in 2017 (HRLC, 2025), and the death of Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, Veronica Nelson who died in maximum security prison in Victoria in 2020 (Victorian Aboriginal Legal Service, 2024). It also includes the OC spraying by police of Australian Sudanese woman Rebecca Long and her children during a police raid concerning a stolen bag of chips (Milman, 2013).

SEXISM AND MISOGYNY

Widespread sexism and misogyny have also been shown to be rife in Australian settler-colonial policing culture and practice, as have homophobia and transphobia (Richards, 2022).

The Victorian Equal Opportunity and Human Rights Commission’s (VEOHRC) Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police, Phase One Report was published in 2015. This collated responses

from almost 5,000 survey participants from within Victoria Police, finding a culture based on “normative constructions about masculinity” (VEOHRC, 2015, p9) to be pervasive within Victoria Police, and that sexual discrimination and sexual harassment were “widespread across the organisation” (p.13).

The 2015 review provides a detailed examination of the attitudes and culture within Victoria Police, highlighting significant issues related to gender dynamics and workplace behaviour including male-dominated cultures – with the culture described as ‘by men for men’ - which leads to a workplace where women face consistent intimidation, exclusion, and discrimination (VEOHRC, 2015). The report also detailed a culture of “masculine norms” (p288) within Victoria Police that reinforce traditional gender stereotypes and contribute to the marginalisation of women and those who don’t conform to these norms. The widespread workplace sexual harassment and discrimination detailed in

the report includes details of women frequently encountering inappropriate and harassing behaviour, and often avoiding reporting it, as well as hostility and harassment towards gay men.

VEOHRC’s findings go on to detail widespread cultural resistance to change within Victoria Police, noting that despite some efforts by individuals to challenge the status quo and promote diversity, entrenched attitudes and behaviours persist (VEOHRC, 2015). The VEOHRC survey findings also demonstrate that reporting harassment often results in significant personal and professional repercussions, and that attempts to challenge the culture can lead to ostracism and abuse. This entrenched cultural resistance to change has significant implications for the effectiveness of many of the calls for thinner reforms, such as training for police.

HOMOPHOBIA AND TRANSPHOBIA

Deeply entrenched hypermasculine, heteronormative, homophobic and transphobic cultures within Victoria Police were also identified by VEOHRC in their 2019 report into the experiences of LGBTI Victoria Police employees (VEOHRC, 2019). The report found that homophobic and transphobic discrimination – including discriminatory comments and jokes, aggressive language, threats of violence, and sexual harassment - remains rife throughout Victoria Police, despite decades of

training programs and other reforms. The report also found that Victoria Police’s hierarchical organisational structure, demonstrable failures to respond meaningfully to complaints, and widespread fears of victimisation and reprisals were enabling a police workplace culture that accepts and condones these behaviours, with significant implications not only for employees but also for the LGBTI people and communities they police.

Targeted police harassment of LGBTIQ+ people in Australia, particularly those who visibly transgress dominant gender norms, has been long documented (Race, 2014 & 2023; Russell, 2020; Sentas et al., 2024). This includes police verbal abuse, including the use of homophobic slurs, targeted sniffer-dog and strip searches, entrapment, physical violence and the discriminatory deployment of criminal charges. While this violence is experienced by queer communities in everyday encounters with police, queer nightlife spaces and events have long been sites of very visibly discriminatory policing. The police brutality enacted at Sydney’s inaugural Mardi Gras Parade in 1978, has been compounded by ongoing incidences of police violence against, and harassment of, attendees

at the annual event each year since (Sentas et al., 2024). While a great deal of this violence has gone unrecorded, community outrage spread in 2013 after a NSW police officer was filmed throwing a young gay attendee violently to the ground and standing on his head (Race, 2024), despite police having marched in the parade as supposed allies for many years by then. It is no surprise then that at least half of all gay, lesbian and bisexual people across Australia say they do not trust police (Hirst, 2021); a figure that does not even include many of the most targeted trans and gender diverse members of the queer community, who are likely to experience the most violence and distrust.

Also long documented has been a notable lack of police support and assistance when queers are subjected to homophobic violence in Australia (Race, 2014 & 2023; Russell, 2020). The failure of NSW police to properly investigate the disappearances and suspected murders of more than 80 gay men in the Bondi Beach area between 1970-1990, alongside evidence to suggest that off-duty police were

likely involved in the assaults (Race, 2024), provides a useful case example of the ways homophobic police cultures manifest in both targeted violence as well as protection of those who perpetrating that violence.

The failure of the South Australian police to properly investigate the drowning of gay law lecturer George Duncan in 1972 brings similar parallels (Lang & Maher, 2024). Though never proven, suspicions were quickly raised about police involvement in the incident. There were anecdotes at the time of police practices of targeting gay men and throwing them into the Torrens River – a practice known pejoratively as ‘teaching the p***ters to swim’. When the original police investigation did not produce sufficient evidence to make any findings, Scotland Yard sent detectives over to complete an independent investigation, yet this investigation also failed to result in any charges being laid. When the case was re-investigated in 1986 however, three former police officers ended up being charged, although all were ultimately acquitted of Dr Duncan’s manslaughter (Lang & Maher, 2024).

Victoria Police have a similarly horrific history of homophobic violence against the LGBTIQ+ community, with the entrapment, intimidation and arrest of gay men at Black Rock beach in the 1970s, and the false imprisonment and brutal strip searching of the over 400 attendees – mostly gay men – at the Tasty Nightclub in 1994, being two of the most well-documented examples (Russell, 2020). It was resistance to homophobic policing and state repression in Victoria that led to Melbourne’s first annual Pride Parade in 1996. And it is a key reason the inclusion, since 2002, of a uniformed Victoria Police contingent in the parade, has always been controversial (Russell, 2020). Queer and trans activists have been long campaigning for the removal of Victoria

Police from Pride, drawing attention not only to their historical violence but also the ongoing abuse and discrimination they continue to inflict on queers, particularly trans people and other more marginalised queers who do not conform to assimilationist white, capitalist and ‘homonormative’ models of gay and lesbian subjectivity (Russell, 2020). The brutal assault by Victoria Police of queer - and mostly trans – people who disrupted their uniformed contingent at the 2024 Pride march – with footage showing armed police aggressively shoving the people protesting, throwing one person to the ground and putting another in a chokehold (Lorrigan, 2024; Bliszczyk, 2024) – evidences the persistence of transphobic and queerphobic violence by Victoria Police, and the disjuncture between performative allyship and genuine cultural change.

SEX WORKER DISCRIMINATION AND TARGETING

Gender and sexuality related police discrimination against sex workers in Australia is also well documented, with sex workers regularly experiencing police surveillance, harassment, entrapment and violence, as well as a lack of police support when in danger or when experiencing violence from clients or in the community (Stardust et al., 2021). Sex workers who are queer, trans, poor, or not white, unsurprisingly report experiencing the most police harassment and the least police support (Stardust et al. 2021). This ongoing targeting of sex workers can be understood as reflective not only of legacies of criminalisation and moralisation, but also deeply embedded police institutional cultures that seek to uphold patriarchal and colonial-capitalist forms of power regarding who has the right to whose bodies, and who has the power to exploit or be exploited (Stardust et al., 2021).

PREDATORY BEHAVIOUR, SEXUAL AND FAMILY VIOLENCE BY POLICE

These disturbing insights into the institutionally patriarchal and queerphobic culture of policing, and how this culture manifests in both workplace and community violence by individual police, is further elucidated in recent findings by the Independent Broad-based Anti-Corruption Commission (IBAC) in their 2023 thematic review of predatory behaviour by Victoria Police (IBAC, 2023). This review examined 27 Victoria Police investigations of reports of sexually predatory behaviour by police officers from 2018 to 2022 and found that “evidence of predatory behaviour within Victoria Police persists and that many cases went unreported” (IBAC, 2023). Alarming, the review found instances where this violence was carried out by officers in specialist roles, noting that, “concerningly, four subject officers in the cases reviewed were from units undertaking sensitive work involving close contact with very vulnerable members of the public, including children in the care of the state” (IBAC, 2023). The review further found that more than half of all cases examined by IBAC involved a pattern of behaviour by the predatory officers against more than one person; and that of the cases examined, over half “indicated some level of tolerance of inappropriate behaviour and/or inaction by supervisors and managers in response to allegations” (IBAC, 2023).

Over the last three decades, evidence of disproportionately high rates of family violence perpetrated by police officers and other personnel has emerged, with a range of international studies suggesting that police officers commit family violence at higher rates than the general population (Anderson, Farmer & Tyson, 2024; Roslin, 2016). While there is no comprehensive or comparative data regarding police-perpetrated family violence in Victoria or nationally, evidence that has been obtained

– largely as a result of Freedom of Information (FOI) requests by survivors, journalists and community groups – shows a troubling trend of violence by police officers against family members, marked by systemic failures in reporting, accountability, and consequences. For example, in 2020 there were 84 serving QPS officers named as alleged respondents to a domestic violence protection order (Smee, 2020), while data obtained by ABC journalists under FOI laws reveals that, in 2019, 82 Victoria Police officers were charged with family violence offences (Gleeson, 2020a; Marozzi 2020).

Data recently obtained from Victoria Police by Victorian news media, reported in January of this year revealed that 683 police officers and employees were investigated by the Sexual Offences and Family Violence Unit (SOFVU) for sexual violence and family violence offences in the period from January 2019 to June 2024 (AAP, 2025). This equates to more than 3% of Victoria Police officers and employees facing investigation for use of family and/or sexual violence while both on and off-duty. 269 were investigated for incidents related to predatory behaviour or sexual harassment, 185 of the investigations related to sexual offences, including rape, sexual assault and violence against children, and 90 of the investigations related to family violence (Price, 2025).

Currently, no police force in Australia publicly reports comprehensive data on officers who perpetrate family violence and how their cases are handled. Available data reveals substantial disparities between the treatment of police officers and the general public regarding accusations of family violence, and the consequences for those who are found to be perpetrators. Data obtained under FOI by ABC journalist Hayley Gleeson, for example, shows that between 2015 and 2019 in Victoria only 82 officers were charged with family violence



offences, only one was found guilty, and none had a conviction recorded (Gleeson, 2020b). This contrasts sharply with community figures where in a comparative period, 84% of family violence defendants going through Victoria's criminal courts were found guilty (Gleeson, 2020b).

Similar patterns are observed across Australia. For example, in NSW, police officers accused of family violence are charged at a much lower rate compared to the general population, and those who face charges are significantly less likely to be convicted (Gleeson, 2020b). A 2023 Law Enforcement Conduct Commission (LECC) Review of NSW Police complaint investigations found that NSW Police charged just 17 out of the 60 officers (28%) who were investigated for family violence (LECC, 2023). They also found that NSW Police had already previously investigated 11 of these 60 officers, and that some officers had previously been investigated more than once. In 77% of cases, officers from the same command had investigated the officers accused of family violence, and in most cases no information was given about the removal of either their service or personal firearms.

These low rates of charges and convictions for police officers who abuse indicates a persistent culture of impunity, and a lack of accountability that contributes to the ongoing risk faced by victim-survivors. The extensive evidence of colonial, racist, patriarchal and homophobic institutional police cultures documented above combined with these patterns and incidences of gender-based violence by officers and poor institutional responses to this violence, are deeply alarming. It produces a fundamental dissonance in any attempts to locate policing as an uncomplicated or safe response to, or intervention into family violence. Police are both directly perpetrating family violence and culturally replicating the same hierarchical

dominator cultures (Armatta, 2018) and deeply entrenched, racialised, patriarchal and ableist social norms, that have been shown to be the key drivers of family violence (see for example: Australian Government, 2022). Little wonder then that there is a growing body of evidence detailing extensive problems with – and harms emerging from – the centring of police in family violence responses.

FAMILY VIOLENCE POLICING

FAMILY VIOLENCE POLICING IN AUSTRALIA

While the formal criminalisation of family violence across different jurisdictions throughout Australia in the 1980s has undoubtedly resulted in more widespread awareness of its ubiquitousness and seriousness, there is no compelling evidence that the corresponding reliance on police forces as the central agencies responsible for addressing the issue has led to clear or consistent improvements in safety or justice for victim-survivors. At the same time, various state-based reviews and inquiries, along with academic research, investigative journalism and community advocacy work, have contributed a growing body of evidence detailing widespread and persistent problems with the policing of family violence, including evidence of policing practices which have significant negative implications for victim-survivor safety and justice.

The evidence of family violence policing problems catalogues a litany of failures by police. These include, but are not limited to: emergency response delays and failures (Shircore et al., 2017); inadequate investigations and risk assessments (Shircore et al., 2017; NSW Ombudsman, 2006); poor understandings of

family violence (LECC, 2023); failures to comply with the requirements of the NSW Police Standard Operating Procedures for Domestic and Family Violence (LECC, 2023; Cripps, 2023); poor record keeping (LECC, 2023); narrow incident-specific responses that ignore contexts and histories of violence and fail to recognise and respond adequately to coercive control (Nancarrow et al., 2020); applications of intervention orders against the wishes and interests of victim-survivors (Maturi, 2023); failures to apply for or enforce intervention orders on the wishes of victim-survivors (Shircore et al., 2017; Reeves, 2022; Cripps, 2023); a lack of trauma informed care (Reeves, 2022; Cripps, 2023); inadequate support and follow-up (NSW Ombudsman, 2006); failures to refer victim-survivors to other services (Shircore et al., 2017); discriminatory behaviours including racism (Human Rights and Equal Opportunity Commission, 1991; Richards, 2022; Gorrie, 2022; Gorrie, 2024) and misogyny (Richards, 2022); reliance on stereotypical assumptions about victim behaviour (Nancarrow et al., 2020); the deployment by police first responders of outstanding warrants or new unrelated charges against victim-survivors (as happened for example in the case of Ms Dhu, who died in custody following her arrest in Western Australia for an outstanding fine, after having been assaulted by her male partner; see Blagg & Anthony, 2019; see also Cripps, 2023); the misidentification of victim-survivors as perpetrators (Women’s Legal Service Victoria, 2018a; Cripps, 2023); failures to avoid being mobilised in systems abuse (Reeves, 2020); violent and traumatising arrests of misidentified victim-survivors (Reeves, 2021); police actions that result in the potential or actual separation of victim-survivors from children (Douglas, 2019; Reeves, 2021; Cripps, 2023); failures to protect children (LECC, 2023); poor understandings of adolescent family violence (Fitz-Gibbon et al., 2021); failures to adequately investigate

or sanction police accused of perpetrating family violence (as described in detail in the previous subsection; see also: Pausina 2024; LECC 2023; Markovska, 2024); falsification of records relating to police-perpetrated family violence (LECC, 2023); examples of dangerous breaches of victim-survivor confidentiality (Smee, 2019); poor response to complaints about police family violence responses (LECC, 2023); and victim-survivor reluctance to seek family violence support due to fear of problematic police practices and responses (Fiolet et. al., 2021; Safe + Equal, 2025).

All of these problems have negative safety and wellbeing implications for people experiencing violence, and many have been directly associated with victim fatalities (Cripps, 2023). Given research has shown that survivor agency is crucial to successful risk management, safety planning and recovery from family violence, and that survivor-led practices produce better outcomes (Goodman & Epstein, 2008; Salter, Western and Woodlock, 2023), it is especially concerning how many of these problematic police responses work to further traumatise and disempower victim-survivors. It is also concerning how many involve the direct criminalisation of victim-survivors. Given that 90% of women in prisons in Australia are survivors of family violence (Gleeson & Baird, 2018) it is surprising that, to date, there has been little serious academic engagement with the police-to-prison pipeline that is putting survivors of family violence there (Lawrie, 2003; Wilson et al., 2017).

A range of state-based inquiries have, however, shown just how disempowering and criminalising the policing of family violence can be for victim-survivors, with examples that point to the fundamental incompatibility of policing with the upholding of survivor agency. For example, a 2022 inquiry into Queensland Police responses to family violence found evidence

of police: holding negative and distrustful attitudes toward women; believing myths about family violence; holding dismissive attitudes toward women who do not fit an ‘ideal victim’ stereotype; discriminating against First Nations, LGBTIQ+, culturally and linguistically diverse and disabled people; providing inadequate and dismissive responses; misidentifying victim-survivors as perpetrators; accessing police records inappropriately; and providing insufficient disciplinary and complaint mechanisms, especially with regards to officers who are themselves accused of family violence (Richards, 2022). The report noted that “not all victim-survivors have a negative experience of police responses to domestic and family violence but, for those that do, the impact can be significant. Negative experiences can leave victim-survivors and children unprotected and unlikely to seek police assistance again in the future, and leave people who use violence emboldened. The difficulty is that many do experience a negative response from police and that, overall, police responses continue to be inconsistent and, at times, inadequate” (Richards, 2022, p.14).

In their joint submission to that inquiry, Sisters Inside and the Institute for Collaborative Race Research (ICRR) write: “Aboriginal and Torres Strait Islander victims experience the QPS not as protector but perpetrator. The QPS routinely racially stereotypes these women as criminal and dysfunctional. Rather than being protected from existing violence, they are subjected to new forms of racial violence at the hands of the state – via police assault, charges, stereotyping, disregard, incarceration, and child removal” (Sisters Inside & ICRR, 2022, p7). They note that “It is not that police ‘misidentify’ victims or do not know where to look for signs of DFV (domestic and family violence) [instead it is that] the dehumanising racial stereotypes that police hold outweigh the physical reality of DFV harm they witness” (p.12).

The submission emphasises that this racism “is not the result of an unfortunate police culture or the individual ignorance of officers” but is “fundamental”: “not a bug”, but “a feature” of policing (p10).

A subsequent 2024 research study drawing on interviews with frontline Queensland family violence workers who support refugees, provided many similar examples of police interventions that added to the violence and harms being experienced by victim-survivors (Maturi, 2024). This included police taking out protection orders (DVPs) against the wishes of victim-survivors and without explaining to either party what the orders meant in practical terms, leading to little change in behaviours especially where emotional abuse or coercive behaviours were concerned, and sometimes resulting in victim-survivors experiencing increased violence from extended family and community (p. 331). Workers in the study also gave examples of police being “unable to discern who was the victim and who was the perpetrator” where “women’s presentation on arrival might be perceived as emotional or heightened while the man was quite passive and calm”. Police were described as “not using interpreters”, or “‘buddying up’ to the man”, and taking out protection orders “against women victims or both parties if there were also injuries on the man” (p.332). The authors noted that “the masculinity that underlies legal institutions continues to support perceptions of women as emotional, irrational, hysterical and crazy” and that perpetrators use these systemic biases to perpetrate further abuse and control, including in relation to using those protection orders to weaponise the threat of children being removed from the victim-survivor’s custody (p.333).

FAMILY VIOLENCE POLICING IN VICTORIA

Although no equivalent review of family violence policing in Victoria has yet been conducted, evidence of many of the same problematic policing practices has emerged from the findings of narrower investigations into specific family violence practices, or from studies or policing practices more broadly. For example, the Independent Broad-based Anti-Corruption Commission 2023 review of predatory behaviour by Victoria Police documented examples of predatory behaviour by Victoria Police officers towards women who were victim-survivors of family violence, including those who had sought police assistance and then been targeted (IBAC, 2023).

A range of other studies have focussed on the problem of Victoria police misidentifying or wrongfully identifying victim-survivors as perpetrators. For example, a 2018 review by the Women’s Legal Service Victoria of duty lawyer client intake forms found that of the 312 women assisted in relation to intervention orders from Jan to May, 55 (17.6%) were identified as the aggressor and at least 32 (58%) of those had been misidentified (Women’s Legal Service Victoria, 2018a). They found that that misidentification was more common for their clients from non-English speaking backgrounds, as well as those with mental illness and those experiencing or at risk of homelessness (Women’s Legal Service Victoria, 2018a). Their report showed that the key drivers of misidentification for their clients was: police taking an “incident specific focus”; police seeing resistive violence as mutual and equal to the family violence used by the perpetrator, and ignoring the broader family violence context; police failing to interview both people separately; and police allowing aggressors to “game” the system, including where they are believed because they called police first, or because they portray the victim-survivor as “hysterical”, aggressive or unwell (Women’s Legal

Service Victoria, 2018b). They documented a raft of adverse consequences when women are misidentified, including potential criminalisation and criminal charges, separation from children and trauma to children, impacts on reputation, employment and housing, reduced access to crisis accommodation, risks to immigration status, economic costs including denial of VOCAT claims, increased risk of further violence, and loss of trust in police and justice systems.

A 2021 report by Victoria’s Family Violence Reform Implementation Monitor (FVRIM), also identified Victoria Police practices and processes as “contributing to the misidentification” of victim-survivors, with impacts including criminalisation, employment impacts, Child Protection involvement, homelessness and other cascading consequences (Family Violence Reform Implementation Monitor, 2021). This report detailed that ‘certain cohorts’ of people are being more pervasively and incorrectly labelled as the perpetrator of violence, and that these include, “Aboriginal women, migrant and refugee women, women with disabilities, criminalised women and LGBTIQ+ people.” The review went on to recount evidence from the InTouch Multicultural Centre Against Family Violence showing that half of the people they supported in a group of people who had been labelled ‘perpetrators’ had been misidentified, with others in the group reporting being disbelieved or treated as though they were “manipulative or lying”. This is in line with earlier research by InTouch that found immigrant women victim-survivors of family violence were regularly being incorrectly identified by police as perpetrators of the abuse (InTouch, 2022).

Evidence given to the FVRIM review by Djirra, a specialist Aboriginal family violence service in Victoria, estimated that where women they supported were listed as the respondent (person using violence) on Intervention Orders,

there had been “misidentification or some degree of unfairness in the response 90 per cent of the time” (Family Violence Reform Implementation Monitor, 2021). This evidence is echoed by Crime Statistics Agency data examined by the FVRIM, which showed that that almost 80 per cent of Aboriginal women who were identified by police as the respondent (person using violence) in family violence incidents had been recorded as a person experiencing violence in the past five years.

Such disturbing data about the rates at which police are incorrectly and wrongfully identifying Aboriginal and migrant women experiencing violence as perpetrators spotlights the bias and racialised practices that are driving, and in turn revealed by, such high rates of ‘misidentification’ by police. As noted in the FVRIM report, there is “no single source of data” that speaks to the prevalence of ‘misidentification’ (Family Violence Reform Implementation Monitor, 2021). This includes the absence of widely available data from Victoria Police on rates of misidentification and the racial and demographic data accompanying this. While police data is not freely available, the information from practice gathered by family violence services clearly highlights which cohorts of people experiencing violence are more likely to be identified by police as perpetrators – including the racialised nature of who is being targeted and misdescribed as perpetrator rather than victim – as well as how they are likely to be treated.

Given the high rates of predatory behaviour by police described earlier, including police-perpetrated family and gender-based violence, one of the more disturbing gaps in literature is that regarding the unique ways this predatory violence manifests for victim-survivors, the ways it shapes specific experiences of family violence-related support, and the ways it impacts on the policing of family violence more broadly.

Violence by police officers against intimate partners and family members is significantly under-researched and attempts to gather a picture of the scale of the harm are marred by challenges in obtaining accurate data from police departments. Although there has not yet been a broad, independent and comprehensive community inquiry into these issues in Victoria or nationally, there is growing evidence that police who perpetrate family violence use specific and high-risk tactics including things like the misuse of police intelligence databases, surveillance systems and weapons by officers in the course of perpetrating gender-based, sexual or domestic and family violence (Fitz-Gibbon et al., 2025a). There is also growing evidence that police perpetrators tend to be protected by their colleagues and that people experiencing family violence by police face huge obstacles to finding safety and support (Fitz-Gibbon et al., 2025b). As such, and in combination with the risks and barriers for victim-survivors in reporting, it is likely that any available data significantly underestimates the scale of harm occurring.

THE LIMITS OF REFORM

So often, both in Australia and internationally, any public exposure of different forms of violent, discriminatory or otherwise harmful policing is met with calls for internal police reforms and mechanisms aimed at improving practices or accountability processes (See for example: Kabe 2014). This includes calls for new policies, for increased investment in community policing, for diversity recruitment initiatives, for technological innovations such as body-worn cameras, and - most commonly of all – for increased training for police, whether it be organisational ‘cultural awareness’ training or ‘anti-bias training’ for individual officers (Cunneen, 2023). In practice,



many of these reforms simply end up channelling further funding to police departments (Kabe 2014), while doing little to address the inherent, systemic and cultural issues that actually drive the harms of policing (Lally, 2022), or the entrenched militarisation and accountability problems of policing as an institution (Banerjee et al., 2024). In other words, they fail to engage with the way that current and foundational models of policing intrinsically embody, reproduce, extend and reinforce systemic discrimination (Lally, 2022).

Pressure to focus on limited reforms is exacerbated by police responses in public coverage that frequently seek to minimise or to characterise harms as either individual incidents, one-offs or rarities of practice, or the result of a “very small few” “bad apples” (Victoria Police Chief Commissioner Shane Patton, cited in Juanola, 2023). This shifts the focus away from inherent, systemic and institutional issues. Similarly, framing police ‘misidentification’ as simply a mistake of police practice within the complexity of family violence call-outs (Family Violence Reform Implementation Monitor, 2021), including in police responses to public scrutiny of the impacts, functions to obscure the systemic biases and other drivers of this practice (Family Violence Reform Implementation Monitor, 2021). In this way, including in police responses to public scrutiny of the impacts, misidentification is then not characterised as a deeply concerning and harmful practice outcome of harmful police culture and targeted discriminatory treatment of certain people experiencing violence, where drivers of misidentification are made very clear in the demographics of who is being misidentified by police at alarming rates. Instead, it is mischaracterised as a mistake that will be remedied if either brought to police attention, or a practice error that can be simply addressed via additional training (Victoria Police, 2024).

Writing about the failures of reform to achieve meaningful change, and the lack of any empirical

evidence of significant improvement despite decades of reviews and recommendations, Chris Cunneen describes this as “a case of not learning from continual failure and instead doing more of the same over again” (Cunneen, 2023). Importantly, Cunneen also points to the way that such reformism in fact reinforces and reinvigorates the given centrality of policing as an institution, rather than challenging it. It is crucial then, that any examination of family violence policing practices grapples with embedded systemic issues and the institutional drivers of everyday practice issues, and engages with the importance of thinking beyond reform as the only imaginable response to the harms of policing.

SUMMARY

It is clear that there are already well documented significant problems and harms associated with the policing of family violence in Australia: problems which are deeply intertwined with the institutional and cultural problems identified with policing practices more broadly. There have been decades of police reforms in relation to family violence, including specialised training and education, recruitment and diversity policies, increased powers, and the funding of specialised units and liaison officers, but there is little to no evidence to suggest these problems are diminishing. Accordingly, many researchers, practitioners and people with lived experience are calling for an urgent reappraisal of family violence approaches that continue to centre police, and pointing to the urgent need to redirect funding and resources toward community-driven alternatives (see for example Maturi, 2023; Hobbins, 2024).

Despite this, the full impacts and harms of family violence policing in Victoria have not yet been the subject of detailed independent public evaluation, community inquiry or research study. Most of the evidence and the issues described above have emerged or been extracted from broader family violence reviews, inquiries and other forums that canvas practice-based evidence or research projects that focus on specific policing issues. As such, there is an urgent need for comprehensive and independent research into the thematic and systemic issues, failures or harms related to family violence policing in Victoria.

In addition, while most studies into family violence policing in Australia and Victoria focus on the perspectives of either police or victim-survivors, few engage with the perspectives and experiences of family violence workers. These practitioners generally operate at the frontline of the nexus between family violence and police responses, and are therefore in a unique position to be able to observe and reflect on the benefits or harms of policing. Inclusion of their experiences in Victoria has largely been confined to the parameters of specific government and agency consultations and submission processes. A great deal of important practice-based and frontline worker knowledge of family violence policing therefore exists solely as informally documented, anecdotal evidence held by victim-survivors, workers and services.

The practice-based evidence documented in this report provides the first detailed qualitative and quantitative mapping of Victorian family violence worker experiences and perceptions of family violence policing.

Dame Phyllis Frost Centre

Corrections Victoria
Ravenhall

101 Riding Boundary Road Ravenhall
Victoria 3023
Telephone 03 9217 8400

2. Research methods

PROJECT CONTEXT AND AIMS

This research has been designed and undertaken by The Beyond Survival Project, in collaboration with RMIT University.

The Beyond Survival Project is a statewide partnership between Flat Out Inc. and the Police Accountability Project (Inner Melbourne Community Legal) in Victoria and is guided by a working group including the Law and Advocacy Centre for Women and by the direction of survivor advisors.

The project works at the intersection of intimate partner violence (IPV)/domestic and family violence (DFV) and state-based gender violence, where the harms of interpersonal gendered violence are compounded and exacerbated by harms enacted via policing. It provides integrated socio-legal support and co-advocacy to people experiencing these intersecting forms of violence, and to intervene into and prevent the criminalisation of victim-survivors.

Through wraparound legal and specialist family violence support work provided directly to people experiencing violence, strategic litigation, and the survivor-led systemic advocacy and training undertaken in the project, Beyond Survival has identified and increasingly focused on core thematic and structural issues in family violence policing. These include:

- **biased and discriminatory policing, including racialised policing/racial profiling**
- **the wrongful identification of victim-survivors as perpetrators ('misidentification') and the cascading impacts of this**
- **the criminalisation of people experiencing violence**
- **police-perpetrated family violence and the police collusion and impunity surrounding it.**

As a small community-based and statewide project, levels of need and demand for assistance to victim-survivors harmed in the course of family violence policing regularly outstrips capacity. As such, Beyond Survival uses a triaged intake criteria and frequently maintains a waitlist for assistance. This in turn provides a window into the scale of the harm.

Establishing a consolidated evidence base of issues and harms in family violence policing has however been an ongoing challenge. Alongside the understandable practical challenges of collating and sharing confidential data between often overstretched services and agencies, the project team has experienced obstruction and other difficulties when seeking to obtaining data directly from police or via Freedom of Information requests and other access processes. The practitioner survey was therefore established to gather practice-based evidence and practitioner observations of family violence policing in Victoria, to drive and guide systemic advocacy and identify priority legal and support needs.

SURVEY DESIGN AND DATA COLLECTION

Based on the key issues and harms noted from the socio-legal support work undertaken by Beyond Survival, the evidence shared by workers in project trainings and forums, and the identified gaps in comprehensive statewide data, the project identified gathering and collating evidence from family violence workers as a strategic and practice priority.

In collaboration with survivor advocates and advisors, and under the guidance of academics with expertise in researching gender-based violence and policing, the project team developed a series of questions designed to gather information including broader anecdotal and free text responses; as well as both qualitative and quantitative responses to prompts on key issues.

The survey was designed to firstly use open questions to see which issues were more salient for participants, and to avoid unduly prompting or influencing feedback. These were then followed by more specific prompted questions about thematic and structural issues already identified in practice, training and survivor-led advocacy.

Once the survey was finalised with the input above it was initially sent via direct link with email invitation to a smaller group of family violence workers in 2020 as a test run to determine its useability, clarity, feedback response rate, and the time taken for participants to complete the survey. Following the success of this trial, which showed that both response types and completion rates were good, the team proceeded to wider distribution. The project team then worked with volunteers to gather a list of services and agencies focusing on statewide, regional and specialist family violence services,

as well as other community and support services with family violence programs or high levels of family violence support work provision, including housing and community legal services.

The project team then published the survey online (see Appendix for a text copy of the survey) and distributed the link to identified services and workers across Victoria in August 2021 via an ‘e-mailout’ which included an invitation to contribute and some background information about the project. Email recipients were encouraged to pass the invitation and survey link to other family violence workers in their organisation, as well as to other family violence organisation. The survey remained open until 15 September 2021.

The initial target for the survey to gather meaningful data for analysis was 150 responses, based on input from researchers and advisors, and a desktop review of relevant practitioner surveys. We received 291 responses in total (29 in round one and 262 in round two): 141 above our target.

Raw data from both the first and second round of data collection was sent to RMIT University’s Criminology and Justice Studies Department for cleaning, collating and analysis.

DATA CLEANING AND ANALYSIS

The data was checked for consent and uniqueness. Seven participants in the second round did not consent to their responses being used for analysis, so all data were removed for these seven participants. Two responses were found to be an exact replica of each other (presumably due to a technical glitch) and so one of those was removed. 58 participants were found to have only answered demographic questions (Q1-8), and none of the substantive survey

questions, so data for all those participants were also removed. It is unclear exactly why this occurred but, given what we know about many in the sector being pressed for time, it is likely that these participants reached the first substantive open text question and then decided they did not have time to complete the survey or compose and provide comments in detail.

This left 225 participants whose unique data sets could be used for substantive analysis. The data from both rounds were merged into one spreadsheet for analysis, and each research participant was given a unique response participant (rp) identifying number for the purposes of analysis and reporting. Summative data was then generated for each of the pre-set multiple-choice and scaled survey questions, giving a good sense of the spread of responses across participants for each question. Open-ended text responses were thematically coded using an emergent and iterative approach, adding new thematic categories as they emerged from the data, and re-coding earlier responses as themes were added. Quantitative analysis was conducted across the themes to ascertain the frequency of themes while qualitative analysis was conducted to get a stronger sense of how each theme was being experienced and articulated by participants. Illustrative quotes were drawn out of the qualitative data to help paint a picture of the issues described in the quantitative data, in participants’ own words.

Combined, the quantitative and qualitative data paints a strong and detailed picture of thematic and patterned issues and wide-ranging practitioner concerns with family violence policing practices across the family violence service sector in Victoria.

PARTICIPANT DEMOGRAPHICS: ROLES AND EXPERIENCE

The 225 participants whose survey contributions inform this study identified themselves as being from a range of family violence roles, including: family violence support workers (38%; 85 participants); lawyers assisting people who experience family violence (18%; 41); community-based support people for someone experiencing family violence (12%; 26); alcohol and other drug workers (8%; 18); child protection workers (5%; 12); mental health workers (2%; 5); victim support workers (3%; 7); specialist family violence advisors (2%; 5); housing workers (2%, 5); social and community workers (2%, 4); paralegal and court staff (2%; 4); family service workers (1%, 3); financial counsellors (1%; 3); allied health workers (1%, 3); family mediators (1%; 2); people working with people using violence (1%; 2); family violence advocates (1%; 2); sexual assault workers (1%; 2); and a youth worker (1); an outreach worker (1); an emergency department worker (1); an expert witness (1); a public servant (1); and a risk assessment worker (1).

The largest proportion of participants identified themselves as working in the North West Metro region (encompassing Melbourne’s CBD, north-west metro suburbs and north-west regional areas of Victoria) (57%; 128). The next largest proportion identified themselves as in the Western region (encompassing western regional areas) (31%; 70), followed by the Eastern region (encompassing eastern metro suburbs and eastern regional areas) (30%; 68) and the Southern Metro Region (from Port Phillip Council area to the Mornington Peninsula) (23%, 51), with many participants working across more than one of these regions. The more specific suburbs or local council areas participants gave for their

work were able to be categorised as spread fairly evenly across inner urban (42%; 95), outer urban (60%; 134) and regional (44%; 98) areas.

Half of the participants (50%; 112) noted that they work specifically with marginalised groups in their family violence role, including with: children and young people (9%; 20); parents of children and adolescents (8%; 19); people experiencing substance use issues (9%; 20); LGBTIQ+ people (8%; 19); criminalised women and gender diverse people (8%; 17); Aboriginal and Torres Strait Islander People (6%; 13); people experiencing homelessness and housing instability (5%; 11); culturally and linguistically diverse (CALD) communities (5%; 11); people with mental health issues (4%; 9); disabled people (3%; 7); refugees and new migrants (2%; 5); and pregnant and birthing people (1%; 3).

Most participants have been working in the family violence space and observing family violence policing for more than two years (83%; 187); with 47% (105) working in family violence for more than 5 years and only 7% (16) for less than a year.

In their practice-based observations of police responses to family violence, participants reported having observed and interacted with police from a wide range of different capacities and roles including: Officers from a local police station (79%; 178); Family Violence Liaison Officers (70%; 157); Officers from Sexual Offences and Child Abuse Investigation Teams (SOCIT) (56%; 125); Sergeants and Senior Sergeants (52%; 116); Police Prosecutors (46%; 104); Officers in charge of the local police station (31%; 69); Officers on the divisional van (18%; 40); Family Violence Command (14%; 32); Family Violence Detectives and Investigation Teams (5%, 11); Professional Standards Command (2%; 5); Family Violence training coordinators (1%, 3); Remand Liaison (1) and IBAC (1).

One out of every eight participants in this study identified themselves as someone who has also personally experienced family violence and police responses to that violence (12%, 27).

TERMINOLOGY AND REPORTING CONVENTIONS

This report incorporates input from many different practitioners with different approaches to language and terminology. In the report, we often use the term ‘victim-survivor’ to refer to people who are experiencing or have experienced family violence, as this reflects the wording most used by survey participants. We also use the term ‘person experiencing violence’, which was also commonly used by participants and which offers a way of ensuring people are not defined solely by experiences of family violence.

We note the importance of terms such as ‘people responding to violence’ that honour the ways people actively respond to violence (rather than being passive subjects) and work to resist, manage risk, build safety and move towards liberation, and the skills and lived expertise this entails (Hyden et al., 2016; Richardson & Fast, 2018). However, to avoid confusion for the reader between people who are the targets of the family or state violence, and workers and first responders, this phrasing is not used here in this report.

Where deemed appropriate, we also refer to ‘women experiencing violence,’ and ‘women’, to reflect the gender-based nature of family violence. In some instances, where participants have used the terms, ‘victim’ or ‘survivor’, we also use these to reflect the language and reflections provided by practitioners. Often, survey participants also used the term, ‘affected family member’ (or ‘AFM’), which is the official term

used by police on incident reports and safety notices to denote the person they deem to be experiencing and needing protection from family violence. Where participants use these terms, we tend to use square brackets to clarify their intended meaning in the context of their quote.

In this report we consciously do not use the language of ‘vulnerability’ to violence or harm and instead use the term ‘targeted.’ This is to avoid the trap of describing specific individuals and communities as inherently more susceptible to violence, when they are

instead more likely to experience violence by virtue of systemic discrimination, as well as the individual tactics and institutional responses that extend and compound this.

Survey participants often used the terms ‘perpetrator’, ‘perp’, ‘predominant aggressor’, ‘person using violence’ or the abbreviated ‘PUV’ in their responses to refer to the person they understood to be the main person using family violence. In the report, we have preferred the term ‘person using family violence’, as it draws attention to the specific nature of family violence



(as distinct from resistive or other forms of violence), and to distinguish between the person and violence they have used, in a way that enables the possibility of accountability and change, and involves fewer identity conclusions than would a binary perpetrator/victim lens. It also disrupts the implication that people experiencing, responding to and resisting family violence might be ‘secondary’ aggressors. For the purposes of brevity, however, the more binary language of victim-survivor and perpetrator is used in most headings. And in recognition of the dynamics of authority, impunity, state and institutional power, and carceral force, where we refer to police officers or staff using family violence, the term ‘perpetrator’ is applied.

At times survey participants also used the term ‘respondent’ (or ‘RESP’), the official term police use in incident reports and safety notices to denote the person they deem to be using violence. Where participants use these terms, we tend to use brackets to clarify their intended meaning in the context of their quote.

In the survey report, some participants use the term ‘IVO’ (intervention order) in place of ‘FVIO’ (Family Violence Intervention Order), to refer to the FVIOs issued by courts in Victoria. All of these have been edited to FVIO (including within participant quotes), for consistency and clarity, with a definition in brackets afterwards. The acronym FVSN (Family Violence Safety Notice) also appears in the report (with a bracketed definition), referring to temporary notices issued by Victoria Police to the person they deem to be the predominant aggressor, prohibiting the further use of family violence against the victim-survivor, and which also act as a police application for a FVIO. Participants in the survey report often interchangeably use the terms ‘L17s’, ‘incident reports’ and ‘risk assessments’ to refer to Victoria Police’s Family Violence Risk Assessment and Risk Management Reports, and we have kept

all versions of these terms, supported by bracketed definitions.

In the report, participants also sometimes used the term ‘DARVO’ which stands for ‘Deny, Attack, Reverse Victim and Offender.’ This refers to a common violence tactic whereby those using violence will present themselves as the victim and will seek to misrepresent the person they are targeting as the person using violence. We have kept the term DARVO as it appears in the report, with a definition in brackets each time. Where participants use other acronyms like ‘CP’ (to refer to the Victorian Child Protection Services) or ‘CALD’ (to refer to people from culturally and linguistically diverse communities), we have added the definition in brackets afterwards.

To protect the confidentiality of the survey participants, only their unique participant number has been listed in brackets after they are quoted (i.e. rp1). Quotes have sometimes been edited

for spelling or punctuation errors. Any other alterations to the quotes to aid readability, explain terms, or to reduce the identifiability of information, have been included within square brackets [like this] to show they have been added later by the researchers (while any rounded brackets like this in quotes were provided by participants). Similarly, [...] has been used to indicate anywhere sections of participants contributions have been removed to aid readability or flow, link related themes, or to protect anonymity. In all cases, we have taken great care to retain the meaning or intent of chosen quotes.

RESEARCH ETHICS

.....

This research has been approved by RMIT University’s Human Research Ethics Committee (HREC).





3. Research findings

Family violence sector workers in this study report significant and wide-ranging concerns with the ways they see Victoria Police responding to family violence across the state.

The overwhelming majority of responses show that police family violence interventions are not only often falling short, but also often causing significant harm to people experiencing violence. Responses show that in many cases police actions and interventions are making things worse, rather than better for victim-survivors, including by exacerbating risk and harm, and increasing stress and distress. Responses also show that this is particularly (although certainly not exclusively) the case for victim-survivors in targeted and marginalised communities.

Without any prompting, participants identified many significant and patterned problems with family violence policing. In response to the first substantive question in the survey, which asked participants to very broadly describe “the main issues and/or trends you observe with/in police responses to family violence,” the vast majority of participants (89%, 201) took the opportunity to document some sort of problem or concern, with most (74%, 167) documenting multiple problems. These included observations and descriptions of Victoria Police:

- **failing in their duty of care, and breaching the Victoria Police Code of Practice for the Investigation of Family Violence (Victoria Police, 2022)**
- **discriminating against women and marginalised groups, including Aboriginal**

and Torres Strait Islander people, other People of Colour, LGBTIQ+ people, disabled people, people with mental health issues, people with substance use issues, criminalised people, young people

- **ignoring the histories and contexts of violence and control**
- **extending the abuse of, and harm to, victim-survivors through criminalisation, collusion with the person using violence, or the enabling of further systems abuse violence via policing**
- **wrongfully identifying victim-survivors as perpetrators**
- **colluding with or failing to take actions regarding perpetrators who are police officers**
- **refusing to take on board feedback or be accountable.**

In later parts of the survey, which did feature more specific prompting, it became clear that each of these family violence policing issues are not isolated concerns, but are observed by, and impacting, a significant proportion of workers across the state.

These issues are discussed in detail in the subsections below, along with the ideas that family violence workers shared for improving outcomes for people experiencing violence.

While the survey findings are grouped by theme, there is necessarily some overlap between sections, reflecting the ways in which participants made comments across issues, or gave examples that detailed multiple problems or harms.

3.1 POLICE MINIMISING OR DOWNPLAYING THE VIOLENCE AND HARM DONE TO VICTIM-SURVIVORS AND INCREASING THE RISKS OF FURTHER HARM

This research documents a range of concerns about the ways that Victoria Police are failing to adequately respond to family violence and, in doing so, are increasing risks for victim-survivors, as well as children.

Many of the participants' concerns relate to police responses to family violence incident call-outs, with a sense that the police response did not seem at all adequate to the seriousness and complexity of the situation. For example, in response to the first substantive, open survey question about any observed 'policing issues or trends', workers spontaneously raised concerns about police: not taking family violence matters seriously enough (12%, 27); taking insufficient interest in investigating or following up on cases (11%, 24); taking too long to respond or arrive when called out to incidents (5%, 11); failing or refusing to take statements (2%, 5); and failing to follow the Victoria Police Code of Practice for the Investigation of Family Violence (the 'Code of Practice') (1%, 3).

Many concerns also relate to poor or inadequate police follow-up responses. For example, participants, unprompted, described observing police: failing to follow up on, or delaying in following up on, FVIO breaches (16%, 36); failing to impose FVIOs when needed (8%, 18); producing poorly written L17 risk assessment reports (5%, 11); issuing FVIOs without exploring other options (3%, 7); failing to include children on FVIOs, FVSNs and L17s (2%, 5); failing to do welfare checks when needed or in response to threats of harm (2%, 4); failing to keep records of interactions with victim-survivors (1); and losing evidence (1).

Later examples given by workers help to illustrate many of these concerns. As one participant later commented:

“Often there is absolutely no police response at all in instances of reporting family violence, police are generally dismissive of any safety or child protection concerns raised by support staff, and it is almost impossible to chase up matters as they often do not respond to emails or return call-back requests.” [rp13]

Another participant noted:

“In some instances, the police have not contacted the AFM [person experiencing violence] to get a statement about the family violence, and then seek to withdraw on the basis of not having enough evidence.” [rp138]

One worker said that they had observed police failing to adequately investigate matters by:

“rushing to the point of serving family violence safety notices [FVIOs], as opposed to calmly working through the problem... doing anything they can to cover themselves, by serving safety notices and applying for intervention orders, in the absence of proper investigation... they aren’t actually doing the work to prevent violence or refer parties to services... they just focus on doing the bureaucratic paperwork side of things to cover themselves... [and] once they decide who they think the aggressor is, they proceed on that basis without changing their stance as the matter progresses.” [rp34]

Others gave examples of police ignoring or downplaying FVIO breaches, and thereby placing people experiencing violence at increased risk:

“Police often refer to [FVIO] breaches as “technical breaches”... [or make] comments to victims when they are reporting breaches asking if they know the consequences or effect on the Respondent [person using violence] if they proceed with their breach, or [other] generally inappropriate comments re the subject matter of the breach... [resulting in a] lack of pursuit of charges against [the] perpetrator despite evidence that they have breached.” [rp135]

“A few years back a perpetrator breached an order over 100 times and he was never breached by the police and continued to intimidate the family for months. The family was on edge and no safety plan could be developed to give this family some peace.” [rp96]

Many workers, in response to the first unprompted survey question, shared concerns regarding police responses showing a routine lack of care and respect for people experiencing violence. These included observations of police: engaging in victim-blaming and shaming (12%, 28); not communicating effectively with people experiencing violence including in matters directly affecting safety (13%, 30); invalidating the experiences of victim-survivors (12%, 26); responding in ways that are not trauma-informed (7%, 16); failing to adequately consider and protect the needs of children and young people (7%, 16); ignoring victim-survivors' wishes (6%, 14); failing to support victim-survivors with important processes, including those affecting safety (5%, 11); harassing, intimidating or being rude to people experiencing violence (4%, 10); failing to refer people experiencing violence to support services (3%, 7); being unwilling to offer any support when victim-survivors want ongoing contact with the person using violence (1%, 2); giving victim-survivors false or inaccurate promises (1%, 2); and failing to seek out or listen to the perspectives of children (1%, 2).

“Often there is absolutely no police response at all in instances of reporting family violence, police are generally dismissive of any safety or child protection concerns raised by support staff, and it is almost impossible to chase up matters as they often do not respond to emails or return call-back requests.” [rp13]

“[I] have had clients report the perpetrator to police, then [be] told conflicting things from different police officers at the same station. They were left feeling really confused, unsafe/unprotected and unsure about the next steps.” [rp201]

This lack of respect for the experiences and perspectives of people experiencing violence, and a lack of trauma informed care, were highlighted by a participant who described an incident where:

“police commented ‘why even bother’ when the frightened victim-survivor [who had just been hospitalised from the violence they experienced] was hesitant to provide the perpetrator’s details.” [rp18]

Another worker highlighted the relationships between a lack of trauma informed care, the exacerbation of victim-survivor distress, and police victim-blaming and dismissing people experiencing violence for being ‘too emotional’:

“I find that when clients are very emotionally distressed due to a family violence incident, some officers can respond to this in a way that further distresses the client. Or they describe the client as too emotional and therefore may not believe them, or blames them.” [rp173]

Another detailed a case where police displayed very poor consideration for the wellbeing of a child impacted by family violence, explaining they had seen:

“an example of police attending an address where the AFM [person experiencing violence] didn’t speak English. Police used the 11 year-old child to interpret, traumatising the child in the process.” [rp34]

Workers also described cases of police giving victim-survivors misleading, confusing and unhelpful advice:

“There are... clients who have related disturbing and worrying interactions at a station level with police. These range from individual police or multiple officers in a station giving incorrect, misleading, and unprotective advice in regards to ways clients can respond to family violence. Of particular concern are the times clients have been told that there is nothing police can do, or nothing they themselves can do to protect themselves or their children from violence.” [rp189].

“[I] have had clients report the perpetrator to police, then [be] told conflicting things from different police officers at the same station. They were left feeling

really confused, unsafe/unprotected and unsure about the next steps.” [rp201]

Other participants gave examples of police engaging in victim-blaming, noting that:

“sometimes police reports will use victim-blaming language” [rp132] or use: “language that implies blame on the AFM [person experiencing violence] ... describing the AFM as ‘hysterical’ and the RESP [person using violence] as calm.” [rp56]

One worker described police as:

“failing to understand the victim-survivor and respect that they are the experts of their own experience; to listen and support safely.” [rp188]

Another gave an example of police dismissing a victim-survivor as unreliable by pathologising her as mentally unwell, and not only failing taking her reports of violence seriously, but also failing to provide her with adequate medical care:

“[A] client attended [the] police station after an assault, bleeding and upset. She had also been drugged by the perp [perpetrator]. Officer told her she was mentally unwell but would arrange an ambulance for her... [but] called a taxi to take her to hospital instead.” [rp120]

Another participant showed how a lack of respect for people experiencing violence can also result in a reluctance to report FVIO breaches:

“Some police view a failed attempt to report a breach (i.e. behaviour which isn’t able to be charged) as a reason to doubt [the] victim’s general veracity, whereas best practice advises that victims SHOULD report believed breaches and it is up to police to determine whether sufficient evidence to charge. This discourages

breach reporting, risks adverse outcomes at contest, and makes victims reluctant to engage with police in the future.” [rp121]

A failure to respect and take seriously the experiences and wishes of victim-survivors, combined with inadequate consideration of the contexts and patterns of violence, can also result in inadequate safety supports being put in place, as one worker illustrates here:

“Victim-survivor was asking for a full exclusionary FVIO, was fearful for their and their children’s life/safety/wellbeing, fully believing they would be killed. However, only a limited FVIO was applied [by Police], advising [that] previous FVIOs have expired already and previous significant family violence [events] were not important in this decision, also that this recent incident did not warrant a full FVIO.” [rp3]

Concerns like this, regarding police responses not displaying an adequate consideration of the history, context and nature of family violence, were also raised by many participants unprompted in response to the early survey question about issues and trends. Workers noted, for example, that they had observed police: displaying a poor understanding of the dynamics of family violence (13%, 30); dismissing or ignoring non-physical or coercive forms of family violence (8%, 18); failing to take into account the histories and contexts of violence (4%, 8); failing to do adequate risk assessments (3%, 7); demonstrating a lack of understanding of the complexities of family violence between young people and parents/carers (3%, 6); failing to recognise DARVO (Deny, Attack and Reverse Victim and Offender) tactics (2%, 5); jumping to conclusions too fast (2%, 5); being unwilling to change approach as new information is provided (2%, 5); failing to properly record both sides of conflicts (including not separating

people when collecting information) (1%, 3); and inflaming or escalating conflicts (1%, 2).

Participants gave many examples of police responses that demonstrate a lack of understanding of dynamics of family violence. Several spoke of the way that police who attend call-outs often seem to only focus on the incident in isolation, rather than seeing it in a wider context and possible history of violence and control and, in so doing, treat victim-survivor resistive violence as equivalent to or worse than the perpetrator's violence:

“Often [Police take] an incident-based event focus rather than considering the ongoing coercive control pattern... Where a victim-survivor has also used violence (either as an act of resistance or other forms of force or violence), there may be a mutualisation of the violence [by police] ... a ‘they are as bad as each other’ type response, that often overlooks the AFM [as the person experiencing violence].” [rp32]

The mutualisation of violence by police described here has clear implications for the level of support police will offer to people experiencing violence, as well as the extent to which they might hold people using violence accountable. These concerns were echoed by another worker, who raised the issue of police using passive and neutralising language in their risk assessment reports:

“[Police use] mutualising language which fails to hold the Respondent [person using violence] accountable, e.g. ‘history of family violence’ and ‘verbal conflict’, rather than [more active language like] ‘RESP [person using violence] has perpetrated family violence against AFM [person experiencing violence] for many years, including verbal abuse’.” [rp44]

Another spoke of witnessing police engaging with people using family violence in a way that downplays their accountability for the violence, and fails to hold them accountable:

“[I have seen] male police officers engaging with male perpetrators in a “blokey/mate” manner and not providing clear directions and consequences.” [rp134]

Other participants also drew attention to the problem of police treating resistive violence as family violence, noting cases where cross-FVIOs are being served by police against both the person using violence and the person experiencing violence, rather than police doing the work to investigate whether – as is usually the case – a person using violence has been maintaining patterns of violence and control over a longer period of time, while the person experiencing violence has been primarily using violence in self-defence or retaliation. It seems clear that, as these participants suggests, police are often not seeing beyond surface-level presentations and displaying the nuanced thinking about family violence that is needed:

“[The] perpetrator was very litigious and very well spoken. They presented themselves extremely well to services such as Police. They constantly breached the full FVIO. The victim-survivor would retaliate in response to those breaches due to fear and anger, and so there would be cross FVIOs... this was a situation that required more nuanced thinking about who is actually the one controlling the situation (the perpetrator who presented themselves very well).” [rp3]

“Police often do not look at the perpetrator’s history and pattern of violence and will believe them [the perpetrator] because they come across as clear and controlled compared to the victim-survivor who is terrified and may be acting erratically” [rp6]

“Police often do not look at the perpetrator’s history and pattern of violence and will believe them [the perpetrator] because they come across as clear and controlled compared to the victim-survivor who is terrified and may be acting erratically.” [rp6]

It is clear too that these failures are not limited to duty officers but include even those police most trained and educated in family violence. Another participant noted, for example, that there are:

FVIU [Family Violence Investigation Unit] members lacking understanding of family violence cycles, [and, for example] showing [negative] bias towards AFMs [people experiencing violence] when they have contact with a perpetrator.” [rp129]

Overall, many participants pointed to police responding in ways that imply:

“a lack of understanding in regards to gaslighting, coercive controlling behaviour.” [rp220]

Participants also noted that communication and collaboration failures by police are negatively impacting the appropriateness of family violence responses. As one participant noted:

“some police don’t want to hear from support workers who are on the scene and aware of a pattern of violence.” [rp18]

Inadequate and ineffective communication and collaboration by police, both with family violence workers and with other police, is a significant concern to participants, raised by many in the initial open survey question about issues and trends. Police are observed: not providing updates and documents in a timely and user-friendly way (8%, 23); having poor internal consistency and information sharing between

stations and units (8%, 22); failing to communicate and cooperate with Child Protection teams (2%, 4); and failing to take advice from, or collaborate with, services and workers (1%, 3).

Participants note that a lack of timely communication with people experiencing violence regarding matters that affect safety can impact negatively on both safety and stress:

“[There have been] delays in [police] speaking to and/or serving FVIOs on Respondents and failing to notify victim-survivors when this occurs, which has negative impacts on their capacity to safety plan.” [rp44]

“[Police] providing the victim with updates on such things as charges, criminal justice stage and obtaining Victim Impact [statement]s are often not regular... for victims it is their case and... it is directly impacting on their life... and the information can decrease the stress.” [rp279]

Importantly, poor and inadequate police responses, and the minimisation and downplaying of family violence by police, are not isolated occurrences, as the responses participants gave to later, prompted survey questions about policing issues demonstrate.

For example, more than two-thirds (69%, 156) of participants had witnessed “duty failures or substandard response from police”. Many also agreed that they had seen a “lack of communication [by police] with survivors on matters critical to their safety” (69%; 156); a “lack of

collaboration between police and other agencies around safety concerns” (62%, 139); a “failure to follow Victoria Police Policy Manuals and Code of Practice rules and guidelines (e.g. failure to investigate, failure to enforce breaches of intervention orders, failure to separate the parties for interviews)” (57%; 128); a “failure to serve intervention orders in a timely manner” (49%, 110); a “failure to ensure medical attention is provided where needed” (16%, 37); and “police acting outside of their powers under the Family Violence Protection Act” (14%, 31).

When given a list of six key requirements that police must follow under the Victoria Police Code of Practice for Investigation of Family Violence, and asked to indicate whether in their experience and observations police “Always”, “Mostly”, “Sometimes”, “Rarely” or “Never” follow those requirements, the majority of participants who responded selected “Sometimes”, “Rarely” or “Never” for nearly all of the requirements listed.

When asked if police “have adequately considered the particular ‘interests and vulnerabilities’ of persons involved including children, those with disabilities, and cultural or community needs where necessary?”, a large majority (71%, 153) of respondents chose either “Sometimes” (47%, 102), “Rarely” (20%, 43) or “Never” (4%, 8). Just 1% (3) of respondents to this question selected “Always”, and less than one third (29%, 63) selected “Mostly.”

Similarly, when asked if police “have appropriately and adequately conducted initial investigations, including gathering background information and physical evidence”, more than three quarters of participants (78%, 155) chose either “Sometimes” (50%, 109), “Rarely” (19%, 40) or “Never” (3%, 6); while only 3% (6) selected “Always” and only one quarter (25%, 55) selected “Mostly.”

When asked if police “have appropriately determined the likelihood of future family violence occurring and act appropriately in accordance with such findings?”, three quarters of participants (75%, 164) said either “Sometimes” (49%, 107), “Rarely” (23%, 50) or “Never” (3%, 7). Only one person selected “Always”, and less than one quarter (24%, 53) selected “Mostly.”

When asked if police “have appropriately pursued a criminal, civil and/or referral option for risk management?”, more than two thirds of participants (68%, 147) answered either “Sometimes” (45%, 98), “Rarely” (18%, 39) or “Never” (5%, 10); while just 4% (8) selected “Always”, and less than one third (29%, 62) selected “Mostly.”

When asked if “appropriate referrals been made to ensure advocacy and support for the victim and accountability for the perpetrator?”, again two thirds (66%, 144) answered either “Sometimes” (34%, 74), “Rarely” (25%, 55) or “Never” (7%, 15); and only 3% (7) selected “Always”, and less than one third (30%, 66) selected “Mostly.”

Only when asked if “there has been an appropriate application for a FVIO or FVSN wherever safety, welfare or property is endangered?”, did “Mostly” come up as the most commonly selected response (44%, 97), however with only 5% (11) selecting “Always”, it was still the case that more than half (51%, 110) of participants still selected either “Sometimes” (39%, 84), “Rarely” (10%, 22) or “Never” (2%, 4).

Later, when prompted to select whether they had observed in their work a “lack of consistency in individual police officers’ knowledge of/ training on family violence”, eight out of ten participants (80%, 179) of participants agreed.

These quantitative data, along with the qualitative responses offered by participants, suggests

that despite decades of training reforms and revised policies, police practice is neither attuned to, nor effectively addressing, the power and control dynamics and tactics of family violence, nor the associated risks. Given the importance of effective risk assessment, intervention and response that accounts for the patterns, tactics and dynamics of violence over time, these failures represent significant safety issues for people experiencing violence.

Police failures to investigate, account for and respond in relation to patterns of controlling behaviour have clear negative implications for those experiencing such violence, not only in terms of missing out on much needed support and protection, but also in terms of being potentially criminalised or punished themselves. These implications were discussed by many participants in this study and are explored in detail in Sections 3.2 and 3.4.

Given the importance, too, of victim-survivors’ own assessment of risk, determination of safety strategies (Multi-Agency Risk Assessment Model) in any response to violence, and agency and control over response decisions, it is also very troubling that so many workers have observed policing invalidating and undermining victim-survivors. This includes by failing to listen to the experiences, needs and wishes of victim-survivors, failing to care for the immediate and long-term safety needs of victim-survivors, and failing to communicate with victim-survivors on matters crucial to safety. Given the level of risk facing those who are experiencing family violence, these failures can be best described as what Charandev Singh (Carrick, 2012) calls potentially ‘lethal indifference’ and inaction on the part of police.

The detail and specificity of participant responses in this area point to core issues with family violence policing, where police responses display a lack of nuanced understanding of family violence and coercive control, and are ineffective and/or harmful. The data obtained demonstrates significant, prevalent and patterned failures that indicate widespread differences between policy and practice, that speak to foundational problems in understanding and response, that manifest in every-day practice failures, and that contribute to multiple harms.

“[I have seen] male police officers engaging with male perpetrators in a “blokey/ mate” manner and not providing clear directions and consequences.” [rp134]



3.2 POLICE EXTENDING THE VIOLENCE THROUGH COLLUSION WITH PERPETRATORS, ENABLING OF SYSTEMS ABUSE, AND THE CRIMINALISATION AND PUNISHMENT OF VICTIM-SURVIVORS

In addition to their concerns about police practices failing to adequately account for and address the violence and risks victim-survivors are experiencing, many family violence workers in Victoria are also concerned about the ways in which police responses serve to extend the abuse and victimisation of people experiencing family violence.

In response to the initial open (i.e. unprompted) question about general issues and trends, nearly two thirds (65%, 143) of participants reported having witnessed police practices which in some way operate to extend the abuse of, or harm to, people experiencing violence, including by: criminalising victim-survivors (32%, 71); colluding with or extending the tactics of the person using violence (including police processes weaponised as systems abuse) (12%, 28); or otherwise increasing victim-survivor experiences of harm or risk (48%, 109).

Without any prompting, workers said they had observed police criminalising victim-survivors by deploying existing warrants or issuing new charges (3%, 6) as well as by wrongfully identifying people experiencing violence as the perpetrators of family violence (31%, 69): an issue which will be covered in greater detail in Section 3.4 of the report, given the even higher proportion of workers in the study (83%, 186) who said they had observed this issue when prompted directly.

Unprompted examples were also given of police: re-victimising people experiencing violence by requiring repeated disclosure of distressing details in front of others (2%, 5); removing or threatening to remove children from victim-survivors (1%, 3), and doing other things which directly increase risk for people experiencing violence (such as listing new addresses on FVIOs) (1%, 2).

Workers also spontaneously mentioned having witnessed police actively colluding with people who are using violence (12%, 28), whether knowingly or not. This included police: taking the side of

*“I have witnessed police take women victims away on minor outstanding warrants and ignore the reason they were asked to attend in the first place.”
[rp18]*

Without prompting, **65%** of participants reported having witnessed police practices which extend the abuse of, or harm to, people experiencing violence.

the person using violence because they seemed more calm or more charming (8%, 19); enabling police processes or responses to be weaponised by people using violence in the abuse of victim-survivors (3%, 7); failing to recognise or resist DARVO tactics (2%, 5); and evicting or threatening to evict the person experiencing violence rather than the person using violence (1%, 3).

Many of the observations detailed by participants help to illustrate the varied ways in which police extend or add to the abuse and harm victim-survivors are experiencing. For example, as the following participants noted, police who attend family violence call-outs are often not only minimising and/or failing to address the family violence itself, but also criminalising people experiencing violence by choosing to action outstanding warrants or issue charges for new offenses:

“I have witnessed police take women victims away on minor outstanding warrants and ignore the reason they were asked to attend in the first place.” [rp18]

“[I have observed a case of] a family violence officer taking a statement of a young victim-survivor (aged 17), who in her trauma response kicked the perpetrator’s car and dented it, file a property damage report on her and did not take her reports of family violence and sexual assaults seriously.” [rp76]

“I have supported victim-survivors who are at risk of being killed by the perpetrator and [... police have] colluded with the perpetrator and charged the victim-survivor for things she did not do. This is extremely dangerous.” [rp6]

“Where there is no obvious physical [injury on the victim-survivor], violence often gets minimised and safety notices are not initiated [...] On one occasion, where a woman had called for help after an incident involving non-fatal

strangulation, no FVIO was initiated, however an outstanding warrant for an unrelated matter was pursued, resulting in the woman being arrested and remanded on the matter.” [rp33]

These examples of police actively criminalising instead of helping people experiencing violence have significant implications for access to safety; both in terms of a future willingness to report incidences of family violence, and in terms of a capacity to secure safe housing, employment and other crucial supports.

The inclination toward punishing victim-survivors rather than addressing family violence is also indicated in the following shocking examples given by participants of police justifying the incarceration of people experiencing violence as a way of reducing risk:

“Police officers stating in court that an AFM [person experiencing violence] would be ‘safer to stay in custody than be released’.” [rp83]

“We had a police prosecutor state that a woman should have her parole refused and further held in [a maximum-security prison] as she was at such high risk of family violence and that prison was safer for her.” [rp123]

Alongside these examples of police punishing victim-survivors in the name of ‘safety’, workers also documented examples of police actively prioritising the safety and wellbeing needs of people using violence:

“[The] attending officer [was] unwilling to charge perpetrator for breach of order because he was known to [the] officer and would “lose business” by closing his shop for the day.” [rp79]

“Police [were] called out to an incident where the father of the family was abusive

to the mother. Police told the mother to leave, and she subsequently became homeless and cut off parenting payments. A lot of work and support had to be provided to have him leave the property and have her reunited with the children.” [rp140]

Responses like these demonstrate how police responses to family violence are at times negatively impacting victim-survivor access to housing, welfare payments, and children. As one worker showed, police responses are also impacting on victim-survivor employment:

“Because of the way the victim presents when police arrive after being assaulted (e.g. the victim may be screaming, or loudly describing the family violence) and the perpetrator is ‘calm’ and ‘rational’, the police have then reported the victims are unfit to work to their applicable licensing body and then victim is unable to continue working until they have an assessment done to prove they’re fit to work. Employment is a protective factor, and this may be the reason why someone stays or leaves. It also increased risk where the abuse would continue as victim [becomes] unable to give perpetrator money or household bills [are] not being paid.” [rp136]

“I have supported victim-survivors who are at risk of being killed by the perpetrator and [... police have] colluded with the perpetrator and charged the victim-survivor for things she did not do. This is extremely dangerous.” [rp6]



This sort of active, punitive reporting of people experiencing violence as unfit to work, based on officer assessments of victim-survivor presentation directly after experiencing violence, can be understood as a clear example of police responses extending the violence and harm already perpetrated.

Many workers raised concerns about the ways that police responses like this are weaponised by people using violence to engage in various forms of systems abuse, where policing and criminal legal systems are used to extend and continue family violence:

“[I have witnessed] male perpetrators using the law to abuse the victims even more and leave them very vulnerable and struggling to protect themselves and their children.” [rp98]

“[I have seen] police being weaponised by abusive men; women being controlled through threats to call police or child protection; police colluding with abusive men to perpetuate systemic harm; police responding to the incident directly confronting them (i.e. distressed woman, man calm, rational, saying his wife is crazy, violent) [...] with] no further investigations done after first responding.” [rp80]

“Police colluded with perp [the perpetrator] when he called them to report his wife was ‘crazy’ and was going to harm herself. The police attended the property, kicked in the bedroom door, handcuffed the victim survivor and pushed her onto a chair in the corner of the room. They failed to engage/communicate with her. Bundled her into the car and took her to hospital for the CAAT (mental health Crisis Assessment and Treatment) team to assess. CAAT team assessed victim survivor to be well and referred her to Safe Steps [family violence crisis response service] for refuge.” [rp117]

“[I have had a case of] police showing up to a victim-survivor’s home with the perpetrator, on the first morning she and children had returned after police removed the perpetrator via [an] exclusion FVIO, demanding he be allowed into the home to get his belongings. [...] When the woman asked for police to reschedule at a later time, police threatened her that ‘that’s fine, we can inform the magistrate that you are being obstructive’. They assisted the perpetrator to take whatever he liked - and when the victim survivor objected, they named her the perpetrator, and then carried her belongings out to help load them into the perpetrator’s car. The police file notes were later subpoenaed... and she saw how he had gone to police with false allegations that he was the victim of her abuse, and she had threatened to take the children away from him. The police naming her as the perpetrator in this instance was used against her in Family Court.” [rp162]

“[I am aware of a case where a] woman [was] bashed by her brother, whilst [her] father watched on. Police [were] called (not sure by whom), brother and father colluded and [an] FVIO and criminal charges [were] placed on the woman. [...] Whilst incarcerated, the brother wrangled her inheritance (half the house) from her, rendering her homeless, [and] she can’t negotiate with the brother due to the FVIO. She says: ‘he’s sitting in my house, I’m homeless or in jail.’” [rp91]

It is clear that police responses that involve collusion with people using violence and the weaponisation of police powers against victim-survivors – through the laying of criminal charges, arrests, imposition of FVIOs, or other punitive acts – have significant, violent and cascading impacts for people experiencing violence. These responses negatively affect victim-survivors’ movements, access to housing,

and capacity to care for children effectively, including the ability to make effective custody claims.

Police lack of foundational understanding of family violence, alongside everyday police practices that minimise and fail to address the risk and harm of family violence, including instances of collusion with abusers and the targeting and punishment of victim-survivors via police responses, demonstrate how many police responses are not just ineffective interventions to risk and violence, but function to actively exacerbate and extend the violence and cause further harm to victim-survivors. This is even more alarming, given the central role police have been allocated in the family violence response system, and the increased integration of family violence services with police.

“Police colluded with perp [the perpetrator] when he called them to report his wife was ‘crazy’ and was going to harm herself. The police attended the property, kicked in the bedroom door, handcuffed the victim-survivor and pushed her onto a chair in the corner of the room. They failed to engage/communicate with her. Bundled her into the car and took her to hospital for the CAAT (mental health Crisis Assessment and Treatment) team to assess. CAAT team assessed victim survivor to be well and referred her to Safe Steps [family violence crisis response service] for refuge.” [rp117]



3.3 TARGETED, BIASED AND DISCRIMINATORY POLICING

The frontline workers in this study detail routine police discrimination toward women, Aboriginal and Torres Strait Islander people, People of Colour, LGBTIQ+ communities and other marginalised groups.

Many participants, in response to the initial question about general issues and trends, proactively identified police discrimination toward targeted and marginalised communities as a key problem they have observed (22%, 49). This included witnessing police discrimination against queer (LGBTIQ+) communities (5%, 11), Aboriginal and Torres Strait Islander people (3%, 6), and other racialised groups (11%, 24). Witnessing discrimination toward victim-survivors who present with a criminal history (2%, 5), AOD issues (3%, 7), or a mental health issue or other illness or disability (3%, 6) was also reported.

Workers, again unprompted, explicitly detailed concerns relating to police engaging in sexist and misogynistic comments, attitudes and behaviours (5%, 11), while others (3%, 6) raised the issue of police biases against young people in family violence cases, where they take the side of parents/carers who are abusing young people and misidentify young people as perpetrators.

A massive 71% (160) of workers confirmed they had witnessed “discrimination or bias from attending officers” when later specifically prompted. When prompted regarding specific forms of police discrimination or bias they may have encountered, nearly all participants (90%, 202) selected at least one form of discrimination.

A range of different types of police discrimination were identified by workers, including: nearly two thirds nominating mental health issues discrimination (63% of all participants, 141); a

clear majority (60%, 135) nominating discrimination in relation to alcohol or other drug use; more than half (54%, 122) nominating gender discrimination; nearly half (46%, 103) nominating discrimination on grounds of race, ethnicity or cultural heritage; and 40% (89) of participants noting police discrimination in relation to histories of criminalisation or incarceration.

Participants also reported encounters with police discrimination in the following ways: nearly a quarter of participants had witnessed discrimination either on grounds of victim-survivors’ literacy/language competency (24%, 53) or sexuality (23%, 53); 16% of workers (36) reported witnessing age discrimination, while 9% (21) reported discrimination on grounds of victim-survivors’ occupation; and a further 7% (16) reported witnessing religious discrimination.

As one participant said in a follow-up comment:

“Discrimination is very real and I have heard terrible things from all of the above-mentioned communities.” [rp145]

Another reported that in their experience police are:

“pro arrest, pro remand for children, women, homeless people, Aboriginal people, people with mental illness and other issues... and victims of family violence themselves.” [rp36]

Given most family violence is targeted toward women, the widespread police sexism, misogyny and other forms of gender discrimination discussed by workers in this study is alarming.

For example, one worker commented that there is a:

“rampant culture of sexism and misogyny in the police force; [with] women still not being believed; [and] women and their children’s lives being endangered by police neglect and inaction.” [rp80]

Another noted having seen:

“gender discrimination by male police officers towards both staff and clients in terms of communication, disrespectful behaviour towards women.” [rp111]

Some even documented examples of outright sexual violence and harassment of women by police in the course of their responses:

“Victims [are] being ‘hit on’ by male investigating officers who are investigating sexual assault report by the victim.” [rp205]

“Another police officer from a different police station told my client’s teenage daughter to ‘stop soaking’ and asked if she had a boyfriend. The teenage girl said ‘no’. The police officer told the teenage girl ‘you need to fix that’.” [rp109]

Workers also noted a tendency for police to place much more weight on any injuries sustained by men through women’s resistance or retaliation to his violence, than her experiences of his violence. For example, one participant noted they had observed:

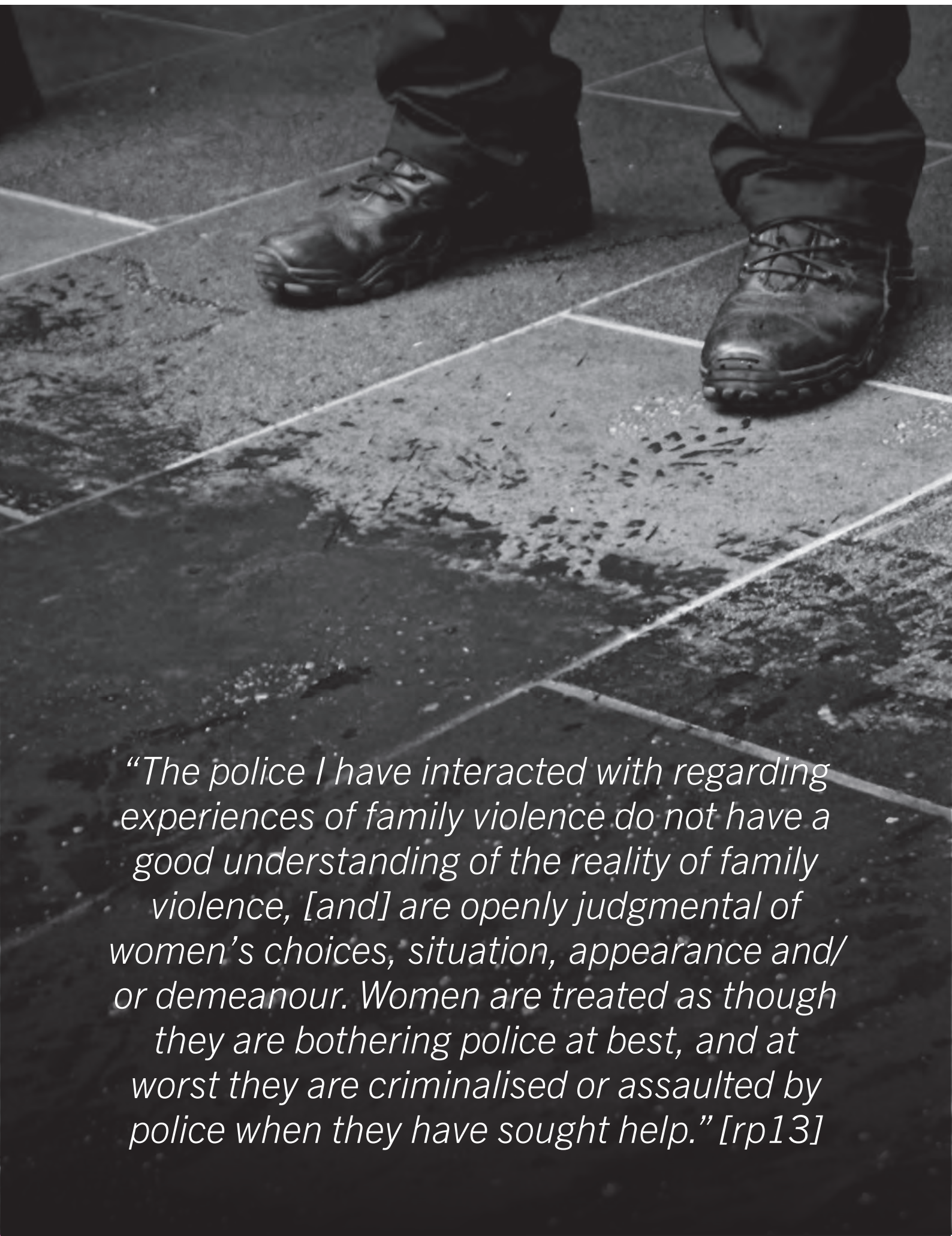
“L17s [Victoria Police family violence risk assessment reports] repeatedly advising the impact of the women’s behaviour, whilst ignoring the impact of family violence perpetrated by men, especially from a coercive control perspective.” [rp185]

Another participant said:

“The police I have interacted with regarding experiences of family violence do not have a good understanding of the reality of family violence, [and] are openly judgmental of women’s choices, situation, appearance and/or demeanour. Women are treated as though they are both-ering police at best, and at worst they are criminalised or assaulted by police when they have sought help.” [rp13]

“rampant culture of sexism and misogyny in the police force; [with] women still not being believed; [and] women and their children’s lives being endangered by police neglect and inaction.” [rp80]

90%
of participants
said they had
encountered
some sort of police
discrimination
or bias.



“The police I have interacted with regarding experiences of family violence do not have a good understanding of the reality of family violence, [and] are openly judgmental of women’s choices, situation, appearance and/or demeanour. Women are treated as though they are bothering police at best, and at worst they are criminalised or assaulted by police when they have sought help.” [rp13]

Workers have also witnessed police withholding services from women they deemed untrustworthy:

“There’s also been a couple of cases where the officer involved has behaved as though they believe the woman is alienating the abuser from the children and not provided the whole tranche of services to her [which is] highly dangerous.” [rp90]

This suggests those officers both prioritise access to children for men who use violence, more highly than women’s rights to safety, and believe that mothers’ attempts to protect children must be inherently manipulative or retaliatory. Although the gender of those using violence and those experiencing violence was not specified in many of the other examples of problematic policing practices detailed throughout this research report, given the established evidence base shows most family violence is perpetrated by cisgender men against women and victim-survivors of marginalised genders, many of these comments can also be implicitly read as likely examples of gender bias, sexism or misogyny.

Racist policing and discrimination against Aboriginal and Torres Strait Islander victim-survivors was another issue highlighted by a number of workers in this study. This includes examples of police treating Aboriginal women experiencing violence as untrustworthy:

“Police were called to a scene by an Aboriginal service. AFM [person experiencing violence] had her CM [case manager] on the phone. CM heard police saying to the AFM “You have to prove to me that you didn’t start this” [and] “I don’t believe you”. Police forced AFM to give the perpetrator her phone as the perpetrator stated it belonged to him. The phone had been provided to her by Safe Steps. Police listed the victim-survivor as the RESP [person

using violence] on the L17 [Victoria Police family violence Risk Assessment and Risk Management report]. I intervened and spoke to the police officer’s sergeant and was told the officer had been working for 20yrs on the force and he has a good assessment of risk [and] if she is listed at the RESP it’s for good reason. [All this] despite the Aboriginal service calling 000 on her behalf [and] the RESP [person using violence] having a criminal history involving sexual assault and family violence charges.” [rp93]

Participants also report police denying Aboriginal women access to culturally appropriate supports:

“In an interview, [a young Aboriginal woman] was asked about her rights, but the police officer (male) did not explain the questions well. The support worker intervened and explained things in a less complicated way, after the client had gone silent and was embarrassed about not understanding. This set the tone for the entire interview. The client was not offered the ACJP [Aboriginal Community Justice Panels] for support and the Koori Police Protocols were not adhered to. The client was shamed during that interview.” [rp218]

The failure of police to provide appropriate cultural supports or interpreters was also documented in relation to a range of other culturally and linguistically diverse (CALD) victim-survivors:

“On one occasion I was speaking with a victim-survivor on the phone with an interpreter, the v/s [victim-survivor] received a call from police on another phone, I could hear the conversation with the officer and the v/s was not offered an interpreter, when she asked to be supported by an interpreter, I could hear the officer saying, “what if I speak more slowly?” rather than offer an interpreter.” [rp112]

“A Vietnamese female victim-survivor attended... and reported sexual assault from her ex-husband. She was spoken to without an interpreter, statement was never recorded.” [rp160]

The implications of police not using an interpreter when one is needed are significant, with inevitable impacts on the ways police understand and respond to family violence, and the capacity for people experiencing violence to have risk and safety needs addressed:

“For a client who needed an interpreter, two L17s [Victoria Police family violence risk assessment reports] came through... The [first] L17 stated that it was “unclear who was chasing who and who held the knife” but the second one [with interpreter use] clearly outlined the incident where the husband chased my client and three children.” [rp114]

Workers in this study also pointed to other examples of police discrimination against culturally and linguistically diverse and migrant groups, including observations of police being more likely to distrust victim-survivors, less likely to issue intervention orders or provide other help when needed, and more likely to wrongfully identify people experiencing violence as perpetrators (‘misidentification’):

“[I] recently had a CALD client who called police due to physical assault, but resp/perp [the person using violence] told them that she was “just trying to get permanent residency” and was lying to them; police believed perpetrator.” [rp74]

“A woman I was working with who was experiencing family violence and feared for her life was told by a police officer that it was quicker for her to go directly to the NJC [Neighbourhood Justice Centre] to get an FVIO. She was Vietnamese and was not provided

an interpreter. Her son came and interpreted for her. It took more than a week to get the FVIO after the matter was referred back to the police station and discussed directly with an officer about this matter.” [rp169]

“Women who speak with us needing interpreters are often also reporting that the police won’t issue intervention orders, won’t record breaches, or [the women] are named on intervention orders as the perpetrator when we have identified them as victim-survivors. This happens at a much higher rate for these women than for women who do not require interpreters. The same pattern can be observed for migrant women.” [rp209]

Police discrimination against disabled victim-survivors was also reported by many workers in this study, with observations of police not providing necessary supports, not taking the violence being experienced as seriously, making referrals to the NDIS (National Disability Insurance Service) instead of family violence services, and even asking disability support ‘carers’ who are perpetrating violence for advice on disabled victim-survivors’ support needs:

“Usually when I have spoken to disabled people, they are experiencing high levels of control (lack of access to medication, trapped at home, isolated from friends and family, extensive financial abuse etc) but the violence they experience seems to be considered less severe and the police don’t make intervention orders even though the impact of the violence is extensive (unable to end a relationship, get help, escape in any way).” [rp209]

“Divisional police who create narratives for FVIOs and/or attend a family violence incident where a victim-survivor has a disability are not identifying the disability and supports required such as augmented communication. They are

often defaulting to carers (who are the perpetrators) to discuss behaviour and supports required.” [rp33]

“People who experience cognitive limitations tend to be arrested quite often as they cannot articulate to police the circumstances in which it had led to police intervention. the other person tends to be able to fabricate the narrative in a coherent fashion leaving vulnerable people at a disadvantage.” [rp72]

“For a number of my clients with disabilities police have defaulted to asking the perpetrator (who has also been the carer) for advice around the woman’s needs. The have in one instance referred the matter back to the NDIS [National Disability Insurance Scheme] care coordinator. On another instance took at face value the perpetrators story of the client having MND [Motor Neurone Disease] and early onset dementia.” [rp33]

These shocking examples indicate that police are using ableist assumptions and beliefs to decide who they will respond to, take seriously and trust, and who they will ignore, arrest or criminalise.

Many workers in this study also raised concerns about similarly discriminatory actions against queer/LLGBTIQ+ communities, with observations of police taking family violence against LGBTIQ+ people less seriously, being less likely to offer needed supports, referrals and FVIOs, and police being less concerned for victim-survivor safety:

“Women in non cis-het relationships are rarely supported appropriately. They are often not offered intervention orders or appropriate referrals, and the experience of the violence is undermined. One woman we supported had remained in the relationship for many years before again trying to seek support partly because of this inadequate response by police.” [rp209]

“In a case of same-sex family violence, the matter was not taken seriously and dismissed as a lover’s tiff.” [rp215]

“[I] recently had a CALD client who called police due to physical assault, but resp/perp [the person using violence] told them that she was “just trying to get permanent residency” and was lying to them; police believed perpetrator.” [rp74]

“A Vietnamese female victim-survivor attended... and reported sexual assault from her ex-husband. She was spoken to without an interpreter, statement was never recorded.” [rp160]

“[Police have shown] bias towards victims, particularly to victims who use substance or present as heightened, using words such as “she was asking for it.” [rp30]

“There was no follow up with female identified same-sex intimate partner violence to provide victim-survivor safety... No adequate response for male identified same sex intimate partner violence for FVIO breach... Some police were not supportive of LGBTIQ victim-survivors’ safety.” [rp164]

Discrimination against sex workers was also an issue raised by many participants, with one worker noting:

“Occupation [as a basis for discrimination] most relevant when client is a sex worker.” [rp79]

And another showing the ways in which police biases against LGBTQI+ communities and sex workers can intersect:

“Male victim [wrongfully identified as the perpetrator] of same-sex intimate partner violence was continuously physically and sexually assaulted by [their] male partner and [yet] police believed [the] perpetrator, as [the] victim was also a sex worker.” [rp164]

Police discrimination against victim-survivors who use drugs or alcohol was also documented by participants, including examples of police engaging in victim-blaming, dismissing people as less deserving of support, and using drug and alcohol use as a way of explaining, excusing or mutualising the violence:

“[Police have shown] bias towards victims, particularly to victims who use substance or present as heightened, using words such as “she was asking for it.” [rp30]

“L17 [Victoria Police family violence risk assessment report] summaries suggest sometimes alcohol or drugs explains the violence, maybe they should say “both parties appeared intoxicated, but RESP [person using violence] has offended violently previously” or something like that as the pattern of behaviour, not the AOD [Alcohol and Other Drugs] pattern.” [rp104]

As one worker observed, victim-survivors who have been previously criminalised in some way are also, similarly, positioned by police as less deserving of support:

“When [the] client has [an] FVIO against her, or has other non-family violence police charges against her, or has been imprisoned herself, some police are less willing to support her in family violence matters, e.g.: “she’s just a druggie”. So [the] client will not turn to police for support, will not ring 000 if in danger.” [rp27]

These distressing examples have clear negative implications for the well-being of already marginalised or criminalised survivors of family violence, for whom police responses frequently occasion further discrimination and the compounding of harm, rather than supportive interventions to reduce risk and build safety.

3.4 ‘MISIDENTIFICATION’: POLICE WRONGFULLY IDENTIFYING VICTIM-SURVIVORS AS PERPETRATORS

While this section is dedicated to the topic of ‘misidentification’, the issue of wrongful identification appears in all previous categories. As mentioned in Section 3.2, the patterned problem of police wrongfully identifying people experiencing family violence as perpetrators is an issue of significant concern to many participants in this study.

In fact, this the most common issue raised spontaneously by participants when asked about issues and trends they have observed: nearly one third (31%, 69) of participants mentioned ‘misidentification’ or wrongful identification without prompting.

When later directly prompted with the question “Have you encountered situations where the person experiencing family violence has been wrongly identified by police as the perpetrator (often referred to as mis-identification)?”, a massive 83% (186) of participants responded ‘yes.’ Just 15% (33) said ‘no’ (with 2%, 6, leaving the question unanswered).

Of the 83% of survey participants who reported having witnessed police make a wrongful identification, approximately two thirds (64%, 120; or 53% of all survey participants) said they had seen it happen five or more times over the last five years. More than half of this (64; and 28% of all survey participants), said they had seen it happen more than ten times in the past five years.

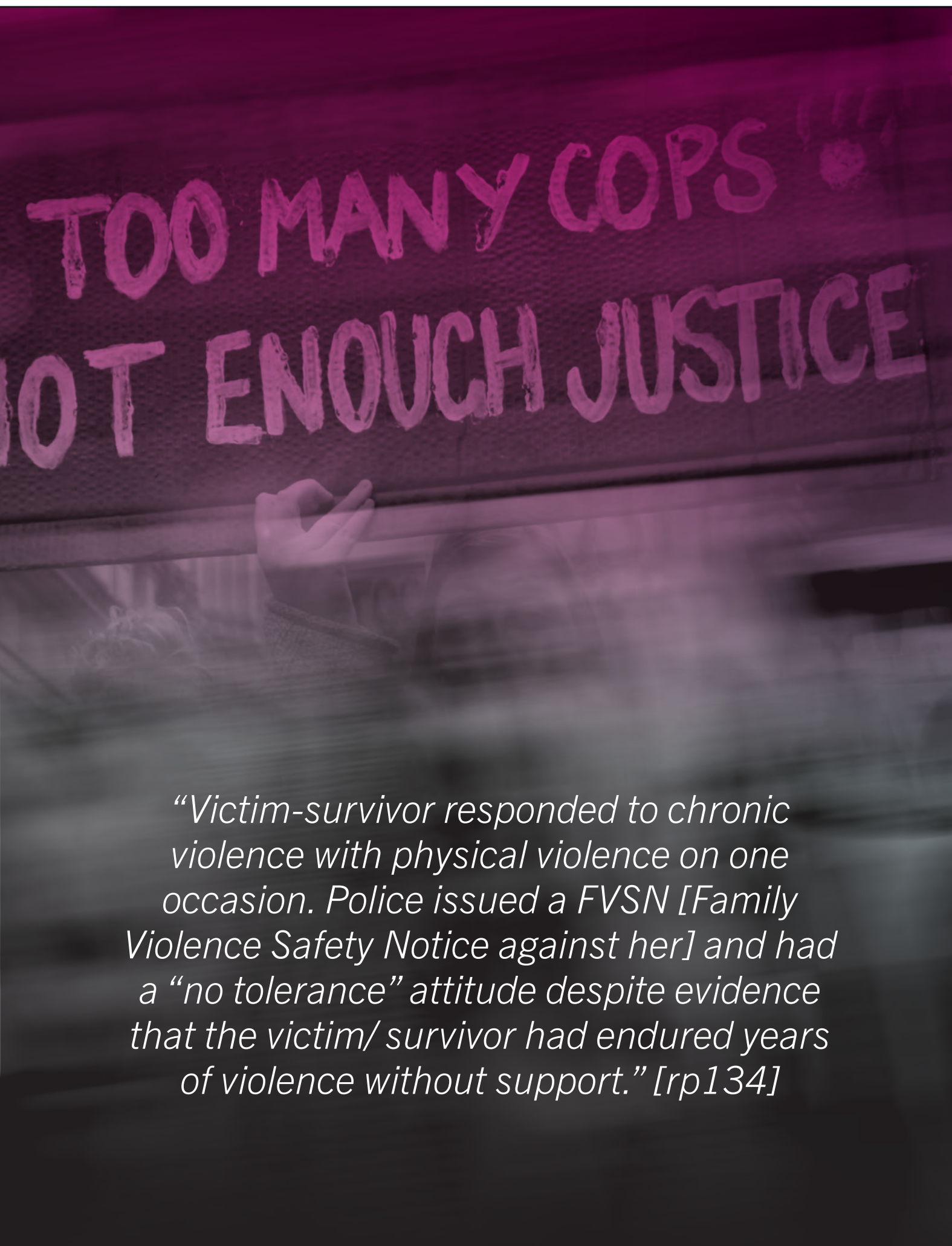
These extraordinary statistics, alongside the worker narratives detailed below that illustrate the prevalence of wrongful identification, the commonality of its patterns and biases, and

the reluctance of police to change course, seriously undermine the proposition that ‘misidentification’ is in fact a police ‘mistake’.

THE PATTERNS, REGULARITY, AND BIASES OF WRONGFUL IDENTIFICATION

While a few participants in this study referred specifically to instances where male victim-survivors of women’s violence were wrongfully identified by police, and several other participants pointed to victim-survivors in queer or same-sex relationships being frequently subjected to wrongful identification, the vast majority of cases described by family violence workers involve instances of women, particularly marginalised women, being targeted and abused by men, but finding themselves charged by police as the perpetrators of violence. This despite sometimes extensive evidence of prior experiences of abuse, and despite, in some cases, physical evidence of abuse when police attend.

83%
of participants had witnessed police wrongfully identify the victim-survivor as the perpetrator, and two thirds of those had seen it happen five or more times.



“Victim-survivor responded to chronic violence with physical violence on one occasion. Police issued a FVSN [Family Violence Safety Notice against her] and had a “no tolerance” attitude despite evidence that the victim/ survivor had endured years of violence without support.” [rp134]

“This [wrongful identification] has happened on multiple occasions. Situations where the police have not interviewed both parties, have not viewed the injuries of the other party, have not viewed the behaviour within the context that it occurred (i.e., self-defence or long-term abuse).” [rp193]

In their free-text comments, participants highlighted the fact that wrongful identifications happen often, and that they particularly affect women, due to the ways that police treat resistance to family violence, or respond to trauma-related responses or presentations:

“This [misidentification] happens often - there are too many situations to give a description of one incident.” [rp46]

“This [wrongful identification] happens on a regular basis. The police are trained to make FVIO applications for single incidents of family violence without considering whole context of abuse. This especially affects women because women are more likely to commit incidents of property damage than physically assault their partners.” [rp22]

“I have too many examples [of wrongful identification] to write down. But most often, AFM [person experiencing violence] will be acting in self-defence which may result in a scratch or the like to a respondent [person using violence] and because the respondent is the one with the apparent injury the actual AFM is slapped with an FVIO and sometimes charges.” [rp17]

“[Police] have a tendency to take women’s violence (regardless of what it is, whether it be resistance or retaliation) much more seriously than men’s violence. [They] will often misidentify the predominant aggressor and predominant victim-survivor... [and] often apply for an FVIO on behalf of a misidentified “AFM” (who is [labelled as the person experiencing violence despite being] the male predominant aggressor in a hetero relationship) even if they recognise in the narrative that the male “AFM” is not in fear, or VicPol [Victoria Police] do not fear for his ‘safety’.” [rp118]

“Resistive violence was used against the victim survivor to misidentify her as the perpetrator despite obvious physical evidence of abuse by the perpetrator.” [rp209]

Workers gave many examples, of police focusing on immediate incident of resistive violence, failing to consider the histories and patterns and contexts of power and violence it has occurred within, and thereby failing to accurately assess and respond to the risk:

“This [wrongful identification] has happened on multiple occasions. Situations where the police have not interviewed both parties, have not viewed the injuries of the

other party, have not viewed the behaviour within the context that it occurred (i.e., self-defence or long-term abuse).” [rp193]

“Victim-survivor responded to chronic violence with physical violence on one occasion. Police issued a FVSN [Family Violence Safety Notice against her] and had a “no tolerance” attitude despite evidence that the victim/ survivor had endured years of violence without support.” [rp134]

“Police focus on the isolated incident they are attending. Often the male perpetrator is misidentified as the AFM [person experiencing violence], particularly if he is the one contacting police.” [rp116]

“[The] young woman was arrested, charged and held in custody, obliged to go before magistrate to seek bail, due to alleged violence against her male partner; [despite the fact that] she had been subject to ongoing non-physical violence for many years.” [rp207]

“From time to time an L17 [Victoria Police family violence Risk Assessment and Risk Management report] arrives identifying the male as the AFM [person experiencing violence]. Usually this is in families where family violence [by the man] has already been responded to [by police previously]... previous visits to the family and previous L17s should be identified in the report to indicate the context within which the female RESPONDENT is behaving and if in fact she is the RESPONDENT or is behaving out of the trauma of the previous incidents where she is the AFM [...] it becomes difficult to keep the men accountable to their behaviour when they can claim an incident where they are the AFM, when in fact they are responsible for an environment of coercion, violence, and trauma.” [rp124]

Others highlighted the ways in which police seem more inclined to believe men’s versions of events over women’s:

“Mother (AFM [person experiencing violence]) makes a complaint to police having experienced a number of years of family violence... Father [person using violence] finds out about this and in response makes allegations of mother being abusive towards him... Police make statements in response to father’s complaint that they believe mother to be the true aggressor, despite the reports she made to police and subsequent disclosures of long-standing family violence including coercion, control, physical, emotional, financial and sexual abuse.” [rp166]

Many practitioners described a failure by police to assess the power, control and trauma dynamics of family violence, and their susceptibility to believing the accounts of those using violence, who are usually men:

“Misidentification of women as perpetrators of violence [is occurring], particularly in circumstances where police are too credulous of the perpetrator’s account and the perpetrator knows the right language to use to convince the police that he is the victim. One client was persistently misidentified as the perpetrator despite many years of documented police and child protection history of her ex-partner perpetrating violence.” [rp157]

“[I am] constantly getting referrals where it is obvious that the person being referred as the victim is actually the predominant aggressor. Police lack the ability to see the red flags associated with language use, blaming, coercive control and dominant masculinity.” [rp58]

This includes police incorrectly identifying victim-survivors based on who presents

as most calm, and perpetrators based on who is deemed ‘difficult’, ‘uncooperative’ or emotionally heightened:

“When police attend a scene of domestic disturbance, an FVIO may cite one individual as the respondent [person using violence] based on who the officers decide is most cooperative at the initial scene, rather than on who is most vulnerable or requiring of protection.” [rp189]

“When questioned, police attitude was that violence was mutual and they ‘had to pick someone to be the RESP [person using violence]’ based on who was being more ‘difficult’. In one case, victim-survivor was mis-identified as RESP because she ‘slammed the door’ on police.” [rp44]

“[The] victim-survivor had a mental health episode as a result of ongoing family violence. Police attended and excluded her from the home. [A] statement was only gathered from the perpetrator who gave a false statement that implicated the victim-survivor instead.” [rp160]

“VICPOL [Victoria Police] have attended an incident and the person using the violence is calm and grooms officers, AFM [person experiencing violence] is distressed or hysterical due to the family violence, and officers have identified her as RESP [person using violence].” [rp220]

“When the police arrived, my client was inconsolable and angry, where the perp presented as calm and well-mannered, so they identified her as the RESP [person using violence]. Police took a statement from perp and then put out a FVSN for him. We later challenged this police decision, however we were only able to take out an FVIO against him and not change the initial decision, as they felt it was too difficult to identify who the victim was (despite the client being physically injured).” [p133]

“I have seen this occur on a number of occasions when police have attended and the person using violence is ‘cooperative or calm’ and therefore their version of events is taken as the truth.” [rp199]

“The perpetrator at the time presented well to the police and woman presented as distressed and emotional, but

“When police attend a scene of domestic disturbance, an FVIO may cite one individual as the respondent [person using violence] based on who the officers decide is most cooperative at the initial scene, rather than on who is most vulnerable or requiring of protection.” [rp189]



what police failed to discover that the perpetrator had set the woman up to be emotionally distressed and therefore his statement was believed and woman was listed as the respondent [person using violence] in the incident.” [rp115]

“When police present at scene perpetrator pretends to not understand ‘her’ problem, she is emotional due to the events, police ask woman in front of perpetrator what’s happening but woman is unable to disclose. Perpetrator tells them she is ‘crazy’ and invents a story where the woman is violent. L17 [Victoria Police family violence risk assessment report] labels the woman as respondent [person using violence].” [rp66]

Workers note that wrongful identification often takes place in the context of systems abuse, where police allow people who are perpetrating violence to use them as a mechanism through which to further victimise, abuse, disempower, threaten and harm victim-survivors:

“[Wrongful identification happens like this]:

1. Resistance violence is reported to police OR a violent partner calls the police and makes a false report as a form of control. 2. Signs of emotional abuse, financial abuse and/or prior family violence instances are largely ignored by the informant [police officer] and/or informant fails to get both sides of the story and/or fails to separate parties and/or fails to get an interpreter on-site. 3. Informant [police officer] wrongly identifies the primary aggressor as the victim of the family violence and labels the other person the ‘perpetrator’. 4. [Police] Informant pushes for a strict FVIO and criminal charges. They rarely ever recommend a withdrawal even after concerns are raised. 5. Lawyer is forced to mount a strike-out application on the basis that the application for an FVIO is an abuse of process.” [rp156]

“A woman I was working with had previously been an AFM [person experiencing violence] with her partner. He contacted police and said that she had mental health issues and that she had hit him. They attended and did not ask her any questions. The perpetrator had been cheating on the AFM and she had confronted him. He had kicked her and knocked her to the ground then

“Indigenous women are [wrongfully] targeted [by police] as perpetrators.” [rp101]

continued to kick her until her brother in-law pulled him off. She hit him to get him off her and was trying to protect herself. This was done in front of her two young children. The woman was from a CALD community and was not asked what had occurred. They hand cuffed her and took her way in a divi van. I made had contact with police prosecution and advocated for the FVIO to be withdrawn.” [rp169]

“The misidentification occurred in this instance because the perpetrator was the one to call police. Despite severe assault being perpetrated against the victim-survivor, the police believed him because he made the call.” [rp203]

“[There are] too many incidences [of wrongful identification] to recall- it happens a lot where systems abuse is being utilised by perps- e.g., where there are children or family law court proceedings, primary perps [perpetrators] will make unnecessary reports, or perpetrate emotional abuse to the point an AFM [person experiencing violence] has a reaction, and then call 000.” [rp56]

The volume of examples and the consistent themes they reflect, show how confident people using violence, especially men, can be that police will repeatedly seek out, prioritise, believe and support their version of events, even when, as the following worker notes, the person using violence is known to police as a perpetrator:

“My client has been misidentified over 14 times, because the PUV [person using violence] has contacted police first... [and] paints himself out to be the victim of violence from my client. PUV file is flagged on Vic Pol [systems] as serious family violence offender but my client will still be listed as [the] respondent [person using violence].” [rp84]

These examples demonstrate a pattern of misogyny and gender-bias in police responses to family violence, linked to a wilful disregard of the gendered power dynamics that underpin family violence.

Compounding these gender biases, are patterns of racial bias and targeting that lead to the wrongful identification of Aboriginal and Torres Strait Islander, immigrant and CALD (culturally and linguistically diverse) women and other victim-survivors:

“Indigenous women are [wrongfully] targeted [by police] as perpetrators.” [rp101]

“Victim-survivors, particularly CALD, [are] being misidentified as perpetrators. [There is an] absence of proper assessments, as well as failure to consider previous reports/events that would have properly informed an appropriate response. [There is also a] failure to use interpreters, relying on actual perpetrator’s version of events, as their English was better.” [rp37]

“My client (female Aboriginal mother) was identified as the perpetrator. Perp (ex-partner) got an FVIO out on her asap. My client tried to get an FVIO on perp with police and there was zero outcome. Actions I took was a separate referral to a culturally appropriate legal service to get an FVIO out on perp [and] it was approved within a fortnight.” [rp87]

“Police attended an address where both the male (white) and female (woman of colour) partner had called 000. Police attended and on body worn camera footage decided it would be the female who would be the respondent [person using violence] and the male would be the AFM [person experiencing violence]. Police officer on duty actually knew the male

[...] Police arrested female respondent and accused her of using violence, charged her and served her [...] Took a number of months to get the prosecution to drop the charges.” [rp34]

“My client was not an English native speaker [...] she was misidentified as a perpetrator [...] As she could not fluently express her thoughts to police and they did not arrange an interpreter to assist their communication, police believed her ex-partner’s stories and applied for FVIO to protect him instead of my client. Support letter was provided to Court for misidentification and FVIO revocation advocacy.” [rp5]

“AFM [person experiencing violence] was CALD, new to country, did not speak English... RESP [person using violence] was able to manipulate the situation due to AFM high level of distress and level of understanding Australian laws, to have the AFM seen as the primary aggressor. Police did not investigate the family violence history or speak with AFM regarding history of violence.” [rp45]

“The victim was a non-English speaker and retaliated after a decade of significant torture and family violence by the perpetrator. The perpetrator called the police who incarcerated the victim. She could not advocate for herself due to the language barrier.” [rp75]

Workers also noted routine wrongful identification by police in cases of family violence in queer/LGBTIQ+ relationships:

“[Misidentification] happens all the time, especially in LGBTIQ relationships.” [rp24]

“Police often misidentify the perpetrator of violence when called to an incident in an LGBTQIA+ relationship.” [rp194]

“I’ve seen this [misidentification] happen mostly in situations where the couple are part of the LGBTIQ+ community (e.g., Two gay men), or where the AFM [person experiencing violence]/victim survivor has attempted to ‘fight back’.” [rp74]

Participants also raised concerns about young people and adolescents being wrongfully identified as perpetrators, with examples of police ignoring the inherent power imbalance to take the word of abusive parents and carers over their children:

“This [misidentification] happens all the time in cases involving young people... [with police not] correctly identifying primary aggressors in AVITH [adolescent violence in the home] matters... [police] not listening to young people in their own right and... assisting parents in perpetrating family violence and control over young people by the intervention order process.” [rp53]

“When I was working in youth homelessness, this [misidentification] was a really common issue, where the child may have responded to ongoing family violence often perpetrated by a parent and then been excluded from the home and identified as the perpetrator.” [rp201]

“[A] son was assaulted by his father resulting in a badly dislocated shoulder. Police assured us it would be looked in to and an intervention order would be served [...]. The next day an intervention [order] was served on [the] son and the police officer was extremely rude when we tried to explain it was meant to be served on his dad. Four police stations were involved and wouldn’t communicate with each other. We had to go to court twice for the right outcome and it was very distressing.” [rp99]

“The victim was a non-English speaker and retaliated after a decade of significant torture and family violence by the perpetrator. The perpetrator called the police who incarcerated the victim. She could not advocate for herself due to the language barrier.” [rp75]

Workers have also observed police commonly misidentifying victim-survivors with substance use and/or mental health issues, including to make biased assumptions and be less likely to trust the accounts of violence being given:

“[I have seen] bias from officers when incorrectly assuming that women who are substance affected are the likely perpetrator of the violence.” [rp64]

“Females that are substance effected, that are either protecting their children or defending themselves, are commonly misidentified.” [rp145]

“This [misidentification] is a regular occurrence. Particularly when mental health or AOD use is involved.” [rp88]

“Where the woman has been traumatised and may be behaving in response to the trauma she’s just experienced, or is AOD affected, the officer has wrongly identified her as the primary aggressor.” [rp90]

“[Misidentification happens] particularly when the AFM [person experiencing violence] has a major mental illness and the person using violence does not. This is the ideal space for collusion. It sets the scene that “she is not to be believed” and her illness is the focus of the problem, [and] distracts from the perpetrator’s actions.” [rp32]

BARRIERS TO CHALLENGING ‘MISIDENTIFICATION’

Concerningly, many participants in this study also gave accounts of police being reluctant to change course, or investigate further, after being notified of likely misidentification, even when presented with substantial evidence. This includes workers advocating with police immediately following wrongful identification, trying to rectify it through the court processes, or seeking to correct it via police complaints processes:

“This [wrongful identification] happens all the time. I have tried to follow up with police but received little in the way of an appropriate response.” [rp128]

“I see this once or twice a month in the intervention order list at MMC. Usually, police persist with the intervention order and often criminal charges as well, even in the face of being advised that it is a likely mis-ID.” [rp10]

“Too many examples [of misidentification] to recount. Extremely challenging to rectify.” [rp79]

“I work as a duty lawyer in the intervention order lists and this occurs frequently and the court system including police are reluctant to rectify.” [rp11]

“Once an application is made, I have found it very difficult to get the police to withdraw.” [rp17]

“Person who has been misidentified still has to attend court. Matters are very rarely investigated or dismissed [by police]. Limited response when this is raised.” [rp43]

“Very difficult to negotiate [correction of wrongful identification] safely due to lack of processes within Vic Pol to raise this issue and for it to be investigated.” [rp53]

“I enquired with Snr Sergeants at the station to rectify the mistake and was told they back the uniform police’s decisions [...] it was a sense of hopelessness for myself and the client.” [rp93]

“[Fixing it] is always met with resistance. Even with Police Prosecution. However sometimes you will get someone who gets it, but its luck of the draw really.” [p21]

“Case: woman assaulted, she is crying, screaming, not following police demand to calm down. Perp [perpetrator] is calm, telling cops that she is crazy, and FVIO is taken out on both. No action taken, woman says what’s the point of complaining, the cops will just take it out on her. I always take these issues to management who report it to higher up police, but nothing seems to change. I yell out loud at every opportunity.” [rp18]

Practitioners also detailed inconsistency in police practice, and described that success related to remedying incorrect police identifications relied heavily on relationships with specific police, or interventions later in the legal process:

“[Getting police to correct decisions] has been completely dependent upon our relationships with the police. We could effect immediate changes with the Family Violence Police Liaison but that was only because she was a senior constable and had an enormous respect from police in region, so she could effect change quickly and had an extremely

nuanced understanding of family violence and misidentification matters.” [rp24]

“Once brought to the attention of a magistrate (who also knows what misidentified resp means) then they are generally adjourned and then withdrawn at the next court occasion.” [rp40]

“Client presented in heightened state at the time of the incident and was consequently charged. Only after looking at the bodycam [body camera] footage and properly addressing the evidence were the charges dropped some 18 months after the fact and the client almost having to go to contested hearing.” [rp141]

“Sometimes the applications are eventually struck out, but not before the woman is put through the stress and anxiety of several hearings. Some women will consent without admissions to an Intervention Order [FVIO] being made against them if they cannot cope with the contested process.” [rp165]

Alongside concerns about misidentified victim-survivors consenting to FVIOs against them, several workers noted that sometimes, where police or the courts refuse overturn charges against them, workers resort to instead requesting diversions – a program where a person charged with particular offences admits responsibility, and is then placed on a diversion order with conditions, often including things like community work, counselling or education courses, and sometimes a letter of apology, and avoids a criminal conviction. This is a strategy which can be made difficult where police prosecutors are not supportive, and even if successful can in turn have negative implications for future employment and support access:

“I assisted the client who had been a victim of significant family violence by the perpetrator, and then was misidentified

as the perpetrator. She sent emails to him and was charged with persistent breach despite years of abuse (mostly documented and provable on her phone). [Police] Prosecution refused to withdraw, despite my multiple attempts and I obtained diversion for her which was difficult and opposed by prosecution.” [rp39]

“I feel disappointed that lawyers are requesting Diversions for victim-survivors who are misidentified as perpetrators because, although they are not supposed to be used against the victim-survivor, they are increasingly having to report on this (NDIS workers, social workers, teachers and nurses have all had to have further conversations with their employers about this).” [rp6]

THE IMPLICATIONS AND CASCADING CONSEQUENCES OF WRONGFUL IDENTIFICATION

Accounts from other practitioners provide further insight into the many varied and often cascading negative consequences for victim-survivors wrongfully identified and listed as perpetrators by police. These consequences include criminalisation, employment impacts, implications for family law and other related matters, access to or removal of children, children being left or placed with inappropriate or dangerous people, loss of housing, and trauma and significant mental health impacts, including suicidal ideation caused by the distress:

“Misidentification [has] led to women losing their children, their jobs, property and assets, affected their mental health, lead to suicidal thoughts and attempts, drugs and alcohol use, wrong presentment and losing all their legal rights, friend and families and community.” [rp98]

“This [misidentification] would happen in my previous job - providing emergency accommodation. Sometimes the victim would be removed from the shared home. In these cases, I would advocate directly with police as they would call us to provide emergency accommodation for the person removed from the home.” [rp186]

“The police were called because the father had cornered her [the mother] in a bathroom yelling at her, she slid down

“Misidentification [has] led to women losing their children, their jobs, property and assets, affected their mental health, lead to suicidal thoughts and attempts, drugs and alcohol use, wrong presentment and losing all their legal rights, friend and families and community.” [rp98]

the wall and banged her elbows into the wall on her way down and caused a hole in the wall. The police responded relating to property damage and named her as the respondent [person using violence] in the family violence incident. She then had to apply through CP [Child Protection Services] to have her child returned to her. We supported the mother by corresponding with CP and providing history and pattern of coercive control. We responded by assisting the mother to contact SafeSteps [a family violence crisis response service] and be housed, because he refused to leave the property, stalked the house and contacted her friends and family.” [rp48]

“A victim was incorrectly identified as the perpetrator. This allowed the actual perpetrator to successfully apply for an FVIO and have the child removed from the victim.” [rp95]

“Police [are] not addressing significant suicide risk of individuals incorrectly labelled as the respondent/perpetrator, when attending a property for reported family violence.” [rp64]

“A woman that I was working with had been arrested by a Melbourne station as the respondent [person using violence] (misidentified) and put in the back of the divi van. She begged them to let her go to the bathroom. They would not allow this to happen. They told her she would have to do what she would have to do. She explained that she would wet her pants. They did not allow her to go to the bathroom. She wet her pants and had to throw away her slippers

and was terribly embarrassed. Sadly, she has suffered great trauma as a result. She is too nervous to contact police when the resp breaches his order. [Prior to her arrest] there had been 2 years of police involvement with her named as the AFM [person experiencing violence] [and] this was not taken into consideration.” [rp169]

“The perpetrator had kicked the woman (mother of three kids) out of the house [and] threatened to take the children. She went to a mental health service in severe distress and was admitted as a private patient. During this time the perpetrator filed a FVIO stating she was violent and threatening and had threatened to kill herself. All three children were on the order. Children continued to contact her and she met the children at school. The perpetrator saw this and breached her. She was able to enlist a specialist family violence report to detail the history of family violence and charges were dismissed and FVIO varied, [however, the] Family Court awarded perpetrator majority custody.” [rp33]

“[The] victim had protected herself, and/or angry and/or intoxicated, police arrive and make an assessment that she is the perpetrator. Lack of investigation, lack of review of history of the people involved, children placed with inappropriate people, FVIO’s taken out, police refusing to withdraw/backdown.” [rp12]

“Misidentification had severe consequences with Child Protection intervention and subsequent litigation to have an infant returned to misidentified mother.” [rp37]

‘MISIDENTIFICATION’ AS THE OUTCOME OF SYSTEMIC BIAS AND DISCRIMINATION

As participant responses show, family violence workers in Victoria consider police wrongful identification – or misidentification – of victim-survivors as perpetrators to be a significant and pervasive issue. Taken together, these narratives provide a picture of a policing response that seems determined to rationalise men’s violence, support perpetrators who are men, and criminalise women, while being intransigently disinclined to fix incorrect assessments, no matter what the evidence before them suggests. They also show how many of the policing problems earlier documented in this study all play a role in wrongful identification, including: failure to take statements from women; failure to take separate statements from each person; failure to provide an interpreter; failure to investigate the histories and contexts of the violence; failure to take non-physical forms of violence seriously; and failure to take young people seriously as potential victims of family violence.

In addition, police biases against victim-survivors who are Aboriginal and Torres Strait

Islander, migrant or otherwise racialised, queer, substance using or have mental health issues – the very people often most targeted by family violence – also clearly form part of the wrongful identification picture.

The evidence outlined in this survey repudiates the explanation often offered by police that wrongful identification is the result of mistakes made within the complexity of call-outs to family violence incidents, and that such errors will be corrected if brought to police attention.

This is particularly concerning, considering the significant cascading and compounding negative impacts of wrongful identification on people experiencing violence: impacts which extend beyond criminalisation to affect access to housing, to children, and to much needed support services, and severely diminish the capacity of victim-survivors to keep safe from violence.

The accounts that workers have offered here suggest that wrongful identification by Victoria police is not only an extremely common and consequential problem, but one that is a product of deep cultural, structural, institutional biases against women – particularly Aboriginal women and migrant or CALD women – and other marginalised and targeted groups. It is clear then that addressing this problem requires far more fundamental change than increased police education and training or other policing reforms.



51% of participants said they had encountered police-perpetrated family violence, and almost a quarter of those had encountered it five or more times.

3.5 POLICE-PERPETRATED FAMILY VIOLENCE AND INSTITUTIONAL PROTECTION OF OFFICERS WHO ABUSE

In addition to the incidences of biased and discriminatory policing and other harmful practices detailed above, workers also identify the direct perpetration of family violence by police as a significant issue in family violence responses in Victoria. When prompted about whether they had encountered situations where the person using violence was a police officer, more than half (51%, 114) of the workers in this study said that they had. Of this cohort, more than three quarters (76%, 88; or 39% of all survey participants) said they had encountered it more than once, with almost one quarter of those (23%, 26; or 12% of all participants) specifying they had encountered situations where the person using violence was a police officer five or more times.

Issues related to police-perpetrated family violence that participants then mentioned unprompted included:

- **the lack of independent safety and support options for victim-survivors when the perpetrator is a police officer or employee**
- **police perpetrators enlisting other police to perpetrate or extend the violence**
- **collusion with and protection of officers who abuse**
- **police disbelieving or discrediting people experiencing police-perpetrated family violence or treating survivors as liars**
- **the fact that police perpetrators of family violence are still working in the police force, including in roles policing family violence.**

Of those who had observed situations in which the person using violence was a police officer, many noted that the family violence used by police officers tends to be more coercive, manipulative, covert and nuanced because police perpetrators know the system

“This [police-perpetrated family violence] often increases the safety risk/danger to the victim-survivor, because the perpetrator has access to, and knows how to navigate, services to get information about the victim-survivor. The victim-survivor has been too terrified to report the violence or come forward, due to the power that the perpetrator has.” [rp15]

and how to get away with violence effectively (17%; 19, or 8% of all participants). Many also noted the increased risks for victim-survivors because police perpetrators can, and do, use their work role, including their capacity to criminalise the people they target, as well as their access to surveillance equipment, databases and weapons, to threaten and enact additional violence (37%, 42, or 19% of all participants).

Many noted that victim-survivors were more likely to experience sub-standard responses to disclosures of violence when the perpetrator is a police officer, describing cases of police minimising the violence and/or not believing the victim-survivor (24%, 27, or 12% of all participants), as well as cases of colleagues colluding with the perpetrators, including by breaching victim-survivor confidentiality (17%, 19, or 8% of all participants), or using intimidation in court (3%, 3 or 1% of all participants).

More than one third of participants (39%, 44 or 20% of all participants) also reported cases where fear of this collusion was affecting victim-survivors’ willingness to report abuse, pursue an FVIO or report FVIO breaches. This dynamic also affected the likelihood of people experiencing violence being forced to travel long distances to report the abuse to a far-away station (4%, 5, or 2% of all participants) or to move far away and/or change identity to escape the violence (4%, 4, or 2% of all participants). Workers shared that people experiencing police perpetrated family violence were also often distrusting of, and unwilling to get support from, other agencies that work with, or cooperate closely with, police (12%, 14, or 6% of all participants). They noted that many victim-survivors are acutely aware of the massive power imbalance in such cases, and that many tend to experience and display increased fear, hopelessness, isolation and exhaustion (28%, 32, or 14% of all participants).

INCREASED RISK: TACTICS AND TYPES OF VIOLENCE WHEN THE PERPETRATOR IS A POLICE OFFICER

Practice-based observations directly from workers provide specialist insight into the particular tactics used by police perpetrators, and the increased risk these pose to victim-survivors due to the power police wield, their knowledge of systems, their systems access, and their authority. This includes police perpetrators using their access to police

training, systems, weapons and role-specific tools of abuse to increase their power and control over the person they are targeting:

“This [police-perpetrated family violence] often increases the safety risk/danger to the victim-survivor, because the perpetrator has access to, and knows how to navigate, services to get information about the victim-survivor. The victim-survivor has been too terrified to report the violence or come forward, due to the power that the perpetrator has.” [rp15]

“The [police] perpetrator was using their connections to police officers to get access to the police database [...] the victim-survivor could not ‘get away’ from the perpetrator as they would move addresses, and the database would record that.” [rp21]

“[The] victim-survivor was terrified to report. He [police perpetrator] would regularly surveil her during the relationship, using his ‘van duty’ as a reason to check in to the house.” [rp33]

“On the occasions I have supported women in this situation [of police-perpetrated family violence], the tactics are generally more controlled: gaslighting, threats to harm, controlling the home/whereabouts, use of police time to watch [the] woman, attending the home wearing weapons to gain/keep control [and make] threats to use [them].” [rp154]

“Implied threats are also common [in police-perpetrated family violence], bringing a weapon home, etc. [The victim-survivor in such cases has] much more difficulty escaping, often feeling very trapped, heightened awareness of the risk [...] There are] limited options available [...], especially when they know the perpetrator could access information through police databases or other services.” [rp209]

“They [the police perpetrator] had a weapon they could reference to instil additional fear in [the] family. They deterred reporting by the victim, advising that they would not be believed, [...] they were] more easily able to discredit the victim to police colleagues as had their ear and credibility in the eyes of colleagues. No one wants to believe their mate is abusive, so believe the perpetrators/their mate’s version. [It] created immense distrust in the legal system. Further compounded by inadequate sentencing/conviction and [the] judge referring to perp as a “good bloke” [rp142]

“[People experiencing police-perpetrated family violence have increased] concerns about being believed, especially when the officer is considered a “good guy” in the community or has close relationships with other services [...] the victim-survivor] is unlikely to go to police or take out an intervention order because of worries about information being given to the perpetrator or the FVIO impacting the perpetrator’s career, especially where this might impact children.” [rp209]

“One police officer [perpetrator] was very skilled in placing recording devices in the home and was skilled at getting police to collude with his abuse. The AFM [person experiencing violence] was misidentified by police as the perpetrator. Neither AFM [this one and one in another police-perpetrator case] felt safe accessing an FVIO or relying on police for an immediate safety response. Both AFMs were taken less seriously by police due to the high regard the perpetrator was held in.” [rp6]

As workers here note, the reputational concern and protected status offered to police officers by their police colleagues and other legal professionals helps them to avoid accountability and to maintain the risk of harm to the victim-survivor. Examples were also given of police



“I have represented several women whose partners have been police officers and all have threatened their partner with their status as a police officer to gaslight their partners and convince them that no one would believe her and if she did report it he would ensure the police would retaliate against her [...] one client had her house raided with six police officers, all friends of her partner.” [rp22]

perpetrators deliberately and manipulatively using their role and position of authority to intimidate the people they are targeting, including to deter victim-survivors from reporting or taking other actions:

“[With police-perpetrated family violence I have seen:] Intimidation - Making the AFM [person experiencing violence] believe no one would believe her or help her if she reported [...] Police using their knowledge of the system to perpetrate systems abuse [...] Manipulation of the AFM with guilt to drop an FVIO as it affects his job.” [rp45]

“Often the [police-perpetrated] violence was through threats, especially concerning the use of police powers or the perpetrator being protected. Or the officer’s experience with family violence was used: “I go to family violence call-outs all the time and this isn’t abuse”, or that they know how to get away with it.” [rp209]

“I have represented several women whose partners have been police officers and all have threatened their partner with their status as a police officer to gaslight their partners and convince them that no one would believe her and if she did report it he would ensure the police would retaliate against her [...] one client had her house raided with six police officers, all friends of her partner.” [rp22]

A CULTURE OF IMPUNITY THAT INCREASES RISK TO VICTIM-SURVIVORS: WHEN POLICE COLLUDE WITH AND PROTECT OFFICERS WHO ABUSE

Examples of police collusion like this, with other police helping to extend the violence or working to otherwise protect officers who are perpetrating family violence, were reported by many workers in the survey. Their accounts show that such collusion severely compounds risk for people experiencing violence. In some cases, this included active participation in carrying out additional abuse, or targeting the victim-survivor, or threats to do so, via the weaponisation of police processes, including traffic stops:

“Victim-survivors [of police-perpetrated family violence have] experienced increased policing in their lives, from driving offences, vehicle defects, various unsubstantiated reports (of growing weed, distributing drugs and prostitution). They [have] also experienced frequent ‘welfare checks,’ and higher bias during family court proceedings.” [rp33]

“He [the police perpetrator] told his colleagues she [the person experiencing his violence] had mental health issues and often asked them to check in on her when he couldn’t. When she would get upset, he would dismiss this as mental health.” [rp33]

“[The] police member [perpetrator] called 000, having his colleagues attend the family violence incident who intimidated AFM [person experiencing violence] and minimised her fear. Police made an application for an FVIO on [the] police member’s behalf.” [rp45]

“[In a case of police-perpetrated family violence] police and child protection did not act... [there were] threats of intimidations from other officers, [victim-survivor was] told to attend other police stations, and [had a] fear of officers tracking her.” [rp190]

“[With police-perpetrated family violence] there has been systems abuse of LEAP [the Victoria Police Service’s highly sensitive internal database], abuse of knowledge of the system, court abuse, half the station showing up in court to support the perpetrator, the perpetrator’s mates doing ‘drive-by’s and facilitating tech and systems abuse, police backgrounding services against victims [...] this meant victims lost trust in police and services and meant victims had to be self-reliant and not trust others, limiting options for safety and Justice.” [rp108]

At other times it involved police breaching victim-survivor confidentiality and severely compromising their safety:

“all the police officers who were in contact with the [police] perpetrator refused to help the victim and breached the confidentiality and reported to the perpetrator. Which increased the risk on her and the children and made it harder to leave [...] It limits her options, limits referrals to other services needed. The imbalanced power in her situation may lead to serious risks on her and the children.” [rp98]

Workers noted that police collusion often manifests in forms of inaction and instances in which police disregard, downplay, cover up or minimise the abuse victim-survivors of police perpetrated family violence are experiencing:

“The woman [victim-survivor of police-perpetrated family violence] found no support from the police of the station he was at and was too afraid to take any action.” [rp90]

“[With police-perpetrated family violence] there was a downplaying of the abuse and a failure to investigate breaches. There was also greater threat to victim-survivor’s safety.” [rp92]

“[The police perpetrator] was a close friend of a senior sergeant and she [the victim-survivor] had found reporting was useless. It never made it to an official record.” [rp146]

“We reported significant indictable offending [by the police perpetrator...] Police didn’t act and the officer wrote in his notes that we had not disclosed family violence.” [rp108]

“[Perpetrators who are] police members have many contacts within the police force, associated organisations and local community that enable his behaviour.” [rp116]

“When the mother [experiencing police-perpetrated family violence] reported, the staff at the station did not take her statement seriously and minimised what was happening to her.” [rp180]

“[The police-perpetrator] husband was a high-ranking local police officer. She chose not to pursue FVIO or charges due to fear of local police [...] she] felt she had no recourse, local police were personal friends and colleagues of her husband, police had been called to the address a number of times and no follow up or action had occurred.” [rp213]

“For victim-survivors [of police-perpetrated family violence] to report successfully, they would have to pick a police station that was well out of the local area. Even still, it seemed that when it was known that the perpetrator was VicPol [Victoria Police], they would ring that station and check in with the perpetrator or sergeant of that station.” [rp33]

“If [police-perpetrated family violence is] reported, it will be dismissed, [with victim-survivors] being told they won’t be believed. It’s a ‘boy club’ and they will look after their own [so the] woman feels isolated and powerless.” [rp154]

‘WHERE AM I MEANT TO GO?’ PRACTICE INSIGHTS INTO HOW VICTIM-SURVIVORS OF POLICE-PERPETRATED FAMILY VIOLENCE ARE ISOLATED AND HAVE OPTIONS LIMITED BY POLICE PERPETRATORS

The sense of isolation and powerlessness experienced by victim-survivors was reiterated by many practitioners in the survey, lending insights into the impacts for survivors of this weaponisation of police processes, and the protection of and systemic collusion with officers who are perpetrating family violence. This includes a suite of material and emotional impacts ranging from fear, hopelessness and isolation, through to victim-survivors being forced to relocate:

“[Victim-survivors of police-perpetrated family violence have felt] more isolated, fearful and less likely to speak up [...] most feel it’s a known fact the police look after their own.” [rp46]

“I was acting for a client where her ex-partner (an ex-police officer) routinely used violence but knew how to navigate the system so only she would be held accountable [...] The person experiencing violence from the police officer partner felt extremely disempowered and ‘gave up’, knowing that the police officer would always have the upper hand, would always have the institution of the police to support him, and would never be held accountable.” [rp34]

“[With police-perpetrated family violence] options and responses such as FVIO or other police intervention were limited, service responses were often limited, support options that are tied to police reporting such as VOCAT support were not accessible.” [rp97]

“A rural woman [was] escaping [police-perpetrated] family violence. I referred her to her local family violence service to safety plan an escape. She felt laughed at by the local police.” [rp174]

“Generally, clients [who have experienced police-perpetrated family violence] relocate to another part of state or go inter-state because of lack of trust that police will respond appropriately.” [rp94]

Accounts from practitioners detail the barriers and challenges for survivors and workers in devising effective family violence responses, including in the context of the collusion, information breaches, and increased risk when the family violence is perpetrated by police:

“We had a number of clients with perpetrators in the police force; we/the clients had to be careful when reporting any incidents to the police, and we also had phone calls from other

officers attempting to find out [...] it] often meant being unable to report incidents to any stations, and not being able to information share with other agencies [...] and] that extra precautions need to be taken regarding stalking/tracking of AFM / victim-survivor, due to police knowledge on these things (e.g. installing apps on AFM’s phone, putting a tracker in the car).” [rp74]

As one worker noted:

“The impact for the victims [in police perpetrator cases] is, and always will be, higher, as the very people who are to protect and serve and to support are perpetrating violence, [which] means the victims have no options when it comes to the justice system, the system colludes and perpetuates further harm. There is no safe response and the fight seems impossible.” [rp145]

Both the quantitative data and the narratives provided by family violence workers show that police-perpetrated family violence, and police collusion with, and protection of, the officers who are perpetrating it are significant issues in Victoria. This research shows how people experiencing police-perpetrated family violence face intensified forms of violence and control that includes police perpetrators weaponising their role, their social standing and their access to weapons and systems in their tactics of abuse. It also shows how people experiencing police-perpetrated family violence face increased risks, barriers and consequences in relation to seeking support and safety.

This research surfaces chilling accounts of the prevalence of police directly perpetrating family violence, the tactics used in this violence, the institutional responses that fail to address risk and harm and often instead exacerbate it, and the massive barriers for both victim-survivors and workers when the perpetrator is a police officer. The extent and impact of the police-perpetrated family violence described here directly challenges the notion of police representing safety in the context of family violence, and demands an urgent re-consideration of the powers, resources and social licence extended to police as family violence first responders and across their role in investigations and the Family Violence Intervention Order system.

“If [police-perpetrated family violence is] reported, it will be dismissed, [with victim-survivors] being told they won’t be believed. It’s a ‘boy[s]’ club and they will look after their own [so the] woman feels isolated and powerless.” [rp154]

3.6 POLICE RESISTANCE TO FEEDBACK AND AVOIDANCE OF ACCOUNTABILITY

Many participants raised concerns about police feedback and accountability processes, and the difficulties workers face when seeking to address policing issues, improve practices or to hold police accountable. Half of the survey participants (50%, 113) noted having attempted to take some action previously and the overwhelming majority of those that had tried (80%, 90) expressed some sort of frustration with these efforts.

When asked how they had responded to instances of problematic family violence policing, workers detailed a range of actions, including: following up directly with the specific police or police stations handling the case (47%, 105); advocating with a family violence specialist officer or station command (43%, 96); referring clients to legal centres or specialist projects for support in taking action (44%, 99); making a safety plan with clients that addressed police-related risks or which de-centred police (42%, 94); negotiating with police prosecutors (28%, 62); making a complaint to Professional Standards Command (PSC) (7%, 15); and making a complaint to the Independent Broad-based Anti-corruption Commission (IBAC) (4%, 9).

When asked about whether their actions had been useful or effective, of the 113 who responded: nearly half (44%, 50) said that their attempts had either been mostly or completely ineffective; more than one third (36%, 41) said their attempts were only sometimes useful or effective; and less than one fifth (19%, 22) said that their attempts had overall been effective or useful.

Participants detailed a range of specific problems or frustrations with police feedback and accountability processes, including: a lack of consistency in police responses (36%, 41); response quality

being dependent on having a good working relationship with individual police (5%, 6); clients being reluctant to make complaints due to exhaustion, trauma, fear of retaliation or lack of support in future (5%, 6); police responding defensively or putting up resistance to feedback (4%, 4); a lack of clarity around processes for raising concerns (3%, 3); initial responses to feedback not leading to long-term changes or improvements (3%, 3); workers finding it hard to make complaints due to the need to maintain good working relationships with police for the benefit of their clients (3%, 3); as well as examples of police actually making things worse for clients after complaints were made (2%, 2). Some noted that due to the power imbalance and a fear of police retaliation or poor support in the future, many clients don't consent to a complaint being made. Others said that they have given up all together on raising issues with police due to a sense that it is a waste of time, and/or that it is risky for staff and clients.

When asked specifically if workers have identified gaps in support for victim-survivors who experience issues with family violence policing, three quarters (75%, 168) of participants answered "yes", with only 11% (24) selecting "no". Of those who said yes, many took the opportunity here to offer examples of issues with police accountability and complaints mechanisms, including the lack of appropriate processes (18%, 30); a lack of sector capacity to provide support with complaints (10%, 17); the large power imbalances between police and complainants (including between police and service providers) (5%, 8); the added trauma faced by people experiencing violence when police ignore complaints (4%, 7); the added barriers to lodging a complaint faced by marginalised victim-survivors (including Aboriginal

and Torres Strait Islander, CALD, LGBTIQ+, neurodivergent people, people with mental health issues, and disabled people more generally) (4%, 7); the lack of alternative police accountability mechanisms (4%, 6); and the lack of victim-survivor awareness around rights and possible mechanisms for complaint (2%, 4). Participants also drew attention to the limited family violence support options outside of policing that are made available to people experiencing issues with family violence police responses in Victoria.

Of the few who felt they had experienced success in their follow up actions, some noted that this was the result of either escalating matters to more senior officers (chain-of-command advocacy), or via relationships with individual police:

"Making a complaint straight to their Sergeant worked for me. I got a handwritten response and my client received an apology. Officer had to attend mandatory training that the client and I suggested." [rp61]

"I have been privy to systems accountability when I have reported unethical practice. For example, the Sergeant in charge I speak with will make contact with his counterpart at the relevant station and request there is follow-up with the Vicpol [Victoria Police] member that has not followed their Code of Practice. They take an educational approach rather than a punitive one." [rp68]

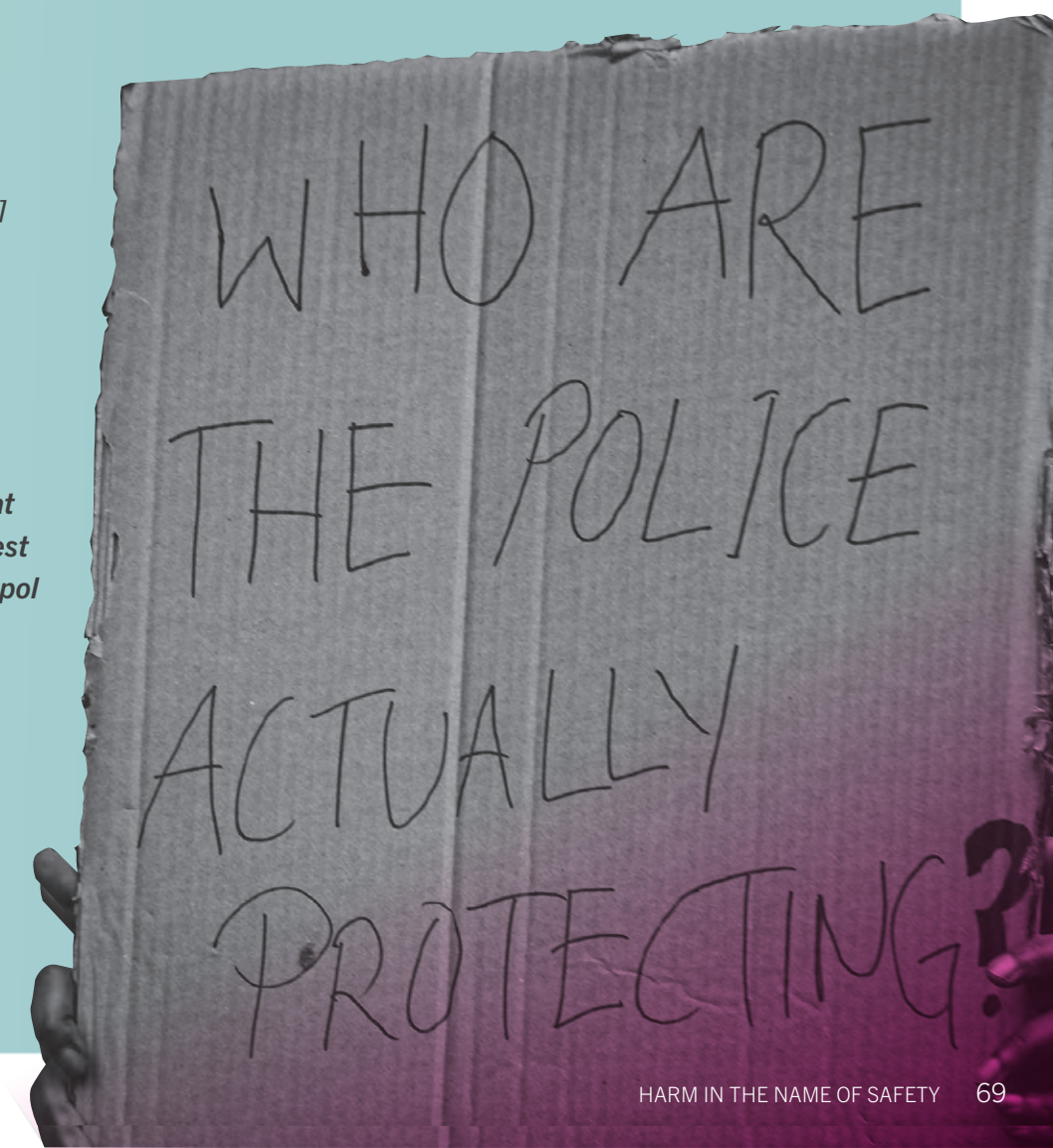
Most practitioners, however, detailed their frustrations with existing police

complaints processes and gave examples of the ways they found them to be ineffective:

"I made a formal complaint once and never received a reply so it seems an ineffective use of time and resources. Safety planning overrides this [as a priority]." [rp214]

"We do not believe there is adequate support in place for people who have experienced issues with family violence policing. Identified gaps include: lack of police accountability and reporting mechanisms, lack of access to reparations for harm caused, lack of access to appropriate, trauma-informed services." [rp170]

"No information [is] given to them [clients] on where to go if they feel the policing was inadequate." [rp180]



“[There seems to be] no way to get justice if the police are inadequate or harmful, difficult to report breaches without the police, limited alternatives if a police station is not supporting a victim survivor.” [rp209]

“I felt completely disempowered within the scope of my role.” [rp185]

“We never find out what has happened, or receive an update regarding the complaint and/or follow up.” [rp76]

Participants in the survey also describe situations where complaints might result in short-term or immediate promises or change, but little-to-no follow through or long-term change, overarching issues that keep repeating, and inconsistent complaint outcomes and communication practices:

“I was told by a station sergeant that he would ‘speak to’ a constable due to their inappropriate response to family violence victim, however I did not hear anything further.” [rp96]

“Sometimes advocacy can improve response or responsiveness, but often when we hear about the issue (unhelpful responses during reporting, lack of response to breach of intervention order) the harm has already been done, so we can only provide feedback and hope things go better next time.” [rp188]

Workers also describe responses to, and outcomes from police complaints as frequently dependant on relationships with individual police:

“[Police responses to issues raised is] very much dependent on having working relationship with station command [or] having a contact within the station to escalate to.” [rp9]

“I have built a trusting relationship where I am able to raise my concerns with the Sergeants I deal with regularly. Unfortunately, the good outcomes

are dependent on the relationships rather than a system that is led by a consistent response.” [rp68]

POWER DYNAMICS AND THE PRESSURE ON WORKERS TO MAINTAIN RELATIONSHIPS WITH POLICE AND AVOID COMPLAINING

Reflections from practitioners indicate workers are under pressure to maintain relationships with police, including to get them to fix mistakes or address policing issues impacting the people they support. Their responses detail the way this translates into power dynamics that make it difficult to complain or provide accurate feedback on police responses, as workers do not want to impact safety or police responses by damaging relationships with police:

“It feels quite futile. Police appear to have very little consequences, even when they are shown to have engaged in misconduct on body worn camera footage. When you are acting for an accused person, you are often in a difficult position, where you just want the charges withdrawn, and you know police are the only gateway to that so you have to ‘suck up’ to them or play their game. It makes it difficult to make complaints or hold them accountable because you don’t want to get the police prosecutors offside. Working at one particular court daily, you don’t want to damage your reputation with police.” [rp34]

Others drew attention to the negative and disempowering impacts that difficult, lengthy and ineffective complaints processes have on those experiencing violence:

“I have found it very difficult to get clients to pursue civil complaints due to how exhausting and lengthy the criminal process is to start with, and then to continue on with a civil proceeding that is lengthy. If you try to contest a criminal matter, on the basis of a policing issue, it is lengthy, difficult and will face strong opposition, and police withdraw charges on the last minute.” [rp43]

“Often when trying to be connected with a family violence specialist officer police will advise that there isn’t one, or refuse to provide contact details and say they will get them to call you back, though I have never received a call-back in these instances. Often it becomes too much for women in crisis to manage or they are discouraged after receiving such poor responses, making them less likely to want to pursue the matter.” [rp13]

“Clients often give up as they can’t be bothered following up or making complaints after their ordeal.” [rp114]

“More often than not clients are reluctant to allow any further action. Instead, I will refer clients to other family violence-specific services.” [p189]

“Often we don’t get the instructions to act due to feelings of disempowerment. The system pushes one towards resolving [family violence] matters, and not following up on [response related] issues. The process for civil complaints is lengthy and discouraging.” [rp41]

“It’s extremely disheartening to see how family violence issues are dealt with, and how the system continues to disempower and marginalise victims through the process.” [rp41]

Given how important survivor agency is to managing risk and recovering from family violence, and evidence that survivor-led interventions produce better outcomes, the disempowering nature of these accountability processes are particularly damning.

Several workers deemed it more important to focus on actions that re-empowered survivors and maximised safety, than to attempt to challenge police:

“I didn’t try to challenge or report any of these cases, as my clients rejected the idea. I worked more on protecting their confidentiality, keeping their details unknown in the system and empowering them to make informed choices and recover from the impact of family violence on them.” [rp98]

“It feels quite futile. Police appear to have very little consequences, even when they are shown to have engaged in misconduct on body worn camera footage. When you are acting for an accused person, you are often in a difficult position, where you just want the charges withdrawn, and you know police are the only gateway to that so you have to ‘suck up’ to them or play their game. It makes it difficult to make complaints or hold them accountable because you don’t want to get the police prosecutors offside. Working at one particular court daily, you don’t want to damage your reputation with police.” [rp34]

“[I] have not bothered with Professional Standards or IBAC. Focus has been on resolution of the [client’s immediate] legal issues and to ensure safety.” [rp157]

RISK AND FEAR: THE SELF-INVESTIGATIVE COMPLAINTS SYSTEM AS A BARRIER AND RISK FACTOR IN THE CONTEXT OF FAMILY VIOLENCE

In the specific context of family violence, given the risks that people experiencing violence must navigate, and with police currently located as first responders to this violence, it is unsurprising that workers describe victim-survivors as very often reluctant to make complaints about police responses, assessing that it will be too dangerous or risky to do so:

“There is a hesitancy to make formal complaints to PSC, often driven by the victim-survivor’s fear of retaliation.” [rp90]

“[Clients are] reluctant to take up complaint options due to well-known problems around the police complaints system.” [rp11]

“Managing from a civilian point of view [safety plans without police] is probably most effective. Challenging police can often result in worse outcomes.” [rp65]

“Mostly victims fear retribution and refuse consent [to complain to police].” [rp148]

“I think the main gap is that clients already feel powerless, so to contend with the existing family violence and then issues with police on top of that is really overwhelming and increases their risk even more.” [rp201]

“Not only policing but also with Magistrates and Courts. When victims are reliant on these systems for safety the ability to make a complaint is diminished. They will often stay silent for fear of repercussions on their case. After

a case has been closed they are recovering from the added trauma of the court system. Reporting involves further trauma.” [rp33]

Practitioners have observed actively punitive or retaliatory responses by police against victim-survivors who complained about police responses:

“Issues that our local FVCLOs [family violence court liaison officers] deal with are usually taken well and resolved practically, [however] there has been the odd occasion where I felt my advocacy has potentially had made things worse for the AFM/my client [person experiencing violence] - what I would explain to be the police member not liking being told if they have done something wrong. I recall one situation being a misidentification and my client was charged with breaking a window - even though the other party had also broken a window and majority of the time the police don’t follow up charges for anything, including major assaults - but they did for a broken window.” [rp46]

“On the contrary, it [complaining] has made it worse for the woman.” [rp163]

CULTURE OF DEFENSIVENESS AND ‘PROTECTING THEIR OWN’: THE CODE OF SILENCE

Participants detailed their observations of police complaints being met with defensiveness and ‘doubling down’, and described a culture that lacks accountability and instead prioritises the active protection of officers, over investigation or remedies for any wrongdoing:

“[Complaint attempts are] often ineffective, as it is difficult to change entire cultures within the police force and to change the way various officers police. I have often experienced officers being very defensive when issues are raised.” [rp18]

“Managing from a civilian point of view [safety plans without police] is probably most effective. Challenging police can often result in worse outcomes.” [rp65]

“In a recent experience where I raised concerns, the police response indicated a sense of martyrdom whereby the police members pointed out their years of dedication to the service, their postponement of retirement and foregoing holidays so they could support the Aboriginal community and other victim survivors. Missed the point altogether, and centred themselves in their response rather than acknowledging the fundamental issues at hand.” [rp85]

“I do not use the police complaints system as it is almost completely ineffective. Complaints are referred to the officer in charge who very rarely determines that there has been any wrongdoing.” [rp208]

“Complaints to [police] stations have little impact. Very strong sense of police protecting their own.” [rp50]

“Complaining or speaking directly to a police station (e.g. speaking to their CO) doesn’t seem to make a difference, as the police will ‘protect their own’ rather than listen to complaints from workers.” [rp76]

“I have found it to be exhausting. Police will protect their own and rarely, if ever, identify they have made a mistake.” [rp94]

“In the case of failure to take action on reports of family violence or prosecutions - often they just solidify their position and support the decision made by their colleagues.” [rp166]

Some workers expressed an overall frustration with the processes:

“[There is a] lack of transparency and accountability on part of police. No one has any faith that a formal complaint will be acted upon.” [rp207]

“It’s like screaming underwater or running against a brick wall. The fight is real.” [rp146]

Some participants also took the opportunity to call for an end to self-investigative complaints systems, where police ‘police themselves’:

“I do not believe that police should be investigating police complaints. The system has already set up a professional bias against the community it is meant to keep safe.” [rp36]

“I have never found it to be useful to try and address any policing issues, within VicPol [Victoria Police]. [And] this is not just the case for family violence issues.” [rp134]

Participants were asked specifically about gaps in support for victim-survivors who have experienced issues with family violence policing, and what sorts of things might make it easier for workers to support them. Workers articulated a broad range of improvements they would like to see, from improved feedback and accountability processes, through to preventative measures that might avoid issues arising in the first place. These suggestions are examined in more detail in the following section of this report.



3.7 REIMAGINING FAMILY VIOLENCE RESPONSES: A CALL FOR CHANGE

In addition to their clear identification of systemic problems associated with Victorian family violence policing as outlined above, many family violence workers shared a range of practical ideas geared towards both prevention of, and better response to, the family violence policing issues they have encountered in their work. These ideas ranged from reforming and improving policing practices, to building and investing in alternatives outside of policing.

Reform-oriented suggestions were proposed by around half of the participants (54%, 122), and include: improving internal police feedback and complaints processes (21%, 48); providing enhanced family violence training for police (16%, 37); finding ways to ensure police collaborate better with, and listen to, family violence workers (12%, 27); developing a clear and efficient pathway for resolving and supporting cases of wrongful identification (6%, 14); increasing the number of specialist family violence teams or officers (6%, 13); increasing the number of family violence liaison officers associated with marginalised communities (3%, 7); increasing the number of female (or non cis-male) family violence specialist officers (1%, 2); and working to completely overhaul police culture (1).

Given that police reforms have so far been the dominant response of governments and policing agencies whenever policing practice issues are brought to light, it is not surprising so many workers highlight police reforms as part of the answer. However, the extent and scale of deeply entrenched problems documented in this report raise serious questions about the ability of such reforms to solve any of these problems.

It is for this reason that many workers (18%, 40) also – or alternatively – called for investments that enhance or build alternatives to policing in response to family violence. These suggestions include: creating independent police complaints and accountability processes (9%, 20); decen- tring police in family violence responses and investing in alternative services and approaches (5%, 12); training family violence workers on how to best raise complaints and advocate for clients (4%, 9); training lawyers and court staff on how to identify and manage common police errors and biases (1%, 2); and funding specialised legal representation to assist workers and clients in resolving problems or making complaints (1%, 2).

IDEAS FOR REFORMING POLICING

Within the qualitative responses oriented to reforming the policing of family violence, some participants pointed to improving family violence education and training for police so they can better understand the gendered drivers of violence, the dynamics of coercive control, the laws relating to family violence, the risks facing victim-survivors, the value of trauma-informed care and the importance of listening to, believing and validating those who are experiencing violence:

“Police need better training and understanding of family violence. I would doubt many officers would even be able to give the main driver of family violence.” [rp31]

“[Police need training in] understanding the intricacies of coercive control and how dangerous that is for women, children and family animals.” [rp223]

*“It would be useful to have alternatives to the police so we can direct people who are experiencing violence to services capable of supporting them in appropriate ways.”
[rp170]*

“[We need] training for police officers to recognise Family violence, the impacts of trauma on victim survivors, cultural sensitivity training, etc.” [rp138]

“Police who actually understand the law and trauma-informed care would be the best starting point.” [rp212]

“For police to be educated and understand that domestic and family violence isn’t a “one size fits all” response. That coercive control plays a huge part of the violence. It’s not purely physical or sexual assaults that need a response.” [rp116]

“[There needs to be] better police training so that they understand (& believe): that gender inequality is a major driver of family violence; how to respond to family violence victims, so police realise that words of support - and to know that they are believed by police - are crucial to victims’ resilience and recovery; [and] that perpetrators of the family violence are responsible and need to be made accountable for their behaviours.” [rp94]

“[We need] more police training - not just at the academy level. Unfortunately, it is often the older and more experienced officers that are the most inadequate.” [rp135]

Some practitioner feedback called for an increase in specialist family violence teams within Victoria Police, or for increased police collaboration with, and respect for, workers:

“[There should be an] expansion of specialist family violence unit within VicPol [Victoria Police]. Experience and client feedback regarding this unit has been positive.” [rp137]

“Family violence units within police stations - it would be great if they were in every police station.” [rp94]

“[Reforms could include] having police officers partner more effectively with specialist family violence services and recognise our ability to assess risk.” [rp6]

“I think we should have a coordinated response to develop rigorous relationships with police to explore issues of misidentification and how to prevent FVIOs being issued against victim-survivors, and to have relationships where we can advocate to have applications withdrawn when not appropriate.” [rp22]

“Police respecting specialist family violence workers as exactly that – specialist – and taking on board our assessments.” [rp189]

Other workers suggested a need for policing reforms that include broader or deeper institutional and cultural changes, including to address issues of racialised policing and child removal:

“[There needs to be] better sharing of information from police and between different areas of policing. More officers who are not cisgendered men. Overhaul of VicPol [Victoria Police] culture.” [rp79]

“Police need... general training that breaks down homophobia, transphobia and racism, questioning why these are such deeply held prejudices.” [rp192]

“Apart from being a responsive service, policing must also be flexible and culturally competent (sensitive) in its response.” [p35]

“Better and more training is needed I believe, and also maybe retire out the police officers who still believe that it is ok for men to hit their wives and girlfriends.” [rp100]

“Preventative training within police force to screen out attitudinal problems. More well-supported Aboriginal staff in the family

violence and other units. If police would, where possible, conduct secondary consults with Aboriginal orgs before/ rather than contacting Child Protection as first reaction. This would reduce the number of Aboriginal children being removed unnecessarily, or at least being placed with family in a less traumatic manner, with more community ownership (self-determination). This should be best practice.” [rp83]

CALLS FOR CHANGE: REMEDIES FOR HARM AND PATHWAYS OUTSIDE OF POLICING

Beyond ideas for the reform of policing family violence, many participants raised the need for alternative pathways for victim-survivors harmed by police to access remedy and repair. Their suggestions include: the centring of survivor voices, an end to a self-investigative police complaints system, and a move to external and independent channels for people experiencing family violence related policing harms:

“It would be great if there would be an accessible option between making an official complaint and not providing feedback at all. Many victim-survivors do not have capacity to lodge a formal complaint when they are dealing with police proceedings. I think all victim survivors who receive a police response should be provided the opportunity to fill out an online survey, similar to this one.” [rp186]

“Engage victim survivors to tell their stories, hold police accountable” [rp215]

“[We need] apologies to victims [from police when they cause harm]; [the] right for victims to have their situation addressed and for the officer/station to have an opportunity to learn from the errors made; compensation for victims; [... mechanisms] for victims to feel their voice is heard and that changes will occur.” [rp50]

“[We need] a process where a complaint does not come back to the local police to investigate.” [rp222]

“[There needs to be] an independent body overseeing investigations into poor police practice or police malpractice.” [rp207]

“Independent police accountability measures where inadequate and harmful police responses could be reported,

“[We need] a process where a complaint does not come back to the local police to investigate.” [rp222]

“[We need] apologies to victims [from police when they cause harm]; [the] right for victims to have their situation addressed and for the officer/station to have an opportunity to learn from the errors made; compensation for victims; [... mechanisms] for victims to feel their voice is heard and that changes will occur.” [rp50]

investigated and responded to (disciplinary action, organisational change, damages paid to victims etc). Clear information about responsibilities of police [and police] processes to support people who have been misidentified and to minimise and respond to misidentification.” [rp209]

“As well as resourcing the [independent complaints] system, they need to also provide resources for organisations that are supporting victims.” [rp165]

BUILDING AND STRENGTHENING ALTERNATIVES TO CARCERAL OR POLICE-CENTRIC FAMILY VIOLENCE RESPONSES

A substantial proportion of the feedback and recommendations from practitioners emphasised the need for the need for a decentring of policing from family violence responses, and an investment in family violence responses outside of, and as an alternative to, police. Responses include: foundational critiques of the power dynamics related to police involvement in family violence responses and the harms related to police involvement; the strong need for safety and support options that de-centre police; reflections on the work already taking place to support survivors, manage risk and safety plan outside and around police responses (including because these police responses have been undesired, ineffective, or sites of risk); calls to redirect funding away from policing; and calls to adequately fund and resource independent and community-controlled specialist services, so that people experiencing family violence are not pressured or funnelled into (default) police responses:

“Due to the responses of police, many victims of family violence don’t feel safe going to police to report breaches or to contact them when in danger.” [rp1]

“[There are, for clients,] gaps in being able to keep themselves safe from harm when they don’t have confidence that the police will support them.” [rp20]

“Most times I hear about victim’s experiences after the fact, I don’t provide support during the event. However, I did call the family violence line for someone when police weren’t helpful, and the family violence line referred me back to the police... their intervention was very limited and there was no other solution available to address the safety issue.” [rp63]

“I find that police hold the power in these situations and – at their discretion – determine the outcome of the case for each client. There aren’t many alternative avenues available for people seeking support and safety. The most effective avenue is referring to a specialist family violence service so the worker can support the client with safety needs outside of police intervention.” [rp201]

“[I] excluded police on safety planning to reduce trauma triggers otherwise victim-survivor would not agree to safety planning and at times, other professionals have noticed a disengagement with services when ‘forced’ to put police as part of a safety plan.” [p190]

“It would be useful to have alternatives to the police so we can direct people who are experiencing violence to services capable of supporting them inappropriate ways.” [rp170]

“[Developing a legal centre referral and safety plan that decentred police] allowed the person experiencing abuse to feel empowered to continue supporting themselves despite the challenges that they faced due to policing issues.” [rp209]

Others made specific suggestions for how alternatives to police-centred responses to family violence could be provided, including the provision of safe spaces, housing, legal supports, youth-specific services and sector training, and resources to support workers:

“Having a women-only safe space just to chill if feeling at risk would be

helpful. Somewhere to wait for a few hours until danger is gone or until another solution is provided. Such place should exist in every, or at least most, suburbs and towns.” [rp63]

“A major issue still appears to be housing for users of violence, so they are less likely to return to their ex-partner’s home, difficultly in housing Indigenous/CALD women and others who do not want to move out of the local area, finding secure housing in the local area for single women without children who need secure housing to reduce the likelihood of them returning to their ex-partners home, [there needs to be an] ‘all of family’ response.” [rp147]

“[We need] more services to work with young people to provide alternate options to manage risk that young people feel safe to access.” [rp54]

“[There needs to be] an independent team of family violence specialists such as social workers who respond directly/consult on matters where a police response is inappropriate/inadequate.” [rp112]

“[We need] Better resources on police-decentred safety planning and on evidence gathering for victims.” [rp108]

“[We need] more training on how to create safety plans which de-centre police... [and] more information on legal rights and options to support victim survivors to give feedback or make a complaint.” [rp102]

Some pointed to the challenges and pushback encountered in attempts to decentre police and avoid carceral family violence responses:

“Reforms have steered us to a place that a Victoria Police response [to family violence] is considered the main and ideal response, also the expected response from the service system. If a victim-survivor does not want to resort to this, they receive an inferior response from the entire system. For example, Child Protection will label the victim-survivor as being a non-protective parent because the victim-survivor does not want to involve VicPol [Victoria Police]. Specialist family violence services can’t offer the full suite of security measures. VicPol will excuse themselves of responsibility as they can’t collect evidence, the victim-survivor appears unreliable or not committed because ‘why wouldn’t you want help from the police?’. I would really like to see support in the sector to develop skills around this for the workforce, because at the stage we have new workers coming in who will only know how to practice with centring VicPol as part of the safety plan.” [rp67]

“Due to the responses of police, many victims of family violence don’t feel safe going to police to report breaches or to contact them when in danger.” [rp1]

“It would be useful to have alternatives to the police so we can direct people who are experiencing violence to services capable of supporting them inappropriate ways.” [rp170]

“[We need] an alternative to police response: transformative justice, a community response.” [rp145]

“Many other services dislike seeing safety plans that don’t involve police.” [rp114]

“Ideally family violence practice can move towards dismantling the binary of victim/perpetrator and [its] dependency on policing. Clearly this is complex [though] as many survivors see justice through this lens.” [rp4]

Several workers specifically mentioned ‘defunding’ police as an important measure along with the need to redirect that funding toward already existing alternative organisations and community-based services:

“Defund the police, fund programs organisations and community groups that are getting this right. There is no justice in our current system.” [rp145]

“We [at our service] do not believe policing is the appropriate response to family violence. We believe in... place-based community projects capable of addressing the root causes of harm. We advocate for family violence response to be led by and for community, so victim-survivors and perpetrators can access the support services and resources required to repair harm and deliver trauma-informed, survivor-centred accountability and reparation.” [rp170]

FINAL REFLECTIONS AND CALLS FOR CHANGE

In their final reflections, many workers pointed to the widespread harms enacted through the centring of policing in family violence responses. Workers detail the ways that these harms replicate the very power and control dynamics of abuse, and in turn form another layer of risk and violence that is being perpetrated against both survivors and workers:

“Working alongside police is the most challenging aspect of my role.” [rp79]

“Police do not understand the root causes of violence; Police do not understand the structural, systemic nature of violence and their role in upholding and perpetuating it; Policing is gendered and racialised; Police are not aware of available community support services and alternative justice pathways; Police are perpetrators, both in uniform and in their private lives; Police are interested in maintaining the status quo.” [rp170]

“Police are not held accountable, and as clinicians, support workers, and survivors, we feel powerless when those we are taught to run to for protection become the very abusers we are running to escape.” [rp162]

“Overwhelmingly, women feel they are at more risk reporting acts of family violence than they are staying quiet.” [rp50]

“Our women and children should not be further traumatised by an inappropriate response from VicPol [Victoria Police].” [rp116]

“Overall, it would be good to see police responses decentred in family violence practice generally and accountability measures [for those using violence] that are not necessarily about sentencing/FVIOs etc.” [rp4]

“[Maybe we need] a systemic overhaul of a broken [family violence response] system???” [rp85]

“[We need an] independent, non-gendered family violence specialist dept., not based on [the] Duluth model [which calls for expanded, albeit women-centred, policing].” [rp216]

“[We need] an alternative to police response: transformative justice, a community response.” [rp145]



“We [at our service] do not believe policing is the appropriate response to family violence. We believe in... place-based community projects capable of addressing the root causes of harm. We advocate for family violence response to be led by and for community, so victim-survivors and perpetrators can access the support services and resources required to repair harm and deliver trauma-informed, survivor-centred accountability and reparation.” [rp170]



4. Conclusion

THE SCALE OF THE HARM

The practice-based observations from frontline family violence workers gathered here detail sweeping concerns regarding police responses to family violence and make plain that this policing often entails harm enacted in the name of ‘safety’.

Overall, the vast majority of family violence workers in this study gave accounts of, or raised concerns about, police responses in some way criminalising, harming or otherwise adding to the risk to and disempowerment of people experiencing family violence rather than providing effective support. Their accounts identify disturbing patterns of police minimisation of violence, collusion with perpetrators, biased and discriminatory practice, wrongful identification of victims as aggressors, and many instances of sexual and/or family violence perpetrated directly by officers and police staff, who in turn receive institutional protection and insulation from accountability measures. Fundamentally, the findings show that rather than helping people experiencing family violence, police responses very often undermine safety and autonomy and significantly increase risk, harm, trauma and feelings of powerlessness.

Importantly, the practice-based evidence gathered here indicates that these ineffective, problematic and harmful police responses are not isolated events, but rather, are routinely occurring in many interactions between police and people experiencing family violence. These findings speak to a deeply troubling culture and operating environment within Victoria Police that fundamentally challenges the notion that police can or should be considered

a site of safety for people experiencing family violence or resourced as such.

Existing research highlights the ways in which policing institutions culturally embody the very drivers of family and gender-based and family violence. The evidence documented in this study details how this practically manifests in the course of family violence policing, with: police responses that disempower victim-survivors and exacerbate risks; biased and discriminatory policing that misidentifies, targets and often criminalises people experiencing family violence; the direct perpetration of family violence by police officers; and a remarkable level of institutional impunity surrounding that violence. With police-centred responses to family violence, the very power and control dynamics and dominator cultures that drive family violence are not challenged, but instead frequently replicated and extended, to the detriment of victim-survivors.

The evidence in this survey report provides clear insight into the fundamental dissonance in positing policing as a solution or response to family violence. Our findings, particularly when read alongside the existing evidence and literature base, show that there are deep, foundational, structural and cultural problems with police as an institution. These are not problems that can be remedied simply through better education or training, or increased service sector collaboration with police. As the National Justice Project’s recent position paper makes clear, “even with extra training, research demonstrates that police are still not the best fit for responding to situations that need care and de-escalation” (National Justice Project, 2025,

p.5). It is clear that a much more substantive move away from the centring of police in responding to family violence is required.

THE CHALLENGE AND NECESSITY OF MOVING BEYOND THIN REFORMS

It can, however, often be very difficult to think beyond existing response frameworks for responding to family violence. Police are increasingly embedded in the service system and upheld as a ‘solution’ to violence; where the role of police is positioned as a crucial or immovable feature of family violence responses, and where this is reflected in funding and practice arrangements. When encountering the harms of police responses, workers are often under significant pressure to respond by identifying individual practice tweaks or reforms that do not fundamentally challenge the narrative about the core function of police. Many participants in this research noted that responding to police harms involves workers navigating a complex relational landscape where they fear any critique of police may impact outcomes for victim-survivors, damage police-worker/service relationships, or compromising funding and other service arrangements. In this context, where immediate concerns for people experiencing violence must generally take precedence, it is not surprising many workers in this study made suggestions for reform within the scope of existing mechanisms, for example: suggesting better police training, more specialist units, or more collaboration between services and police.

This dynamic has also been documented elsewhere. For example, a study of frontline family violence workers in QLD, found that while workers could often see that “refugee and migrant communities are at risk of over-policing and state violence”, and documented many examples of harmful policing practices, they

nonetheless generally supported increased criminal-legal interventions due to a lack of available alternatives, and framed these interventions as being useful in an education and referral sense (Maturi, 2024, p.335). The authors noted this as a “conceptual vacuum” amongst workers enabled by “one-dimensional risk frameworks” (p.335), and observed that, “faced with limited resources, smaller migrant services might need to seek legitimacy by adhering to dominant norms in order to compete with other organisations for funding, ensuring their survival and their capacity to support women” (p.335). They found that “front-line workers express the desire to do more but do not have the tools or resources to conceptualise alternative interventions” (p.335).

Despite this, many frontline workers contributing to this survey did nonetheless identify deeply embedded cultural and systemic issues with policing, and note the inability for reforms and training to solve these problems. They suggest a re-imagining of family violence responses that genuinely addresses and constrains the harms of and resources to policing, in favour of community-based interventions. These responses echo and build on longstanding calls - by people with lived experience, practitioners and academics - for an urgent paradigm shift in family violence responses: emphasising the need to divert funding and resources away from police and the associated state-based, punitive carceral responses, and toward local community-led programs focussed on healing, accountability and behaviour change (see for example: Langton, 1992; Blagg & Valuri, 2004; Blagg & Anthony, 2019; Allison 2022).

THE VITAL RE-IMAGINATION OF RESPONSES TO INTIMATE PARTNER AND FAMILY VIOLENCE: RESOURCING, SUPPORTING AND BUILDING ON EXISTING PRACTICE

Practice examples of effective community-led interventions to violence that do not rely on police are already in operation. On this continent, where intersecting interpersonal and state-based gender violence continues to target Aboriginal and Torres Strait Islander People and Communities, there are numerous First Nations-led examples of non-carceral community-based response to family violence. These include Aboriginal-led healing centres such as Waminda in the South Coast of NSW, that provides practical support to women and children experiencing violence through a holistic, strengths-based framework incorporating cultural, spiritual and family contexts and needs. At Waminda, a range of integrated, culturally safe services offer support with: health, mental health, employment, education, rehabilitation, crisis accommodation, accessing longer-term housing, keeping children and families together, keeping safe from violence without having to leave home, and navigating interactions with police and the criminal-legal system where necessary (Waminda, 2025). Similar services include the Marninwarntikura Women’s Centre in Fitzroy Crossing (Marninwarntikura, 2025) and Mudgin-Gal: Women’s Place in Sydney (Mudgin-Gal, 2025).

Another example of community-led safety responses that are relatively autonomous to police, albeit not family violence specific, are the Aboriginal Night Patrols that operate in at least 130 urban, rural and remote locations around Australia (Porter & Cunneen, 2021; Porter, 2016). These patrols focus on keeping young people safe and reducing contact with police and the criminal legal system, by keeping an eye out for young people at risk of police intervention, homelessness, or experiencing

violence, and offering culturally appropriate and locally specific forms of advice, transportation, mentoring, and both immediate and longer term support relating to housing, education, mental health and other needs (Porter, 2016). While so far most are not currently equipped to respond to instances of violent crime, it is not hard to imagine these or other similar patrols being able to be resourced to respond wholistically to such violence, including family violence, both in a crisis response and violence de-escalation capacity, as well as in a longer-term, wrap-around safety planning, counselling and behaviour change capacity.

Alternative pathways for reporting violence, which have already been found useful in supporting a sense of self-determination and autonomy for victim-survivors of sexual assault, could also play a role in family violence responses. An extensive research study funded by Australian Institute of Criminology (Heydon et al., 2023) found victim-survivors of sexual violence often prefer an option to make a report to a non-police agency, such as a specialist sexual violence support service. Similar community-led alternative family violence reporting mechanisms, where police are not called without victim-survivor request or consent, could provide an option for people experiencing family violence to make a record of the violence, access clear and comprehensive information about the services and options available and determine any next steps.

Overseas models, including community first responder programs, also offer salient lessons in building community-based response to violence. On Turtle Island (USA), as a result of mass community mobilisations in the aftermath of police killings and the death of George Floyd, communities have been re-imagining first response and ‘public safety’ models, including shifting towards and

investing in programs where trained community members and health workers operate as first responders (Council of State Governments Justice Centre, 2021). While these initiatives have gathered momentum and engagement in recent years, approaches that centre community work to address crisis, provide support and build safety have been operating on Turtle Island for

decades (Council of State Governments Justice Centre, 2021). For example, the grassroots Freedom House Ambulance Service was established in 1967 by Black community in Pittsburgh because the police, who were at the time officially tasked with hospital transportation,

were not safely serving their community (Daley, 2025). Freedom House was so successful at providing effective and efficient hospital transport that it led to a wider decentring of police in that role and the establishment and expansion of the ambulance services that exists on Turtle Island today (Daley, 2025).

Also set up on Turtle Island by a community group in the 1960s is the White Bird Socio-medical Aid Station (now White Bird Clinic), which – in response to growing homelessness and a lack of appropriate support services – set about gathering volunteers, renting a house, ran medical drop-in clinics, offering legal advice, offering drug harm reduction services, and training people in crisis intervention (White Bird Clinic, 2025). A key innovative service offered by the White Bird Clinic is C.A.H.O.O.T.S. (Crisis Assistance Helping Out On The Streets), in which two-person teams (a crisis worker and a trained medic) responds to 911 crisis call-outs relating to with drug and alcohol use, mental illness, emotional crises, and family disputes that pose a small risk of violence (White Bird Clinic, 2025).

These international examples of successful community-led first response systems, involving mobile teams skilled in de-escalation and crisis response, offer important

practice approaches for consideration and application here in Victoria. They demonstrate that alternative first responder models, whether operating outside of state funding models, or in jurisdictions that have more formally redirected resources from policing to community-based responses and/or invested in alternative first responder programs (The Marshall Project, 2024), are indeed very possible. Understanding how different community-based first responder models and other interventions respond to intimate partner or family violence, including their principles, practice approaches and potential applications, must form part of the crucial re-imagining of responses to violence here in Victoria. This will help guide the important and much-needed work of building community-led pathways that address and constrain the harms of policing, while developing alternative options to better support people experiencing violence.

As the National Justice Project's (2025) position paper on alternative first responders suggests, such initiatives are being urgently called-for by many impacted communities, workers and grassroots activists around Australia. Implementing and supporting such initiatives will be a vital mechanism for intervening into violence and crisis, and supporting people towards safety without police intervention.

5. Recommendations

The workers' perspectives of family violence policing in Victoria outlined in this research underscore the urgent need for a comprehensive re-evaluation of how family violence is addressed. This includes immediate moves to engage with and constrain police harms in the context of family violence; a shift away from reliance on police as primary responders; and investing in community-based alternatives that prioritise survivor-led responses grounded in principles of community accountability. As such we make the following eight recommendations:

1. BUILD ALTERNATIVE FAMILY VIOLENCE FIRST RESPONDER INITIATIVES

Effective and safe responses to family violence must involve the decentring of police as first responders, and the development of alternative first-responder models and initiatives.

We therefore echo the recent call from the National Justice Project (2025) for urgent action to shift focus and resourcing away from police in family violence responses and invest in alternative community-based crisis response initiatives. Specifically, we call for the establishment of community-based first-responder family violence initiatives in Victoria by:



a. Funding targeted research into non-police first responder models

Allocate sufficient funding to conduct extensive qualitative research into non-police family violence first responder models for Victoria. This research should:

- be conducted by a team of family violence specialists and survivors
- look beyond Victoria and Australia to examine successful models of alternative non-police community-based first-response models that respond to violence generally and family violence specifically
- focus on identifying the needs of Victorian victim-survivors, impacted communities and family violence workers – with a particular focus on Aboriginal and Torres Strait Islander survivors, communities and workers – eliciting feedback on the relevance and utility of overseas models for local contexts, and ideas and recommendations for alternative models.

b. Establishing a community-based family violence first responder pilot program in Victoria

We recommend the establishment of a community-based first responder pilot program in Victoria to create alternative support pathways for survivors of family violence. This initiative would offer an alternative to police intervention, ensuring that survivors – particularly those from Aboriginal, migrant, refugee, LGBTIQ+, disabled, and other targeted communities – can seek immediate assistance without fear and risk of criminalisation, child removal, or other additional harms.

The model should be based on the outcomes of the research described above, and:

- operate independently from police
- be staffed by a highly skilled, trauma-

informed, community response team, trained in crisis intervention, de-escalation, risk assessment, safety planning, emotional support and survivor-centred care

- provide immediate crisis intervention, safety and support without mandatory police reporting
- be available 24 hours a day, 7 days a week
- be easily, quickly and safely accessible via a dedicated hotline, secure app, live chat platform and/or direct referral from community services
- be designed, led or deeply guided by local family violence survivors and workers
- connect survivors to essential holistic short and longer-term supports, including safety planning, emergency and longer-term housing, legal support, mental health support and material aid
- collaborate with other family violence services and supports
- coordinate with broader health, housing, and legal support services
- reduce reliance on police and carceral responses
- be monitored and evaluated to determine options for long-term secure funding as well as for adapting, scaling and implementing in other locations.

2. INVEST IN COMMUNITY-BASED FAMILY VIOLENCE RESPONSES

An effective response to family violence must also involve the decentring of police from family violence responses. We therefore call for a significant transfer of family violence funding and resourcing away from policing and into community-based family violence responses

that prioritise safety and self-determination and operate autonomously from police, with additional significant and sustained investments in Aboriginal community-owned organisations and Aboriginal community-led interventions that offer culturally safe support.

These investments must include:

a. Strengthening and expanding existing community-led family violence services

Substantially increase funding for existing community-led family violence services and interventions, including Aboriginal community-led services and interventions, ensuring that:

- i. services have sufficient resources to expand their reach, work-force and infrastructure
- ii. services have access to long-term, secure funding, rather than short-term grants, to maximise their capacity to sustainably plan and grow.

b. Supporting and funding the development of new community-led family violence services

Allocate significant funding to supporting the development of new community led family violence services and interventions, including Aboriginal community-led services and interventions, that:

- i. operate autonomously from police
- ii. take guidance and direction from survivors
- iii. align with cultural, social, and healing-based justice and support frameworks, rather than carceral approaches.

c. Investing in affordable housing for survivors of family violence

Access to safe, stable, and affordable housing is one of the most critical factors in enabling survivors to escape family violence. To ensure genuine safety and long-term stability for survivors, we recommend urgent investment in emergency, transitional, long-term and permanent housing options. Housing options should be trauma-informed and culturally safe, with specific investment in housing options designed by and for Aboriginal and Torres Strait Islander Communities. Survivor access to public housing must be prioritised, as well as stronger tenant protections for survivors when breaking leases, and financial support to cover the costs of property damage resulting from family violence.

3. BUILD AND STRENGTHEN COMMUNITY-BASED AND NON-CARCERAL VIOLENCE PREVENTION, EARLY INTERVENTION AND ACCOUNTABILITY INITIATIVES

Crucial to effectively preventing, intervening into and reducing violence is building community-based violence prevention, early intervention and response pathways. This includes investment in: community education work; alternative non-carceral accountability and healing processes, including restorative justice and other initiatives that seek to provide accountability for harm and remedial processes outside of police and court systems; behaviour change programs; and other interventions directed at transforming harm and reducing violence.

We therefore call for significant investment in community-based violence-prevention, safety and justice mechanisms, including:

- i. Community-based violence prevention and education programs
- ii. Early intervention programs that use a whole-of-family approach, and/or work with schools and community networks to provide support and prevent violence before it escalates

- iii. Non-carceral accountability pathways, including restorative justice and transformative justice approaches
- iv. Behaviour change programs
- v. Peer-led support groups
- vi. Culturally-specific healing and support programs.

4. TAKE IMMEDIATE ACTION TO RESTRAIN AND ADDRESS THE HARMS OF POLICE-PERPETRATED FAMILY VIOLENCE

Police-perpetrated family violence is causing significant harm to victim-survivors, including in situations where the violence has been reported to police. We call for urgent and immediate action to limit the risk and harm of police-perpetrated family violence, by:

a. Disarming police reported for family violence

Firearms and other weapons must be immediately removed from, and all weapons access revoked for, all police officers subject to family violence reports and investigations and listed as respondents on Family Violence Intervention Orders, including interim orders.

b. Preventing family violence response roles

Officers who have been reported for family violence must be removed from duties related to family violence response, including call-outs, investigations, Family Violence Intervention Order breaches and any related work.

c. Preventing any information about the victim-survivor or family members being shared with officers reported for family violence

This includes treating victim-survivor safety as paramount and information as crucial to safety, and preventing police welfare or other staff sharing any information related to location, safety-planning or other details without express written consent.

d. Implementing independent family violence risk assessment

Any risk assessment of police-perpetrated family violence must be conducted by or obtained from a family violence service operating independently from police.

e. Implementing rigorous background checks

Implement rigorous background checks to prevent the hiring of individuals with a history of sexual and/or family violence within police ranks, and to ensure individuals perpetrating family violence are not rehired, transferred or promoted within or between different state police forces.

f. Suspending paid administrative leave

Discontinue the practice of offering paid administrative leave for police officers who are under investigation for family violence allegations.

g. Establishing an independent system to track police-perpetrated family violence

Establish an independent system, outside of police, that tracks violence, abuse, predatory behaviour and coercive control by officers in specialist roles including specialist family violence and/or command roles, Professional Standards Command (PSC) and other complaints investigation roles, specialist units including the Sexual Offences and Family Violence Unit (SOFVU) and the Sexual Offences and Child Abuse Investigation Teams (SOCITs). The system must be capable of compelling information from police, and gathering and sharing intelligence:

- i. with people directly targeted by the violence and with support workers and services, including across state or national borders, to enable effective risk responses and safety planning
- ii. for the purpose of investigative, protective and remedial action.

5. ABOLISH SELF-INVESTIGATIVE POLICE COMPLAINTS PROCESSES

To mitigate inherent bias, conflict of interests and the significant risks posed to victim-survivors, self-investigative processes for police complaints must be abolished. Complaints must no longer be returned to police for internal investigation, nor should they be managed by external agencies that refer complaints back to police.

6. MANDATE PUBLIC REPORTING OF DATA ON FAMILY VIOLENCE POLICING HARMS

Accurately tracking issues and harms of family violence policing is made very difficult when police data is withheld from public scrutiny. We therefore call for mandated, regular public release of detailed police data on harms related to family violence policing, including:

a. Data on police-perpetrated family violence

Data on police-perpetrated family violence should include the number of reports of police-perpetrated family violence, types of violence and related offences, intervention orders issued, investigation outcomes, and any disciplinary actions taken against officers, including dismissals.

b. Data on ‘misidentification’

Data on police wrongful identification (‘misidentification’) should include: the number of police-initiated intervention orders that mischaracterise people experiencing violence as perpetrators of violence; the number and type of cross-intervention orders issued by police; corresponding gender and demographic information of misidentified respondents and affected family members, including officer-perceived ethnicity data;

details as to whether applicant or respondent were police officers/employees; and records of any concerns regarding ‘misidentification’ or wrongful identification raised by victim-survivors or family violence services.

c. Data on complaints about family violence police responses and their outcomes

Data on complaints about police responses to family violence should include data on both formal and informal complaints made to police, including via existing formal complaints mechanisms, by phone, in-person, by email and by other methods of communication. It should include details of how police responded to the complaint and any outcomes from the complaint. Reporting on this data should take into account the likely under-representation of this data due to reporting barriers faced by survivors and family violence workers.

d. Data on costs related to family violence policing harms

Victoria Police must report on costs incurred by the State of Victoria in litigating civil claims against it under the Victoria Police Act 2013 (Vic), where those claims relate to police-perpetrated family violence or other conduct related to family violence policing. This data should distinguish between legal costs incurred in defending claims and any settlement sums or awards of damages paid.

Victoria Police must report on the number of claims brought pursuant to the Victoria Police Act 2013 (Vic) that are settled by the State of Victoria, where those claims relate to police-perpetrated family violence or other conduct related to family violence policing.

7. ADEQUATELY RESOURCE SERVICES ADDRESSING POLICE HARMS

Crucial services supporting people harmed by family violence policing lack the resources required to meet the level of need for support and assistance. Given the scale of these harms, and to ensure survivors harmed by police receive vital advocacy assistance and have access to effective pathways for support, advice, accountability and remedial options, we call for dedicated funding to family violence services and community-led organisations to meet demand and adequately support victim-survivors harmed by police responses to family violence. This includes services providing tailored assistance to survivors impacted by police inaction, criminalisation, or re-traumatisation, and those working to challenge and address police harms at both individual and systemic levels.

8. ESTABLISH A COMMUNITY-LED TRUTH-TELLING INQUIRY

It is clear that survivors and workers hold vital lived experience and frontline insights into family violence policing, and want and need the opportunity to share important testimony and have their voices heard to direct change.

We call for the establishment of a community-led truth-telling inquiry to provide a platform for survivors, affected families and advocates to share their experiences, document systemic failures, and seek accountability. We recommend that this be undertaken through a combination of people’s hearings and truth

commission, where survivors and advocates can testify publicly or privately, with privacy and confidentiality safeguards.

The inquiry should:

- i. focus on documenting lived experience and systemic violence and harms, including identifying patterns of neglect, criminalisation, racial and gender biases
- ii. centre survivor and community voices and solutions, working from these to identify applicable remedies and pathways for survivors harmed by policing and remedial action or reparations by institutions responsible for documented harms.





References

AAP (2025, 14 January). ‘Alarming’ number of Victoria Police staff investigated for alleged domestic violence, sex crimes. SBS News. <https://www.sbs.com.au/news/article/alarming-number-of-victoria-police-staff-investigated-for-domestic-violence-sex-crimes/g7bwuzzlj>

In-depth analyses of large-scale LGBTQA+ health and wellbeing data in Australia, https://opal.latrobe.edu.au/articles/report/Rainbow_Realities_In-depth_analyses_of_large-scale_LGBTQA_health_and_wellbeing_data_in_Australia/24654852?file=45448918

Alisic, E., Barrett, A., Conroy, R., Devaney, J., Eastwood, O., Frederick, J., Houghton, C., Humphries, C., Joy, K., Kurdi, Z., Chavez, K., Morrice, H., Sakthiakumaran, A., & Vasileva, M. (2023). Children and young people bereaved by domestic homicide: A focus on Australia. [Report]. https://figshare.unimelb.edu.au/articles/report/Children_and_young_people_bereaved_by_domestic_homicide_A_focus_on_Australia/24630690

Anderson, B., Farmer, C., & Tyson, D. (2024). Police-Perpetrated Domestic and Family Violence: A Scoping Review of Australian and International Scholarship. *International Journal for Crime, Justice and Social Democracy*. <https://www.crimejusticejournal.com/article/view/3582/1536>

Allison, F. (2022). *Redefining Reinvestment. An opportunity for Aboriginal communities and government to co-design justice reinvestment in NSW*. Justice Reinvest NSW, [Final Report] <https://opus.lib.uts.edu.au/handle/10453/164509>

Armatta, J. (2018). Ending Sexual Violence Through Transformative Justice. *Interdisciplinary Journal of Partnership Studies*, 5(1). <https://doi.org/10.24926/ijps.v5i1.915>

Australian Government. (2022). *National Plan to End Violence Against Women and Children 2022-2032*. [Report]. <https://www.dss.gov.au/national-plan-end-gender-based-violence/resource/national-plan-end-violence-against-women-and-children-2022-2032>

Amos, N., Lim, G., Buckingham, P., Lin, A., Liddelow-Hunt, S., Mooney-Somers, J., & Bourne, A. (2023). Rainbow Realities:

- Australian Institute of Health and Welfare. (2024). Family, domestic and sexual violence. <https://www.aihw.gov.au/family-domestic-and-sexual-violence/types-of-violence/intimate-partner-violence>.
- Banerjee, V., Willison, C., & Greer, S. L. (2025). Policing the police: Why it is so hard to reform police departments in the United States? *British Journal of Politics & International Relations*, 27(1), 220–241. <https://doi.org/10.1177/13691481241267285>.
- Blagg, H., & Valuri, G. (2004). Aboriginal community patrols in Australia: Self-policing, self-determination and security. *Policing & Society*, 14(4), 313–328. <https://doi.org/10.1080/1043946042000286047>.
- Blagg, H. & Anthony, T. (2019). *Decolonising Criminology: Imagining justice in a post-colonial world*. Palgrave Macmillan UK.
- Bliszczuk, A. (2024, 7 February). ‘Police Simply Don’t Belong at Pride’: Cops Filmed Punching, Dragging Midsumma Protestors. *VICE Magazine*. <https://www.vice.com/en/article/midsumma-pride-march-police-violence-queer/>
- Breckenridge, J. & Hamer, J. (2014). Traversing the maze of ‘evidence’ and ‘best practice’ in domestic and family violence service provision in Australia. *Australian Domestic and Family Violence Clearinghouse Issues Paper* 26. <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/02/19030110/IssuesPaper26-May2014.pdf>
- Bricknell, S. (2023). *Homicide in Australia 2020–21*. Statistical Report no. 42. Canberra: Australian Institute of Criminology.
- Buxton-Namisnyk, E. (2021). Domestic Violence Policing of First Nations Women in Australia: ‘Settler’ Frameworks, Consequential Harms and the Promise of Meaningful Self-Determination. *The British Journal of Criminology*, 62(6), 1323–1340. <https://doi.org/10.1093/bjc/azab103>
- Carrick, D. (2012, 27 November). *Family Violence Victims Face ‘Wall of Lethal Indifference’*. ABC Radio National: The Law Report. <https://www.abc.net.au/listen/programs/lawreport/aboriginal-family-violence/4392814>
- Centre Against Racial Profiling. (2024). *Tracking Victoria Police data over time to investigate systemic racism*. <https://www.racialprofilingresearch.org/>
- Collins, P. H. (2017). On violence, intersectionality and transversal politics. *Ethnic and Racial Studies*, 40(9), 1460–1473. <https://doi.org/10.1080/01419870.2017.1317827>
- Council of State Governments Justice Centre. (2021) *Expanding First Response: A toolkit for Community First-Responder Programs*. <https://csgjusticecenter.org/publications/expanding-first-response/>
- Counting Dead Women Australia. (2024, January 8). *Register of women killed in 2024*. Facebook. Retrieved 20 November 2024. <https://www.facebook.com/photo.php?fbid=874669554667472&id=100063733051461&set=a.469136718554093>.
- Crenshaw, K., & Phillips, A. (1998). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics. *University of Chicago Legal Forum*, 1989(1), 139–167. <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>
- Cripps, K. (2023, 1 June). *These Indigenous women took the risk of calling the police. It didn’t save them*. SBS News. <https://www.sbs.com.au/news/article/these-indigenous-women-took-the-risk-of-calling-the-police-it-didnt-save-them/tgi2mo39t>.
- Cunneen, C. (2023). *Defund the Police: An International Insurrection* (1st ed.). Policy Press. <https://doi.org/10.2307/jj.1666821>
- Daley, T. (2025, February 10) The Ambulance Service that Made the Modern EMS, Team Rubicon, <https://teamrubiconusa.org/news-and-stories/freedom-house-ambulance-service-a-legacy-of-life-saving-care/>
- Djirra. (2024). *Victorian Government says more must be done to support victim-survivors* <https://djirra.org.au/djirra-welcomes-the-victorian-governments-statement-that-more-must-be-done-to-support-victim-survivors/>. Retrieved 25 November 2024
- Douglas, H. (2019). Policing domestic and family violence. *International Journal for Crime, Justice and Social Democracy*, 8(2), 31–49. <https://doi.org/10.5204/ijcjsd.v8i2.1122>
- Family Violence Reform Implementation Monitor. (2021). *Monitoring Victoria’s family violence reforms: Accurate identification of the predominant aggressor*. [Report]. <https://www.fvrim.vic.gov.au/sites/default/files/2021-12/FVRIM%20Predominant%20Aggressor%20December%202021.pdf>
- Fiolet, R., Tarzia, L., Owen, R., Eccles, C., Nicholson, K., Owen, M., Fry, S., Knox, J., & Hegarty, K. (2021). Indigenous Perspectives on Help-Seeking for Family Violence: Voices From an Australian Community. *Journal of Interpersonal Violence*, 36(21–22), 10128–10146. <https://doi.org/10.1177/0886260519883861>
- First Nations Advocates Against Family Violence. *Domestic violence and family violence* (website) <https://fnaafv.org.au/learn-about-family-violence/>. Retrieved 25 November 2024.
- Fitz-Gibbon, K., Maher, J., Elliott, K., & Douglas, H. (2021). Barriers to Help Seeking for Women Victims of Adolescent Family Violence: A Victorian (Australian) Case Study. In In Fitz-Gibbon, K., Douglas, H. & Maher, J (Eds.), *Young People Using Family Violence* (pp. 39–54). Springer. https://doi.org/10.1007/978-981-16-1331-9_3
- Fitz-Gibbon, K., Meyer, S., Reeves, E., Walklate, S. (2025a, 28 February). ‘He knows how to make sure that there is no evidence’: when your domestic violence abuser is a police officer. The Conversation. https://theconversation.com/he-knows-how-to-make-sure-that-there-is-no-evidence-when-your-domestic-violence-abuser-is-a-police-officer-250754?utm_medium=article_native_share&utm_source=theconversation.com

Fitz-Gibbon, K., Meyer, S., Reeves, E., Walklate, S. (2025b). “The Fact That He Was a Police Officer Was Probably My Number 1 Challenge”: Victim-Survivor Experiences of Officer-Involved Domestic Violence in Australia, *Violence Against Women*, Online First. <https://doi.org/10.1177/10778012251319761>

Fitz-Gibbon, K., & Walklate, S. (2021). Criminalisation and the Violence(s) of the State: Criminalising Men, Punishing Women. *International Journal for Crime, Justice and Social Democracy*, 10(4), i-v. <https://doi.org/10.5204/ijcjsd.1991>

Gibbs, V., & Pellicano, E. (2023). ‘Maybe we just seem like easy targets’: A qualitative analysis of autistic adults’ experiences of interpersonal violence. *Autism*, 27(7), 2021-2034.

Gleeson, H. (2020a, 21 October). *Victoria’s ‘staggering’ record: 82 cops charged with family violence in five years, but only one found guilty*. ABC News. <https://www.abc.net.au/news/2020-10-21/dozens-of-victoria-police-officers-charged-with-family-violence/12757988>

Gleeson, H. (2020b, 12 October). *Abusers in the ranks*. ABC News. <https://www.abc.net.au/news/2020-10-19/police-in-australia-are-failing-to-take-action-against-domestic/12757914>

Gleeson, H. & Baird, J. (2018, 20 December). *Why are our prisons full of domestic violence victims?* ABC News. <https://www.abc.net.au/news/2018-12-20/womens-prisons-full-of-domestic-violence-victims/10599232>

Goodman, L. A., & Epstein, D. (2008). Listening to battered women: A survivor-centered approach to advocacy, mental health, and justice. American Psychological Association. <https://doi.org/10.1037/11651-000>

Gorrie, V. (2024). Introduction. in Gorrie, V. (Ed.), *When Cops are Criminals*. pp.1-20. Scribe

Gorrie, V. (2021). *Black and blue: a memoir of racism and resilience*. Scribe: Melbourne.

Hirst, J. (2021, 1 July). *Just over half of gay and lesbian Aussies say they trust police, ABS finds*. Q News. <https://qnews.com.au/just-over-half-of-gay-and-lesbian-aussies-trust-police-abs-finds/>

Hobbins, R. (2024, 13 December). *Victims wrongly identified as perpetrators of DV*. ABC Radio National: AM. <https://www.abc.net.au/listen/programs/am/victims-wrongfully-identified-as-perpetrators-of-dv/104721036>

Haile-Michael v Konstantinidis (2013) (Federal Court of Australia).

Heydon, G., Henry, N., Loney-Howes, R. & Hindes, S. (2023). Alternative reporting options for sexual assault: Perspectives of victim-survivors. *Trends & issues in crime and criminal justice*, no. 678. Canberra: Australian Institute of Criminology. <https://doi.org/10.52922/ti77123>

Human Rights and Equal Opportunity Commission. (1991). *Report of the National Inquiry into Racist Violence in Australia*. <https://humanrights.gov.au/sites/default/files/document/publication/NIRV.pdf>

Human Rights Law Centre. (2025). *Tanya Day Overview*. Retrieved 12 February 2025. <https://www.hrlc.org.au/tanya-day-overview>.

Hyden, M., Gadd, D., & Wade, A. (2016). *Response-Based Approaches to Interpersonal Violence*. Palgrave Macmillan.

Independent Broad-based Anti-Corruption Commission. (2023, 3 July). *Predatory behaviour continues within Victoria Police*. Newsletter. <https://www.ibac.vic.gov.au/node/912>

Juanola, M. P. (2023, 2 March). ‘*I make no apologies*’: Patton warns police to behave as misconduct complaints rise. The Age. <https://www.theage.com.au/national/victoria/i-make-no-apologies-patton-warns-police-to-behave-as-misconduct-complaints-rise-20230302-p5cot7.html>

Kabe, M. (2014) Police “Reforms” You Should Always Oppose, *Truthout*, 7 December <https://truthout.org/articles/police-reforms-you-should-always-oppose/>

Lally, N. (2022). Mapping police power and the limits of reform. *Geoforum*, 136, 122–131. <https://doi.org/10.1016/j.geoforum.2022.09.006>

Lang, S. & Maher, G. (2024, 9 June). ‘*Teaching the p****ers to swim*’: The gay-hate murder that changed laws and lives. SBS News in Depth. <https://www.sbs.com.au/news/podcast-episode/teaching-the-poofsters-to-swim-the-gay-hate-murder-that-changed-laws-and-lives/abolcuklz>

Langton, M. (1992). *The Wentworth Lecture: Aborigines and policing*:

Aboriginal solutions from Northern Territory communities. https://aiatsis.gov.au/sites/default/files/research_pub/1992-wentworth-langton-aborigines-policing-solutions.pdf

Law Enforcement Conduct Commission. (2023). *Review of NSW Police Force responses to domestic and family violence incidents*. <file:///C:/Users/E62295/Downloads/Review%20of%20NSW%20Police%20Force%20responses%20to%20family%20and%20domestic%20violence%20incidents-1.pdf>

Lorigan, M. (2024, 5 February). *Police accused of brutality during pride march in Melbourne*. ABC News. <https://www.abc.net.au/news/2024-02-05/police-accused-of-brutality-during-pride-march-in/103429842>

Markovska, M. (2024, 23 October). *The Police family Violence Offender: A protected species*. In Gorrie, V. (Ed.) *When Cops are Criminals*. pp. 203-230. Scribe Press.

Marozzi, M. (2020). *Victoria Police documents highlight internal struggles with officers accused of domestic violence*. ABC News. <https://www.abc.net.au/news/2020-10-23/documents-highlight-victoria-police-domestic-violence-problem/12802586>

The Marshall Project. (2024). *Sending Unarmed Responders Instead of Police: What we’ve learned*. <https://www.themarshallproject.org/2024/07/25/police-mental-health-alternative-911>

McKinnon, C. (2020). *Enduring Indigeneity and Solidarity in Response to Australia’s Carceral Colonialism*. *Biography: An*

- Interdisciplinary Quarterly, 43(4), 691–704. <https://doi.org/10.1353/bio.2020.0101>
- McQuire, A. (2024, 18 August). *Disappeared Again*. Black Justice Journalism. <https://www.blackjusticejournalism.com.au/p/disappeared-again>
- Milman, O. (2013, 8 August). *Police re-examine raid after teenagers claim officers racially abused them*. The Guardian. <https://www.theguardian.com/world/2013/aug/07/victoria-police-african-racially-abused-racism>
- Mitra-Kahn, T., Newbigin, C., & Hardefeldt, S. (2016). *Invisible women, invisible violence: Understanding and improving data on the experiences of domestic and family violence and sexual assault for diverse groups of women: State of knowledge paper*. ANROWS Landscapes. <https://www.anrows.org.au/publication/invisible-women-invisible-violence-understanding-and-improving-data-on-the-experiences-of-domestic-and-family-violence-and-sexual-assault-for-diverse-groups-of-women-state-of-knowledge-paper/>
- Mudgin-Gal. (2025). *Women’s Place*. Retrieved 13 February 2025 <https://www.mudgin-gal.org.au/>.
- Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). *Accurately identifying the “person most in need of protection” in domestic and family violence law*. [Research report.23/2020]. ANROWS. <https://www.anrows.org.au/publication/accurately-identifying-the-person-most-in-need-of-protection-in-domestic-and-family-violence-law/>
- National Justice Coalition. (2015). *Senate Inquiry into Missing and Murdered First Nations Women and Children: What’s Next?*. <https://www.changetherecord.org.au/murderedandmissingwomen>.
- National Justice Project (2025) Alternative First Responders: Position Paper https://www.justice.org.au/wp-content/uploads/NJP_AFR_PositionPaper2025_FINAL-v2-3.pdf
- NSW Ombudsman. (2006.) *Domestic violence: improving police practice*. [Special Report to NSW state parliament]. <https://www.ombo.nsw.gov.au/reports/report-to-parliament/domestic-violence-improving-police-practice-special-report-to-parliament-december-2006>.
- Our Watch. (2021). *Change the story. A shared framework for the primary prevention of violence against women in Australia*. <https://www.ourwatch.org.au/resource/change-the-story-a-shared-framework-for-the-primary-prevention-of-violence-against-women-in-australia/>.
- Our Watch. (2018). *Changing the picture: A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children*. <https://assets.ourwatch.org.au/assets/Key-frameworks/Changing-the-picture-AA.pdf>
- Our Watch & Women with Disabilities Victoria. (2022). *Prevention of violence against women and girls with disabilities: Background paper*. <https://assets.ourwatch.org.au/assets/Key-frameworks/Prevention-of-violence-against-women-and-girls-with-disabilities-background-paper-accessible.pdf>
- Pausina, K. (2024) Just a Number. In Gorrie, V. (Ed.) *When Cops are Criminals*. Pp.231-260. Scribe.
- Porter, A. (2024). The Criminal Foundations of Australian Policing. In Gorrie, V. (Ed.) *When Cops are Criminals*. Pp.21-42. Scribe.
- Porter, A. (2016). Decolonizing policing: Indigenous patrols, counter-policing and safety. *Theoretical Criminology*, 20(4), 548–565. <https://doi.org/10.1177/1362480615625763>
- Porter, A. & Cunneen, C. (2021). Policing Settler Colonial Societies. In Birch, P., Kennedy, M. & Kruger, E (Eds) *Australian Policing: Critical Issues in 21st Century Police Practice*. pp. 397-411. Routledge.
- Price, K. (2025, 14 January). *Vic police workers investigated over violence*. ABC Radio National: PM, <https://www.abc.net.au/listen/programs/pm/vic-police-workers-investigated-over-violence/104817574>
- Race, K. (2014). Complex Events: Drug Effects and Emergent Causality. *Contemporary Drug Problems*, 41(3), 301–334.
- Race, K. (2023). Technologies of Abjection: The Possessive Logics and Performative Sovereignty of Drug Dog Operations in New South Wales, Australia. *The Sociological Review*, 71(4), 839–859.
- Race, K. (2024, March). *‘No cops at pride’: The complex history of police at Mardi Gras*. Australian Academy of the Humanities. <https://humanities.org.au/power-of-the-humanities/no-cops-at-pride-the-complex-history-of-police-at-mardi-gras/>
- The Racial Profiling Data Monitoring Project (2025). *Tracking Victoria Police Data Over Time to Investigate System Racism*. Retrieved 16 February 2025. <https://www.racialprofilingresearch.org/>
- Reeves, E. (2021). “I’m not at all protected and I think other women should know that, that they’re not protected either”: Victim-survivors’ experiences of “misidentification” in Victoria’s family violence system. *International Journal for Crime, Justice and Social Democracy*, 10(4), 39–51. <https://doi.org/10.5204/ijcsd.1992>
- Reeves, E. (2020) Family violence, protection orders and systems abuse: views of legal practitioners. *Current Issues in Criminal Justice*, 32(1), 91–110. <https://doi.org/10.1080/10345329.2019.1665816>
- Reeves, E. (2022). The potential introduction of police-issued family violence intervention orders in Victoria, Australia: Considering the unintended consequences. *Current Issues in Criminal Justice*, 34(2), 207–218. <https://doi.org/10.1080/10345329.2021.2021721>
- Richards, D. (2022) *Call For Change: Inquiry into QPS responses to domestic and family violence*. Independent Commission of Inquiry into QLD Police Service Responses to Domestic and Family Violence. [Report] <https://www.qpsdfvinquiry.qld.gov.au/about/report.aspx>
- Richardson, C., Fast, E. (2018). Victim-blaming and the crisis in representation in the violence prevention field. In C. Richardson & E. Fast (Eds). *Life Matters : Acknowledging victim resistance and the power of social responses*. *International Journal of the Child, Youth and Family Studies*, 10(1), 1-2.

Roslin, A. (2016). The secret epidemic of police domestic violence: How it affects us all. *Family and Intimate Partner Violence Quarterly*, 8(4), 39-329.

Russell, E. K. (2020). *Queer Histories and the Politics of Policing*. Routledge.

Salter, M., Western, D. & Woodlock, D. (2023). The “Freedom Work” of Feminist Domestic Violence Advocates, *Australian Social Work* <https://doi.org/10.1080/0312407X.2023.2228289>

Safe + Equal (2025). *Supporting victim survivors who do not see police as a safe option*. <https://safeandequal.org.au/working-in-family-violence/tailored-inclusive-support/alternatives-to-police/>.

Segrave, M., Wickes, R., & Keel, C. (2021). *Migrant and refugee women in Australia: The safety and security study*. Monash University Report. <https://doi.org/10.26180/14863872>. Sentas, V., Boon-Kuo, L., & Ellis, J. R. (2024). Policing World Pride: gatekeepers at the festival turnstiles. *Current Issues in Criminal Justice*, 37(1), 41–57. https://bridges.monash.edu/articles/report/_/14863872?file=28632192

Shircore, M., Douglas, H. & Morwood, V. (2017). Domestic and Family Violence and Police Negligence. *Sydney Law Review* 22, 39(4). <https://classic.austlii.edu.au/au/journals/SydLawRw/2017/22.html>

Sisters Inside & The Institute for Collaborative Race Research. (2022). *Let’s stop it at the start: defunding the Queensland Police Service as violent perpetrators*. Joint Submission to the 2022 Commission of Inquiry into Queensland Police Service responses to domestic and family violence. <https://www.qpsdfvinquiry.qld.gov.au/public-hearings/assets/exhibits/week-4/annexure-a.pdf>

Smee, B. (2019, 27 March). *Queensland police ‘breached privacy’ of domestic violence victim by leaking her details*. The Guardian. <https://www.theguardian.com/australia-news/2019/mar/27/queensland-police-breached-privacy-of-domestic-violence-victim-by-leaking-her-details>

Smee, B. (2020, 3 March). *Queensland police: 84 officers accused of domestic violence in past five years*. The Guardian. <https://www.theguardian.com/society/2020/mar/03/queensland-police-84-officers-accused-of-domestic-violence-in-past-five-years>.

Stardust, Z. Treloar, C. & Kim, J. (2021). “I wouldn’t call the cops if I was being bashed to death”: Sex work, whore stigma and the criminal legal system. *International Journal for Crime, Justice and Social Democracy*, 10(3), 142–157. <https://doi.org/10.5204/ijcjsd.1894>.

University of NSW. (2014). *Calling It What It Really Is: A Report into Lesbian, Gay, Bisexual, Transgender, Gender Diverse, Intersex and Queer Experiences of Domestic and Family Violence*. LGBTIQ Domestic and Family Violence Interagency and the Centre for Social Research Health. [Report]. https://www.prideinhealth.com.au/wp-content/uploads/2020/02/Calling_It_What_It_Really_Is_LGBTIQ_DfV_report_2015.pdf

Victoria Police. (2024). *Safe from Harm: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2024-2029*. <https://www.police.vic.gov.au/safe-harm-victoria-police-strategy-family-violence-sexual-offences-and-child-abuse-2024-2029>.

Victoria Police. (2022) Code of Practice for the Investigation of Family Violence, <https://www.police.vic.gov.au/code-practice-investigation-family-violence>

Victorian Aboriginal Legal Service. (2024). *Inquest into the passing of Veronica Nelson*. [Factsheet]. <https://www.vals.org.au/wp-content/uploads/2024/02/VN-Inquest-Factsheet-January-2024.pdf>.

Victorian Aboriginal Legal Service. (2022). *Addressing Coercive Control Without Criminalisation: Avoiding Blunt Tools that Fail Victim-Survivors*. [Policy Paper]. <https://www.vals.org.au/wp-content/uploads/2022/01/Addressing-Coercive-Control-Without-Criminalisation-Avoiding-Blunt-Tools-that-Fail-Victim-Survivors.pdf>.

Victorian Equal Opportunity and Human Rights Commission. (2015). *Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police, Phase One*. [Report]. https://www.humanrights.vic.gov.au/static/c6047d1e6cb4d96861b32cd9295691cd/Resource-Independent_Review_Victoria_Police-Phase_1-2015.pdf.

Victorian Equal Opportunity and Human Rights Commission. (2019). *Independent review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police, Phase Three Audit and Review*. [Report]

https://www.humanrights.vic.gov.au/static/9a9be4301421aec42a6cb3620eca1f01/Resource-Independent_Review_Victoria_Police-Phase_3-2019.pdf

Victorian Government. (2025). *Pride in our future: Victoria’s LGBTIQ+ Strategy 2022–32*. Retrieved 11 Jan 2025. <https://www.vic.gov.au/pride-our-future-victorias-lgbtqi-strategy-2022-32/current-outcomes-lgbtqi-victorians>.

Waminda. (2025). *Yili Njindiwan: carry you all case management and support services*. Retrieved February 2025. <https://waminda.org.au/support/case-management/#sewb-caps-dv>.

White Bird Clinic. (2025) Organisational Website, Retrieved February 2025, <https://whitebirdclinic.org/>

Women’s Legal Service Victoria. (2018a). *Snapshot of Police Family Violence Intervention Order applications January – May 2018*. [Data review]. <https://www.womenslegal.org.au/~womensle/wp-content/uploads/2021/04/Snapshot-of-Police-Family-Violence-Intervention-Order-applications.pdf>.

Women’s Legal Service Victoria. (2018b) *Police Paper 1: “Officer she’s psychotic and I need protection”: Police misidentification of the ‘primary aggressor’ in family violence incidents in Victoria*. [Policy Paper]. <https://womenslegal.org.au/files/file/WLSV%20Policy%20Brief%201%20MisID%20July%202018.pdf>.



Appendix: Survey

THE ONLINE SURVEY THAT PARTICIPANTS COMPLETED IS SET OUT BELOW IN TEXT FORMAT.

SURVEY: POLICING & FAMILY VIOLENCE

Thank you for taking the time to complete this survey on police responses to family violence - your insights and observations are greatly appreciated.

This survey is targeted at support workers, lawyers and other workers supporting people experiencing family violence and/or with observations of family violence policing in Victoria. We recognise that many workers also have personal experience, and we welcome input and knowledge across both work and lived experience.

This survey is part of the “Policing family violence: Changing the Story” project, a collaboration between Flat Out, the Police Accountability Project, The Law & Advocacy Centre for Women, Inner Melbourne Community Legal and St Kilda Legal Service.

Survey responses will remain de-identified, and will be used to guide the focus of the project, and contribute to casework, legal assistance, advocacy and training. Please feel free to forward this survey to your networks.

If you want to get in touch with us about the survey or anything related to the project, please email advocacy@flatout.org.au

With thanks,

The Policing Family Violence project

1. I give my consent for the ‘Policing Family Violence: Changing the Story’ project to use the information given in my survey response in a de-identified way for work related to policing and family violence, including to guide the project, identify trends in police accountability issues and as part of public advocacy work:

- ☐ Yes
- ☐ No

2. Please describe your role, work or relationship to/experience with the policing of family violence:

- ☐ Family violence support worker
- ☐ Lawyer assisting people who experience family violence
- ☐ Community-based support person for someone experiencing family violence
- ☐ I am also a person who has experienced family violence and police responses directly
- ☐ Other (e.g. housing, youth worker etc. Please specify):

3. Do you have a specialised focus, intersection or specific area of family violence work? For example, do you work with Aboriginal and Torres Strait Islander people experiencing violence? With older or younger people? With newly arrived migrants, or specific communities? With LGBTIQ+ people? With women who have been criminalised? Please provide detail in the comment box below:

4. How long have you had any engagement with or observation of family violence policing in Victoria?

- ☐ 12 months or less
- ☐ 1-2 years
- ☐ 2-5 years
- ☐ 5-10 years
- ☐ 10+ years

5. Which police region/s does your work cover? Please select the region/s your survey answers and observations from practice relate to. If you are not sure which police region covers your area, you can view the list of Local Government areas in each region here: <https://www.crimestatistics.vic.gov.au/about-the-data/classifications-and-victorian-map-boundaries/geographic-classification>:

- ☐ North West Metro (Melbourne, North West metro suburbs and the North West region)
- ☐ Eastern (Eastern metro suburbs and regional Vic)
- ☐ Southern Metro (Port Phillip to the Mornington Peninsula)
- ☐ Western (Western regional Vic)

6. Service provision area: Which suburbs or local council areas does your work cover? To find your local council area on an interactive map, please visit: <https://www.viccouncils.asn.au/find-your-council/council-map>:

7. When you have interaction with or observations of police family violence practice, which officers, specialist roles, units or rank are involved/are you dealing with? Please select all that apply.

- ☐ Officers at the local police station
- ☐ Officers on the divisional van
- ☐ Sergeants/Senior-Sergeants
- ☐ Officer in charge of the local police station
- ☐ Family Violence Liaison Officers
- ☐ Family Violence Command
- ☐ Officers from sexual offences and child abuse investigation teams (SOCIT)
- ☐ Professional Standards Command (PSC)
- ☐ Police Prosecutors
- ☐ I am not sure which police are/have been involved
- ☐ Other (please specify). Further comments welcome:

8. Are there particular police stations that you deal with regularly or that your survey answers relate to? If so, please list:

9. What are the main issues and/or trends you observe with/ in police responses to family violence? Please describe:

10. Have you observed any of the following in your experience of police responses?

- ☐ Discrimination or bias from attending officers
- ☐ Duty failures or substandard response from police
- ☐ Failure to ensure medical attention is provided where needed
- ☐ Failure to follow Victoria Police Policy Manuals and Code of Practice rules and guidelines (eg. failure to investigate, failure to enforce breaches of intervention orders, failure to separate the parties for interviews)
Please note that this section is explored in greater detail in the next question.
- ☐ Failure to serve intervention orders in a timely manner
- ☐ Failure to provide an interpreter if required
- ☐ Lack of consistency in police response between different police stations
- ☐ Lack of consistency in individual police officers knowledge of/training on family violence?
- ☐ Lack of collaboration between police and other agencies around safety concerns
- ☐ Lack of communication with survivors on matters critical to their safety
- ☐ Police acting outside of their powers under the Family Violence Protection Act
- ☐ Other (please specify)

11. Do you have specific examples, further details, comments or observations related to your answers in the previous question? If so, please provide those here:

12. The following are requirements under the Code of Practice for Investigation of Family Violence. For each of the areas, please indicate your observations of police responses according to the following options:

	Always	Mostly	Sometimes	Rarely	Never
Police have adequately considered the particular “interests and vulnerabilities” of persons involved including children, those with disabilities, and cultural or community needs where necessary					
Police have appropriately and adequately conducted initial investigations, including gathering background information and physical evidence?					
Police have appropriately determined the likelihood of future family violence occurring and act appropriately in accordance with such findings					
Police have appropriately pursued a criminal, civil and/or referral option for risk management					
There has been an appropriate application for a FVIO or FVSN wherever safety, welfare or property is endangered					
Appropriate referrals been made to ensure advocacy and support for the victim and accountability for the perpetrator					

Provide here any further detail, examples comments or observations from practice:

13. If you have encountered bias or discrimination in police responses to family violence, is/was this bias on the basis of:

- ☐ Race, ethnicity or cultural heritage
- ☐ Gender
- ☐ Sexuality
- ☐ Mental health issues
- ☐ Disabilities
- ☐ Age
- ☐ History of criminalisation or incarceration
- ☐ Alcohol or drug use
- ☐ Religion

- ☐ Literacy/language competency
- ☐ Occupation/type of employment
- ☐ Other (please specify) :

14. Have you encountered situations where the person experiencing family violence has been wrongly identified by police as the perpetrator (often referred to as mis-identification)?

- ☐ Yes
- ☐ No

15. If yes, please describe what happened (including what you know of what occurred following on from the point of mis-identification, and any actions you took):

16. How often have you seen this happen in the last 5 years?

- ☐ 1-5 occasions
- ☐ 5-10 occasions
- ☐ Upwards of 10 occasions

17. Have you encountered a situation/situations where the person using family violence is a police officer?

- ☐ Yes
- ☐ No

18. If yes, please provide brief details:

19. If you have encountered situations where the person using violence is a police officer, how often have you encountered this in the last 5 years?:

- ☐ On one occasion
- ☐ 1-5 occasions
- ☐ 5-10 occasions
- ☐ This is something that has repeatedly arisen in my experience

20. If you have encountered situations where the person using violence was a police officer, did this affect:
a) the types and ways violence was used and/or experienced,
b) the impacts on the person experiencing violence, and,
c) options and responses available to the person experiencing violence?
If so, please describe how:

- 21. Have you noticed any specific issues related to family violence policing in the context of Covid-19? If so, please give details:**
- 22. When you have encountered issues with police responses to family violence, what action/s have you taken?:**
- ☐ Followed up directly with the police officers involved
 - ☐ Advocated with a family violence specialist officer or station command
 - ☐ Made a complaint to Professional Standards Command (PSC)
 - ☐ Made a complaint to IBAC (Independent Broad-based Anti-corruption Commission)
 - ☐ Liaised/negotiated with police prosecutors
 - ☐ Referred the person for support via a legal centre or specialist project
 - ☐ Made a safety plan that included/addressed risk related to police responses or that de-centred police
 - ☐ Unable to respond
 - ☐ Other action/s (please specify)

- 23. If you have taken action to address policing issues, have you found this to be useful/effective? Please describe:**
- 24. What would be useful to you as a worker to better support victims/survivors dealing with inadequate or harmful police responses?**
- 25. Are there gaps that you identify in support for victim-survivors who experience issues with family violence policing?**
- ☐ Yes
 - ☐ No

- 26. If so, what are they?**
- 27. Do you have any other comments?**

- 28. Thank you very much for your time and contributing your observations and experience to this survey.**
- To contact us directly about the project or to make a referral or support request, you can reach us at advocacy@flatout.org.au
- If you consent to us contacting you further about the survey, its findings and Policing Family Violence project work, please provide us your contact details below. Detail fields are optional:
- ☐ Name
 - ☐ Organisation (optional)
 - ☐ Email Address

FLAT  OUT



ENDING STRIP SEARCHING

in Australian prisons



Acknowledgement of Country

The Human Rights Law Centre, Flat Out and FIGJAM acknowledge Aboriginal and Torres Strait Islander peoples as the custodians and First Peoples of so-called Australia. We acknowledge the Traditional Owners of the lands on which we work and live – including the lands of the Wurundjeri, Bunurong, Gadigal, Ngannawal, Darug and Wadawurrung people – and pay our respect to Elders of those lands, both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal and carceral systems in establishing and perpetuating the oppression of First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander peoples and organisations to undo the injustices imposed on them since colonisation.

Authors

This report was co-authored by Sohini Mehta, Senior Lawyer at Human Rights Law Centre, Monique Hurley, Associate Legal Director at Human Rights Law Centre, and Nina Storey, Family Violence Justice Project Coordinator at Flat Out and FIGJAM member.

This report honours the contributions of formerly incarcerated people and members of FIGJAM. We also wish to express our particular thanks to Aunty Vickie Roach and for the assistance provided by Karen Fletcher, Maggie Munn, Georgia Smith and Josephine Langbien in the preparation of this report.

Formerly Incarcerated Girls Justice Advocates Melbourne (FIGJAM)

FIGJAM is a collective of formerly incarcerated women, trans and gender diverse people based in Melbourne who have survived violence in the community but also at the hands of the state (namely prisons and police). FIGJAM was founded by Family Violence Justice Project Co-Ordinator from Flat Out – Nina – in the hope and dream of building a community of staunch advocates providing connection, support and stability to its members. FIGJAM use their voices and experiences to change community attitudes and push through barriers of stigma and discrimination. They are invited regularly to consult, sit on focus groups, present at conferences, engage with and attend community events, influence policy reform, write submissions and reports and participate in creative arts activities, podcasts and research.

Flat Out

Flat Out is a Victoria-wide advocacy and support service for women, trans and gender diverse people and their children who have been criminalised. We are an independent, not for profit, community-based organisation that aims to prevent women and trans and gender-diverse people from entering and returning to prison. Flat Out resources women, trans and gender diverse people with lived expertise to inform and educate the broader community about the right to live free from trauma, injustice and violence, and the issues they face within the criminal legal system.

Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

CONTENT NOTES

This report refers to and includes the experiences of people subjected to strip searches in prison and discusses the (re-)traumatising impact of this practice on people with lived experience of violence.

Because of the secrecy that surrounds prisons and ethical considerations around publishing photographs of strip searching, this report uses illustrations to depict the practice of strip searching and its deeply harmful impacts. This is not intended to trivialise strip searches; we acknowledge that neither illustrations nor photographs can fully convey the experience of being strip searched and the trauma caused by this practice.

This report does not intend to provide legal advice and should not be relied upon as such.

March 2026

Cover illustration and throughout: Judy Kuo



CONTENTS

Foreword	4
Executive Summary	5
Key Findings	6
Recommendations	8
Background	10
Methodology	11
What is a Strip Search?	12
5 Reasons Why Strip Searching Must Be Abolished	14
1. Strip searching is unnecessary and ineffective	15
2. Strip searching is state—perpetrated violence	18
3. Strip searching traumatises over—incarcerated communities	22
4. Strip searching practices breach human rights standards	27
5. There are less invasive alternatives to strip searching	34
Conclusion: Support people and communities, not prisons	37

FOREWORD

Strip searches in prisons must end.

Aunty Vickie Roach —
strong, proud Yuin woman



Credit: Jonny Weeks / Guardian / eyevine



As a strong, proud Yuin woman who was subjected to strip searches while caged in custody, I can tell you that it is state-sanctioned sexual assault. It is akin to being ambushed, raped and forced to strip naked in front of screws dressed in deliberately authoritarian, intimidating uniforms.

I am a survivor of the Stolen Generations, and from personal experience I can tell you that strip searching is an extension of the sexual abuse I was subjected to as a child. When you have been subjected time and time again to this kind of treatment in a kids' home, you figure out pretty quickly that your own body doesn't belong to you, it belongs to them. And they can do what they like to you.

I am also a survivor of family violence, and I can tell you that strip searching replicates the dehumanising dynamics of abusive relationships. It only serves to degrade, humiliate and allow others to assert control over our naked and vulnerable bodies.

For most if not all women in prison, being strip searched in itself will trigger extreme, lifelong trauma. The imbalance of power between the screw and you makes the practice ripe for abuse – they've seen your birthmarks, the imperfections in your body, and they will make derogatory and belittling comments in front of other screws and people detained in the prison.

It is an intimidatory tool – you are naked in front of two fully uniformed screws complete with defensive apparatus. You hear many stories of women opting for non-contact, box visits over contact visits with their family, their lawyers and others to avoid the trauma of being stripped naked.

There is no evidence-base for strip searches. The data is clear that strip searches rarely find anything as a result of subjecting people to the process. All strip searches are doing is traumatising people, particularly women.

The data is also unlikely to paint the full picture, with records not always kept when people are subjected to strip searches. In most places, we do not know how many Aboriginal and Torres Strait Islander people are being subjected to strip searches because those records are simply not kept.

It is unnecessary to strip search people in prison, and it is ridiculous that it is still occurring today when we have had the technology for decades to maintain 'security' in prisons without resorting to strip searching. There are less invasive and less traumatising ways of preventing contraband entering prisons. But strip searching continues because the screws simply want to retain the control that this practice allows them to have over us. They relish having power over you, and the control that power permits.

Pathways to make complaints about prison practices are limited and obstructed. Nobody is properly overseeing these powers, and nobody is watching the watchers to make sure that people's human rights are not being abused behind bars. Attempts to complain often result in targeted reprisals. Sometimes this is meted out in the form of being subjected to extra strip searching – how ironic. Sometimes this is meted out by unnecessary cell searches, often with prison dogs. Other times by being subjected to excessive urine testing in a small room with two or more uniformed screws crowded up against you. All of which are other tools of power and control.

Prisons are brutal, dehumanising places. While many people think that prisons make us safer, they do not. In fact, they make everyone less safe – inside and out. The trauma, abuse and aggression that is an everyday part of prison life undermines any attempt to rehabilitate and causes resentment. Prisons do not break cycles of abuse, they perpetuate them.

We need to be helping people to heal, not harming them further by subjecting them to demeaning practices such as strip searching. There must be more focus on what the alternatives to prison could be. The entire system is rotten to the core, from the top down, from the policy makers to the policy enforcers. The entire incarceration system needs to be dismantled.

I have always fiercely advocated for people in prison, that they are deserving of dignity, and that their human rights must be respected. For us to be called human, we must respect everyone's human rights. I have told my story far and wide – I have told the prisons, I have told the government, I have told the media and I have told the Yoorrook Justice Commission.

Now I am telling you. And you need to listen.

Aunty Vickie Roach – strong, proud Yuin woman

EXECUTIVE SUMMARY

This report calls for all governments to ban the use of strip searches in prisons in law.

Every day, people in prisons across Australia are subjected to strip searching, despite the existence of less invasive search alternatives.

Strip searching is an unnecessary, degrading and deeply harmful practice that must end. It involves a person literally being stripped of their dignity – being forced to remove their clothing for their bodies to be inspected by prison guards, and often also being forced to submit to humiliating requests like bending, squatting and spreading their legs. Often people's first experience in prison will be a strip search. In many prisons, people are subjected to strip searches repeatedly and routinely.

In most jurisdictions, children as young as ten can be forced to remove their clothing in front of adult prison guards. They will be ushered into a room with two adult prison guards and ordered to remove their clothing. Their genitals will be exposed. Their underwear will be inspected. Their chests will be laid bare.

In this report, formerly incarcerated women, trans and gender diverse people share their experiences of being subjected to strip searches in Australian prisons – a practice long condemned by lived experience advocates.

Strip searching is a practice that would be criminal if imposed on the wider community – for decades, people with lived experience of incarceration have been calling it out for what it is: sexual violence at the hands of the state.¹ Yet, as a result of the dehumanisation of people in prison, it is authorised by law in prisons across the country.

Governments across Australia purport to justify the practice of strip searching as necessary to prevent contraband from entering prisons and to ensure the 'security and good order' of prisons. Data and a mounting body of evidence demonstrates, however, that strip searching does not serve either of these ends. The practice is unnecessary, ineffective and rarely identifies items, let alone dangerous items, of contraband. It does not have a deterrent effect, nor does reducing strip searching lead to an increase in contraband in prisons.

While strip searching fails to achieve its purported purposes, it continues to be wielded by prison authorities as a tool of punishment and coercive control, unchecked by proper oversight. Abuse thrives behind bars and horrifying accounts of perpetrators exploiting strip search practices to sexually abuse children in youth prisons have been revealed.



Strip searching is re-traumatising for the high numbers of people in prison – particularly women and children – who are victim-survivors of family and sexual violence. It is a gendered tactic of state violence that draws on patriarchal logics of control, domination and sexual humiliation.

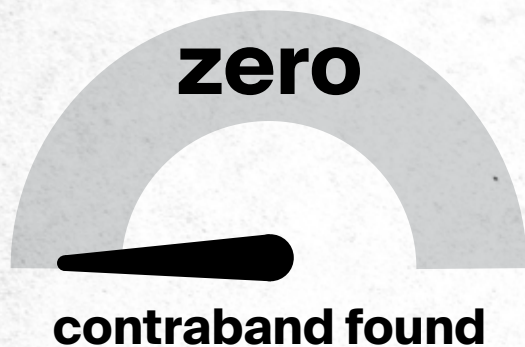
For Aboriginal and Torres Strait Islander peoples in prison, the horrific harms of strip searching are compounded by their mass incarceration and the already discriminatory treatment they are at risk of being subjected to in prison. For trans and gender diverse people, strip searching is excessively harmful in a prison system that is completely unable to meet their needs.

International human rights standards are clear that strip searching should be undertaken only if ‘absolutely necessary’. This report makes the case that strip searches are not necessary, with less invasive search alternatives available. Everyone deserves to be treated with dignity, and there is no reason for governments to subject people in prison to a practice that can scar them for life when prison authorities can use safer, less intrusive and more effective alternatives, like scanners similar to those used at airports and public buildings across the country.

This report is being published at a time when the number of people being pipelined into prisons across the country is skyrocketing due to discriminatory and turbo-charged ‘tough on crime’ politics, and strip searches represent only one cruel carceral tool of many that undermines any rehabilitative purpose that prisons purport to serve.

Alongside ending the strip searching of people in prisons, governments must work to end the country’s mass imprisonment crisis. Instead of expanding the criminal punishment system and subjecting more people to brutal practices like strip searches, all state and territory governments must build up the community supports required to divert people away from prisons.

KEY FINDINGS



1. There is no evidence of any relationship between strip searching and contraband detection.

Data covering varying periods in 2021–2022 shows that, in some cases, zero items are identified despite hundreds of strip searches. For example, in Victoria in the month of April 2022, 221 recorded strip searches were conducted on women at the Dame Phyllis Frost Centre with zero items found. Similarly, in Tasmania over three months during 2022, women in prison were subjected to at least 817 strip searches with no items recorded as being found.



3. The ends do not justify the means: strip searches are conducted routinely but rarely uncover dangerous items.

Based on data covering varying periods in 2021–2022, it is estimated that, on average, adults in prison across six Australian jurisdictions were subjected to more than 15,000 strip searches each month, with strip searches most commonly conducted for routine reasons. Rarely any items found were dangerous, with items including stationery, personal care products, jewellery, food and basic clothing.



2. People in prison experience strip searches as acts of sexual assault and coercive control.

For decades, lived experience advocates have asserted that strip searches are state-perpetrated sexual violence. The testimonies of formerly incarcerated women, trans and gender diverse people as set out in this report confirm how deeply traumatising strip searches are, particularly for the many people locked away in prison who are victim survivors of sexual violence, family violence and child abuse.



4. Less invasive alternatives expose strip searching as unnecessary.

A number of body scanners are already available in prisons across Australia and have reduced unnecessary prison strip searches. For example, in South Australia, following the installation of scanners at Kurlana Tapa youth prison, the practice of strip searching children has reportedly ceased. Recent reporting on the introduction of body scanning technology in Australian Capital Territory (ACT) adult prisons also indicates that this has significantly reduced the rate at which people are being subjected to strip searches.

I was last incarcerated decades ago. Now, years later, I support other formerly incarcerated women, and it's devastating that the prison system continues to inflict the violence of strip searching. Even talking about the practice brings up things you have buried – strip searching is not something you get over.

– Stacey Nolan, FIGJAM



5. People in prison are routinely having their human rights breached by strip searches.

International human rights standards are clear that adults should only be subjected to strip searches when 'absolutely necessary'. The availability of less invasive alternatives means that it should never be 'absolutely necessary' to subject people in prisons to the cruel and degrading practice. The ongoing use of strip searches calls into question prison authorities' compliance with international human rights standards.



6. Children are being forced to strip in front of adult prison guards.

In most Australian jurisdictions, children as young as ten are incarcerated and can be subjected to strip searching. Based on data covering varying periods in 2021-2022, it is estimated that, on average, children were subjected to more than 300 strip searches each month in prisons across seven Australian jurisdictions. In the month of April 2022 alone, 127 strip searches were conducted on children at two New South Wales (NSW) youth prisons. Only three searches identified items.



7. The harms of strip searching compound the mass incarceration of Aboriginal and Torres Strait Islander peoples.

Although disaggregated data is limited, in the ACT, Aboriginal and/or Torres Strait Islander adults were disproportionately subjected to strip searches, with Aboriginal and/or Torres Strait Islander women reportedly subjected to nearly half of all strip searches of women in 2024. Similarly, in Queensland, over a seven-month period during 2020-2021, over half of the nearly 700 recorded strip searches at three youth prisons were conducted on Aboriginal and/or Torres Strait Islander children.



8. There is a crisis of secrecy in prisons.

Prison authorities are not transparently recording the number of strip searches, or the reasons for them, increasing the risk of abuse thriving behind bars. In Western Australia, recent data requests were denied on the basis that no central register of prison strip searches exists. In most other jurisdictions, strip search records that were maintained were often challenging to interpret because of incomplete and/or unclear recordkeeping.

RECOMMENDATIONS

Ban strip
searching



1.

Ban strip searching

All state and territory governments must ban strip searches in prisons by law.

2.

Regulate alternatives to strip searching

With strip searches banned, all state and territory governments must enact law reform to prescribe that the use of scanners and other alternative search methods only ever be used as a last resort in cases of absolute necessity, after less intrusive alternatives have already been exhausted and there remain objectively reasonable grounds to believe that a person is carrying specified, dangerous contraband. The use of any alternative search method or scanning technology should be subject to individual risk assessment and relevant human rights considerations.

3.

Improve access to justice for people in prison

All state and territory governments must:

- a. Establish accessible and legally enforceable Human Rights Acts incorporating Australia's international human rights commitments. In the ACT, Victoria and Queensland, where human rights laws have already been enacted, these laws must be strengthened to provide effective remedy for people seeking accountability for mistreatment in prison and harm caused by mistreatment.
- b. Establish and adequately resource independent legal and advocacy services for people in prison, including existing Aboriginal Legal Services for Aboriginal and Torres Strait Islander peoples in prison, to reduce impunity for mistreatment in prison.
- c. Enact law reform to mandate the recording of searches of people in prison; the reasons for searches; results of searches, including any items identified; the age, gender, race and/or ethnicity of the person subjected to searches; who conducted the searches and the prison at which they took place. This information should be published quarterly, at minimum, while protecting the identities of those subjected to searches.

4.

Independently monitor prisons

To monitor and prevent the mistreatment of people in prison, all Australian governments must urgently implement Australia's overdue obligations pursuant to the United Nations' anti-torture protocol, the Optional Protocol to the Convention Against Torture, including by establishing and adequately resourcing independent bodies to conduct regular and unannounced inspections of all places of detention, including prisons.

5.

Support people and communities, not prisons

Rather than opening new and expanding current prisons, all state and territory governments must address the country's mass imprisonment crisis and build up the community supports required to divert people away from prisons.

BACKGROUND

This report follows *Total Control: Ending the routine strip searching of women in Victoria's prisons (Total Control report)*,² a report published by the Human Rights Law Centre in December 2017.

The Total Control report documented the excessive use of routine strip searches on women in Victoria's prisons and the harm caused. It advocated for an end to the routine strip searching of women incarcerated in Victoria, not least because of the availability of alternatives to strip searching such as body scanners.

Some two years after the publication of the Total Control report, in January 2020, the Victorian Government confirmed that one maximum security women's prison had been trialling body scanner technology and saliva drug testing over the previous 18 months, resulting in 20,000 less strip searches over that period.³

The subsequent report of the Cultural Review of the Adult Custodial Corrections System in Victoria found, however, that strip searching continued to be performed routinely across Victoria's prisons.⁴ This trend has been confirmed by data collected by the Human Rights Law Centre via freedom of information requests made since the Total Control report was published.

Corrections Victoria have reported that prison guards were initially reluctant to reduce the number of searches or adopt alternative technologies, because to do so would involve accepting that a practice they had inflicted "hundreds or thousands of times throughout their whole career, was in effect unnecessary".⁵

This evidence highlights the entrenched, arbitrary use of strip searching by prison guards on people in prison, confirming what people with experience of incarceration already know: **prisons are sites of violent punishment and trauma, not rehabilitation.**

The harmful effects of strip searching are exacerbated by Australia's mass incarceration crisis. Over the decade to 2024, Australia's prison population has skyrocketed in both number and proportion of the population,⁶ despite the rate of crime falling.⁷ Escalating imprisonment rates and over-crowding create a toxic culture, increasing the risk of people in prisons being subjected to violence and human rights abuses.⁸

In this context, any power to strip search people in prison is ripe for further abuses of power, and any reform short of a legislative prohibition on strip searching is insufficient.

Strip searching in other places of detention

While this report focuses on strip searching in Australian prisons, the practice is also deployed by governments and their agents on people locked away in other places of detention, with similarly harmful impacts.

Prisons aren't the only places where people are detained – all places of detention including but not limited to police cells and immigration detention centres are part of the prison industrial complex where strip searches should be abolished.
– Nina, FIGJAM

I was strip searched when I was haemorrhaging in a police cell. Instead of receiving the urgent medical attention I needed, I was subjected to more harm and indignity.
– Stacey Nolan, FIGJAM

For example, in NSW, a recent report by Redfern Legal Centre found that, in the seven years between July 2016 and June 2023, 1,546 children were subjected to strip searches by NSW Police, nearly half (44.57%) of whom were First Nations children.⁹

People in immigration detention can also be subjected to strip searching. Laws passed in December 2024 drastically expanded the basis for strip searches in immigration detention, now allowing strip searches where an officer suspects a person in detention has a "prohibited item" in their possession.¹⁰

METHODOLOGY

This report is based on:

- Contributions from formerly incarcerated people and members of the FIGJAM collective of formerly incarcerated women, trans and gender diverse people. Where people opted not to remain anonymous, their contributions are attributed.
- A literature review, focusing on the use of strip searching in prisons in Australia.
- Information obtained via a series of freedom of information requests made by the Human Rights Law Centre to the agencies responsible for the operation of adult and youth prisons in each Australian state and territory (see Supplementary Paper).

The Human Rights Law Centre made requests for information in two phases. The first, building on the 2017 Total Control report, sought:

- updated data on strip searches in women's prisons in Victoria and data on strip searches in women's prisons in other Australian jurisdictions; and
- data on strip searches in youth prisons in Australian jurisdictions.

The data obtained in this first phase generally indicated that people in prison were subjected to excessive strip searching, mostly as a matter of routine or blanket practice, rather than based on any reasonable suspicion that a person was concealing contraband. Only a fraction of strip searches identified dangerous contraband.

As the initial data covered varying time periods and focused only on women's and youth prisons, the Human Rights Law Centre conducted a second phase of requests to obtain information on strip searches across prisons in all Australian jurisdictions over a consistent time frame.

Phase two information requests

For the seven-month period between 1 October 2021 and 30 April 2022, the following information was sought for youth, women's and men's prisons in all Australian jurisdictions:

- the number of strip searches conducted;
- the reasons for the searches;
- the number of items of contraband found as a result of the searches;
- the nature of those items;
- the gender of the people subjected to the searches and whether they were Aboriginal and/or Torres Strait Islander;
- whether the people subjected to the searches were children or adults; and
- the prison where each search took place.

The data obtained in this second phase tended to confirm that people in prison continue to be subjected to excessive rates of 'routine' strip searching, with only a fraction of strip searches identifying dangerous contraband.

During both phases, the Human Rights Law Centre experienced significant challenges in obtaining this information. In some jurisdictions, they were unable to obtain any of the information sought. In other jurisdictions, they had to negotiate and narrow the scope of requests after facing significant resistance from agencies on the basis that collating the relevant records would amount to an 'unreasonable diversion of resources.'

Further limitations of the data obtained – including the risk of poor, incomplete or false recording of strip searches by prison guards – are detailed in the Supplementary Paper.

Given issues with prison guards recording strip searches accurately – or sometimes not at all – it's notable that the data—which, to me, represents the best-case scenario and likely omits many strip searches that have taken place—still confirms that strip searches are excessive and ineffective
– Stacey Stokes, FIGJAM

What is a strip search?

You have to hold your breasts up, and bend and part so guards can see right up you – even when you’re on your period. It’s disgusting. You never feel the same afterward, and you can never look at the guards who searched you the same way again.

– Jana, FIGJAM



Strip searches in prison involve a person being forced to remove their clothing for inspection by prison guards. Children are made to strip for inspection by adult prison guards in youth prisons.

The procedures for strip searches in prisons are detailed in policies which vary across Australian jurisdictions, and sometimes across different prisons. In many Australian prisons, people are subjected to strip searches repeatedly and routinely.

While prison authorities tend not to use the term ‘strip search’, instead referring to ‘removal of clothing search’, ‘partially clothed body search’ or ‘unclothed search’, these sanitised terms obscure the reality of people in prison being forced to bare and contort their bodies for inspection by prison guards.

It's not just undressing; it's bending over and squatting – it's humiliating.

– Sara, FIGJAM

They're sexually abusing us by strip searching us – making us do all sorts of poses. It's really degrading and humiliating.

– Zoe, FIGJAM

To illustrate what a strip search may involve, the September 2025 policy governing strip searches in adult prisons in Queensland provides for strip searches to be performed by at least two prison guards.¹¹ During the strip search, the guards can require the partially naked person to hold their arms in the air, spread their legs and bend forward. The guards can also require the person to run their fingers through their hair; to submit to inspection of their mouth and ears; and to raise each foot and wiggle their toes. If the person subjected to the strip search is menstruating or breastfeeding, they are required to remove and dispose of their sanitary pad or breast pads, provided that new pads are available at the location where the search takes place. In certain circumstances, if a person refuses to be subjected to a strip search, prison guards can secure approval to use force on them.¹²

Despite the degrading nature of strip searching, in many jurisdictions the practice is authorised by law in a wide range of circumstances, including for the “security or good order of the prison or prisoners”.¹³

They talk about the safety of people in prison, but strip searches destroy that. We're treated without trust or dignity, and when we're released, we carry that damage with us, expecting the world to judge and mistreat us the same way.

– Mon, FIGJAM

Even though prison guards often have state-sanctioned authority to make people in prison perform humiliating and degrading actions like bending, spreading and wiggling while partially naked, people in prison are at risk of being subjected to other, humiliating practices during strip searches which exceed even this broad authority. For example, in 2023, the Queensland Human Rights Commission documented evidence of women in prison being stripped entirely naked, asked to squat and “walk like a crab”; “lift [their] fat up”; “put [their] legs up and cough”; “spread [their] cheeks”; and “jump around in a circle”.¹⁴

One guard lewdly said to me during a strip search, “Bend and part, but do it slowly.” Another time I was strip searched, a guard farted before leaving me naked in the room. The guards laughed hysterically at that.

– Stacey Stokes, FIGJAM

5 reasons why strip searching must be abolished



1.

Strip searching is unnecessary and ineffective

Governments across Australia justify strip searches as necessary to prevent contraband from entering prisons and to ensure the safety of people in prison.¹⁵ Strip searches, however, rarely pick up any items – let alone dangerous contraband.

Contraband – items that are controlled or banned from entering a prison – can include items as minor as tobacco, chewing gum and movies above M rating.¹⁶

Even food taken from a community workspace or kitchen is considered contraband.

– Nikki, FIGJAM

People in prison are denied the autonomy and dignity to manage their own medication and treatment needs. Even basic medications like Panadol, or essential gender affirming treatment such as hormone replacement therapy (HRT), can be treated as contraband in prison.

While incarcerated in a medium security prison in Victoria, my HRT was considered contraband because it contained a tiny amount of alcohol. As a result, I was only able to use it under supervision by a guard who watched me rub it into my inner thigh.

– Stacey Stokes, FIGJAM

In a 2019 review, the Western Australian Office of the Inspector of Custodial Services found no evidence of any relationship between strip search frequency and rates of drug detection.¹⁷ Data collected over five years from 2014 to 2019 revealed that out of nearly 900,000 recorded strip searches in Western Australian prisons, **only one in 1,500 strip searches identified contraband (0.06%), with most of the items recovered not drugs – or weapons – related.**¹⁸

The lack of relationship between strip searching and contraband detection is confirmed by the latest data obtained by the Human Rights Law Centre, which shows that, in several jurisdictions, strip searching found zero items.

%



In Tasmania, in the three-month period between February 2022 and April 2022, **817** recorded strip searches were conducted at Mary Hutchinson women's prison and Risdon men's prison. **90** of these strip searches did not record whether any items were found. Of the remaining **727** strip searches, **zero** items were identified.



In Victoria, in the month of April 2022, **221** recorded strip searches were conducted at Dame Phyllis Frost Centre, Victoria's maximum security women's prison, with **zero** items found.



In the ACT, in the **seven-month** period between October 2021 and April 2022, there were seven recorded strip searches at Bimberi youth prison. **Zero** items were identified.

More recently, the Queensland Human Rights Commission's 2023 review of strip searches of women in Queensland prisons (**QHRC Review**) revealed "an absurdly low rate of contraband detection" for strip searches and concluded that strip searches are ineffective at improving prison safety.¹⁹

In the fraction of strip searches where items are identified, they rarely constitute dangerous contraband.



Data obtained by the Human Rights Law Centre shows that some of the items found in strip searches in Australian prisons included a ping pong ball; a book; stationery including pens, coloured pencils, markers and a post it note; beauty and hygiene products including roller deodorant, soap, lip gloss and hair extensions; jewellery; food including chocolate and clothing including underwear and t-shirts.

Potentially dangerous contraband can be detected by less intrusive alternatives, such as body scanners, eliminating the need for strip searches: see **Section 5: There are less invasive alternatives to strip searching** below.

The ineffectiveness of strip searching is compounded by an often blanket approach based on routine, rather than absolute necessity. In many jurisdictions, people in prison may be strip searched when they first enter prison; each time they attend court, a medical appointment or visit with family; and when they are transferred between prisons.

Alarming, the most recent data obtained by the Human Rights Law Centre indicates that strip searches on adults in Australian prisons were most commonly conducted for routine reasons.

%

In the ACT, in the seven-month period between October 2021 and April 2022, the most common reason recorded for strip searches conducted on adults imprisoned at the ACT's adult prison was court attendance, accounting for **564**, or **47.32%**, of **1,192** strip searches of adults during this period. Under a policy that came into effect on 11 February 2022, people in ACT prisons should not be strip searched routinely on the way to and from court.²⁰

In Queensland, in the three-month period between February 2022 and April 2022, the most common reason recorded for strip searches in adult prisons was escorts and transfers, accounting for **8,530**, or **57.86%**, of **14,741** strip searches of adults during this period.

In South Australia, in the three-month period between February 2022 and April 2022, the most common reason recorded for the **5,741** strip searches conducted on men were movements within, to or from prison (**1,727** strip searches, or **44.26%**, of strip searches of men during this period).

In Tasmania, in the three-month period from February 2022 to April 2022, the most common reasons recorded for strip searches conducted on adults at Mary Hutchinson and Risdon prisons related to initial reception into the prison, people entering or leaving the prison and "general safety", accounting for **725**, or **88.74%**, of **817** strip searches of adults during this period.

The Human Rights Law Centre was unable to obtain sufficient information in relation to the recorded reasons for strip searches conducted in adult prisons in the Northern Territory, Victoria, Western Australia and NSW between 2021-22.

Similarly, in youth prisons in NSW, Queensland and Tasmania, strip searches of children were most commonly conducted routinely, upon admission to prison, over varying periods in 2021-2022.²¹

In some jurisdictions, routine strip searching is mandated by law and policy. For example, in NSW, prison policy mandates routine strip searching on arrival to the prison, including from secure custody at another prison; and after a contact visit.²² The routine strip searching of people in prison when they are in secure custody is particularly arbitrary. For example, a 2020 inspection of NSW Mary Wade Correctional Centre found that women were routinely strip searched after contact visits and even after non-contact visits, despite no contraband being found after a visit over a year, leading to recommendations to end the practice.²³

In South Australia, data obtained by the Human Rights Law Centre indicates that, in the seven-month period between October 2020 and April 2021, some of the 1,476 recorded strip searches of women at the Adelaide Women's Prison and Adelaide Pre-release Centre were conducted after non-contact visits undertaken via an iPad, with no items found.

Even when strip searches are said to be based on reasonable suspicion, they often rely on arbitrary judgments made by prison guards or policies which allow for random strip searching.

Guards can access our criminal records and are undoubtedly Googling us. I felt like guards targeted me for strip searching because of my offending history.

– Sara, FIGJAM

They say strip searches are based on 'reasonable suspicion,' but inside they often happen on the whim of a screw* or because of some stupid blanket policy. When one new girl moved into our unit, all seven of us were strip searched for urines regularly. One being an elderly lady who had never touched drugs in her life. How is that reasonable?

– Mon, FIGJAM

***Screw: prison guard.**

Guards never strip searched me in prison. I was in for drugs charges and I think they stereotyped me as an idiot party girl, not a criminal. This just shows the arbitrary approach taken by guards.

– Georgia Sheales, FIGJAM

Strip searching – routine or otherwise – cannot be justified by reference to any deterrent effect. Not only is there no data to indicate that strip searching deters the entry of contraband into prisons, reduced strip searching has not led to any increase in contraband entering prisons.²⁴ For example, in the United Kingdom, following the 2007 Corston Report recommending the replacement of drug-related strip searches with a pilot of ion scan machines in women's prisons,²⁵ the ensuing 18-month pilot across five prisons did not result in any increase in contraband entering the prisons.²⁶



2.

Strip searching is state—perpetrated violence

As a result of sustained advocacy in past decades,²⁷ there has been increasing recognition of strip searching as sexual abuse, with currently and formerly incarcerated women highlighting that abuse behind prison walls mimics violence by their partners and others.²⁸ Women reported to the QHRC Review that being strip searched was akin to “being raped”,²⁹ or “officially abused”.³⁰

Outside prison walls, if prison guards forced people to strip and submit to inspections of their bodies, these actions would be recognised as sexual crimes.³¹ Yet, governments authorise and normalise the strip searching of people in prison, “the majority of whom are poor, racialised, and/or indigenous, [who] are relegated to a class of subhumanness for which humane treatment is not required”.³²

In Victoria, because of harsh bail laws, record numbers of people are being locked away before even being tried for an offence. For some of them, it will be their first experience in custody. Strip searching is one of the first things the system does to show you that you’re less than human, that you’re disposable.

The first time I was incarcerated, I was escorted to a room which was dark and cold. I was told to undress. I am a survivor of violence, including sexual assault. I felt violated and abused and began to sob.

I was told to remove all my jewellery including the beads and jewels from my hair, which was in dreadlocks. I did not speak, removed what I could and handed it to the officers.

I was told that I must remove all foreign matter from my hair, to which I replied I couldn’t. The officers left and returned with scissors. They cut my hair and told me to get dressed.

– Nina, FIGJAM



Strip searching is not only endorsed by governments, but perpetrated by prison guards as government agents.³³

While prison authorities increasingly co-opt trauma-informed discourse to legitimise prisons as therapeutic spaces that address individual trauma and obscure their role as perpetrators of structural violence,³⁴ the ongoing use of strip searching in prisons confirms that “prison is not and cannot be a therapeutic community, as prisons are built on an ethos of power, surveillance and control, yet trauma sufferers require safety in order to begin healing.”³⁵

They say they’re trauma-informed but they’re actually re-traumatising us.

– Sara, FIGJAM

Being forced to be half-naked—rather than fully naked—during a search and being given some privacy to get dressed afterward doesn’t make strip searching trauma-informed.

– Georgia Sheales, FIGJAM

Prisons are violent, they confuse community by using trauma care language to hide harmful practices, referring to solitary confinement in wet cells as “safe cells”.

– Nina, FIGJAM

Despite efforts intended to curb the excessive use of strip searching in prisons, the practice has persisted. In the ACT, for instance, after a 2007 audit highlighted the degrading nature of strip searches,³⁶ strip search laws were amended to provide that the practice may only be conducted where the Director-General reasonably suspects a person is concealing a ‘seizeable item’, or reasonably believes they may have obtained one while unsupervised, and less invasive searches are unavailable or ineffective.³⁷ A subsequent audit in 2014 found that, while this significantly reduced routine strip searches of women around contact visits, routine searches on admission to prison were still “generally occurring”.³⁸ Strip search laws were subsequently amended³⁹ in 2023 to allow people to be strip searched upon admission without individualised risk assessment, a change the ACT Inspector of Custodial Services has noted is unnecessary given the introduction of x-ray body scanners.⁴⁰

Similarly, in Victoria, the December 2022 report of the cultural review of the adult prisons system could not find that a 2017 recommendation by the Victorian Ombudsman to immediately cease the practice of strip searching all women before and after contact visits and after external appointments, and consequent policy updates, had been operationalised.⁴¹

The entrenched, improper use of strip searching in prisons reveals its actual function. While strip searching does nothing to detect contraband, it is deployed as a very powerful tool of coercive control – a form of violence comprising a pattern of behaviours designed to intimidate, isolate and control people.

The use of strip searching by prison guards to assert power and control was confirmed by Victoria’s Independent Broad-based Anti-corruption Commission in its 2021 Special report on corrections, which reported that the General Manager of Port Phillip Prison said that strip searches were “one of the options available to assert control” over people in prison, despite official policy stipulating that the practice is not to be used to punish or control.⁴² Similarly, the Western Australian Office of the Inspector of Custodial Services found that 15% of guards reported that they had seen strip searching used to modify behaviour.⁴³ In the Northern Territory, the Ombudsman found some people detained in Darwin prison were subjected to strip searches during periods of separation when they had not left their cell, calling it “a display of oppressive power in an already highly controlled environment”.⁴⁴ Women in Queensland prisons likewise described strip searches as an additional punishment used to control and demean them, leading to a loss of bodily autonomy and a sense of being ‘owned’ by the system.⁴⁵

Once a screw has seen you naked, with all your most intimate parts laid bare, there’s an undeniable sense of power they hold over your shame. You can feel it in the way they look at you in the yard or when they pass you on the count – a quiet assertion of control.

– Mon, FIGJAM

The practice of strip searching grooms us to accept the violation of our bodies as normal and standard procedure, putting us at further risk of being sexually assaulted.

– Nina, FIGJAM



Prison is the punishment, and is supposed to be a place of rehabilitation, not a place to be subjected to further punishment. Yet strip searching mirrors the power dynamics in coercive and controlling relationships by humiliating and degrading a person and isolating them from their friends, family and supports. Because people in prison are often subjected to strip searching after and sometimes also before visits, with some children also being subjected to searches when meeting their incarcerated parents,⁴⁶ the practice can function as a barrier to people in prison maintaining relationships with their family and can deter them from receiving visits.⁴⁷ Strip searching also deters people in prison from seeking legal advice and medical treatment⁴⁸ and attending court in person.⁴⁹

While incarcerated at Victoria's Dame Phyllis Frost Centre, I was subjected to routine strip searches at the beginning and end of personal visits. When my mum brought my daughter in, the officers would check her nappy.

– Nikki, FIGJAM

It's not just the person inside that gets strip searched, my partner and son had to undergo strip searching as well, for no reason – just in order to visit me. They had to submit to this sexual abuse because they wouldn't have been allowed into the prison to see me if they didn't.

– Zoe, FIGJAM

Incarcerated women are having to be violated and expose themselves to receive visits from their loved ones. Often women may “choose” to withdraw from visits because they dread being strip searched, but it's not a real choice: it's either be violated and exposed or lose our connection to the outside world.

If you're a parent in prison, you also don't really get a choice about your child being strip searched when they enter the mother-baby unit. Either you give signed consent for your child to be stripped or you miss out on spending time with your child because you don't want them to go through that.

– Sara, FIGJAM

My loved one isn't having visits in prison, I think because he does not want to be subjected to strip searching around visits. This adversely affects his mental health and well-being. He had worked so hard on his rehabilitation in the community and now he is at risk because he's been unnecessarily put into the system and doesn't have access to the supports he had on the outside—professional supports and his close relationships with his chosen and actual families.

– Kelly, FIGJAM

The dynamics of power and control which define strip searching also deter resistance to strip searches. Consequences for resisting strip searches can include the use of force and the risk of being subjected to coercive practices such as solitary confinement.⁵⁰ Fear of disciplinary repercussions can also deter people in prison from asking questions or raising concerns during strip searches,⁵¹ with women reporting to the QHRC Review that they feared making complaints about inconsistent strip search practices would lead to more invasive practices becoming official policy.⁵²

There are consequences for compliance and non-compliance.

– Sara, FIGJAM

Having an emotional reaction to a strip search or refusing to be subjected to one can lead to being slotted*.

– Nina, FIGJAM

**Slotted: Detained in solitary confinement*

When you exercise agency in prison, you get punished.

– Stacey Stokes, FIGJAM



3.

Strip searching traumatises over-incarcerated communities

Strip searching causes disproportionate trauma to Aboriginal and Torres Strait Islander peoples, women, trans and gender diverse people and children in prison. In this context, strip searching amounts to racial and gendered violence, as well as child abuse.

Through my work supporting women in prison, I have heard time and time again about individual prison guards – and groups of guards – using strip searching as a way to punish and control people in prison. Since they have broad discretion to strip search, their choices about who to target are often influenced by biases, including racism, sexism and transphobia.

– Karen Fletcher, Executive Officer at Flat Out

Impacts on Aboriginal and Torres Strait Islander peoples

Due to the ongoing impacts of colonisation, including laws and policies infected by systemic racism and discriminatory policing, Aboriginal and Torres Strait Islander peoples are over-incarcerated, with the rate of incarceration continuing to increase nationally for First Nations adults.⁵³

As a result of their mass incarceration, Aboriginal and Torres Strait Islander peoples are disproportionately subjected to, and harmed by, degrading prison practices like strip searching.

%

In Queensland, in the three-month period between February and April 2022, data obtained by the Human Rights Law Centre shows that the prison with the largest volume of strip searches – 3,845, or 26.08%, of the 14,741 recorded strip searches during this period – was Lotus Glen, a men's prison where approximately 70% of people in prison are Aboriginal and/or Torres Strait Islander.⁵⁴

In the seven-month period between October 2020 and April 2021, 370 or 53.08%, of 697 recorded strip searches at Brisbane, Cleveland and West Moreton youth prisons were conducted on Aboriginal and/or Torres Strait Islander children.

In Western Australia, in the seven-month period between October 2020 and April 2021, Aboriginal and/or Torres Strait Islander women in Western Australian prisons were subjected to 2,392 recorded strip searches, nearly half (49%) of the total number of strip searches of women during this period.

Prison guards have a huge amount of power to decide who gets strip searched. There is definitely racism at play inside prison, and I think some guards target Aboriginal people, thinking, 'They're Black, they're known for contraband.' When I was put in the slot, I was subjected to a strip search just to get a kettle and a TV – basic items you need in solitary confinement. I'm not known to self-harm or to carry contraband, there was no reason to strip search me.

– Jana, FIGJAM



Data obtained by the Human Rights Law Centre showed that, even accounting for their over-incarceration, Aboriginal and Torres Strait Islander peoples were disproportionately strip searched, indicating potentially discriminatory treatment by prison guards.

Similarly, the ACT Inspector of Custodial Services reported that Aboriginal and Torres Strait Islander women remained over-represented among those subjected to strip searches in the ACT's adult prison: in 2024, 48% of strip searches conducted on women were of Aboriginal and Torres Strait Islander women, despite them comprising 39% of all women in prison.⁵⁵

%

In the ACT, in the seven-month period between October 2021 and April 2022, 371, or 31.12%, of 1,192 recorded strip searches were conducted on Aboriginal and/or Torres Strait Islander adults. This is disproportionate, even accounting for the over-representation of Aboriginal and/or Torres Strait Islander people in the ACT's prison: at 30 June 2022, Aboriginal and Torres Strait Islander people comprised 25.2% of all people in prison in the ACT.⁵⁶

Gendered impacts

Strip searching is a gendered tactic of state violence that draws on patriarchal logics of control, domination and sexual humiliation.⁵⁷ It acutely harms women in prison, particularly the high numbers of women in prison who have experienced sexual and family violence.⁵⁸

When strip searched, I had to bend over and part my cheeks for close inspection. As a young child, I sustained abuse. These invasive searches re-traumatised me.
– Nikki, FIGJAM

Like many women in prison, I'm a survivor of child sexual abuse. Being strip searched by guards is an abuse of power that is deeply harmful and retraumatising. From my first reception into custody—being strip searched, then forced to shower while being watched by guards—I was sent into a spiral about what other harms I'd face in prison. Previously, while being transferred between police stations, I was in secure custody the whole time, yet strip searched multiple times in one night. Strip searching isn't something you ever get used to; it takes you back to all these past abuses. Yet the prison system treats you as an offender, not as a victim of what it puts you through, and offers no support.
– Stacey, FIGJAM

I am an older woman and a lot of the women I connected with in prison were older women. Most of the women were survivors of family violence and sexual assaults, whether as children or as adults. Strip searching is deeply traumatic and triggering, and it sets people back to go into prison and be strip searched repeatedly.

Strip searching is especially invasive for older women and for people from cultures where norms of bodily privacy and modesty are strongly held – exposing your body feels shameful. It makes you feel so inhuman, and the screws don't look at you as a person or empathise with the impact strip searches have on you, particularly the first time you go through it and you've not experienced anything like it before.

Strip searching is never done with any form of sensitivity and respect, and it can't be – it is inherently dehumanising. Even when it's female guards searching you, there are cameras around and you never know who is watching – the possibility that male guards are watching or access that footage is disturbing.

Women develop coping mechanisms to submit to strip searching. Older women will often emotionally shut down and hold all that shame in. They leave prison with that shame, having never had any counselling or support to work through it.
– Cathy Campesato, FIGJAM

For Aboriginal and Torres Strait Islander women, who experience higher rates and more severe forms of violence compared to non-Indigenous women,⁵⁹ strip searching can be especially re-traumatising.

Strip searching also excessively harms trans and gender diverse people, who are disproportionately incarcerated, experience greater rates of interpersonal violence, including identity-based and sexual violence, and are further exposed to gendered violence in the binary and cisnormative prison environment.⁶⁰ The ACT Inspector of Custodial Services' 2025 review of the adult prison noted that the two trans people in prison during the review period were subjected to a disproportionately high number of strip searches.⁶¹

The QHRC Review heard from prison guards that people in prison were being searched according to their sex assigned at birth or gender affirming surgery, not their self-identified gender and preference.⁶² This discriminatory practice exacerbates the distress of those trans and gender diverse people in prison who cannot access gender affirming treatment. This distress is compounded by the fact that most trans and gender diverse people are detained in prisons that do not align with their gender and subjected to vilification, violence and harmful prison practices such as solitary confinement.⁶³

As a minimum requirement, trans and gender diverse people in prison should have the right to choose, on the basis of gender, which prison guards will search the top and bottom halves of their bodies.⁶⁴ In Queensland's youth prisons, regulations passed in 2024 now provide that gender diverse children in prison may nominate the sex of the guard conducting the strip search.⁶⁵ Similarly, strip searching policies in Victoria, NSW, Tasmania, ACT and Western Australia generally permit people in prison to choose the gender of the guard conducting searches.⁶⁶ In practice, however, there continue to be issues with prison guards complying with these policies.⁶⁷

As a trans woman formerly incarcerated in a men's prison in Victoria, when I was made to strip, I would request a female guard for my top half and a male guard for my bottom half. Guards would weaponise my request by making me wait hours in a holding cell while they supposedly looked for a female guard to conduct part of the search. During this time, I would miss any appointments that I had.

Strip searches are particularly upsetting for trans people inside because they disassociate so much from the parts of their bodies that guards focus on. Guards would pick on trans girls by telling them to pull their foreskins back during strip searches, knowing how triggering that would be for them.

- Stacey Stokes, FIGJAM

Not only does strip searching re-victimise and re-traumatise people with lived experience of violence by subjecting them to sexual violence under threat of consequence by prison guards, its widespread use in men's prisons also legitimises tactics of control and humiliation that underpin gender-based violence.

Impacts on children

No child belongs in prison. Yet, due to the low age of criminal responsibility in most jurisdictions across Australia, children as young as 10 years old are incarcerated and can be subjected to strip searching.

This practice disproportionately impacts children who are over-incarcerated, including Aboriginal and Torres Strait Islander children, children with disability and drug and alcohol dependencies, and children with complex trauma.⁶⁸

Strip searching is a particularly stark “manifestation of power relations”⁶⁹, involving children being made to remove their clothing for inspection by adult prison guards. It compounds the existing trauma of the high numbers of children in prison who have experienced violence, abuse and neglect at the hands of adults.

Further abuses of power connected to strip searching

Despite the breadth of powers granted to prison guards to strip search children, a culture of impunity in youth prisons has meant that guards have exceeded these powers. For instance, the Northern Territory Royal Commission into the abuses at Don Dale youth prison found that girls had been inappropriately physically handled, restrained and stripped of their clothing by male prison guards,⁷⁰ and that children were being subjected to random strip-searching following family visits without any justification.⁷¹

Perpetrators of child sexual abuse have also exploited strip searching practices to groom and sexually abuse children in prison. For example, the Royal Commission into Institutional Responses to Child Sexual Abuse documented victim survivors’ accounts of prison guards digitally penetrating, touching and sexualising them under the cover of strip searching.⁷² In response to calls for reform, some Australian jurisdictions have enacted laws which limit the use of strip searches on children in prison by introducing the requirement of reasonable necessity.⁷³





Northern Territory

Following recommendations made by the Northern Territory Royal Commission into abuses at the Don Dale youth prison,⁷⁴ the Northern Territory government amended its *Youth Justice Act 2005* (NT) to provide that strip searches of children may only be directed where a superintendent believes on reasonable grounds that the search is necessary to prevent a risk of harm to the child or another person.⁷⁵

In response to subsequent requests made by the Human Rights Law Centre for strip search data for Don Dale and Alice Springs youth prisons over two seven-month periods, from October 2020 to April 2021 and October 2021 to April 2022, the Department of Territory Families, Housing and Communities stated that no strip searches were conducted during these periods and that it is not the Department's policy to conduct pat down or personal searches routinely.

Tasmania

Data obtained by the Human Rights Law Centre revealed that **203** strip searches were performed on children over a six month period in 2018, with **no contraband found**. This data, together with a string of distressing incidents in 2019,⁷⁶ prompted calls for reform by the Tasmanian Commissioner of Children and Young People.⁷⁷

Following a public consultation process and sustained advocacy by the Human Rights Law Centre alongside the Tasmanian Aboriginal Legal Service, a 2022 amendment to Tasmania's *Youth Justice Act 1997* subsequently provided that children in custody should only ever be strip searched when the search officer reasonably believes it is necessary for a designated purpose, and that the manner and type of the search must be proportionate to that purpose.⁷⁸

This reform should have eliminated the routine strip searching of children in custody in Tasmania. A 2025 report by the Office of the Custodial Inspector Tasmania notes a smaller number of strip searches conducted on children at Hobart prison: three strip searches were conducted on children in the first six months of 2023, when there were **144** receptions into the prison; and one strip search was conducted on children in the first eight months of 2024, when there were 181 receptions.⁷⁹ While the reasons for these strip searches are not given, the reference to receptions may imply that these strip searches were conducted routinely in the context of receptions of children into prison.

4.

Strip searching practices breach human rights standards

Human rights implications of strip searching

Strip searching limits the rights of people in prison to freedom from torture and cruel, inhuman and degrading treatment or punishment; humane treatment when deprived of their liberty; privacy; equality; and the protection of families and children.

These rights are protected in international human rights treaties to which Australia is a party, including the International Covenant on Civil and Political Rights,⁸⁰ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁸¹ and the Convention on the Elimination of All Forms of Discrimination Against Women.⁸² They are also protected under domestic human rights laws in the ACT,⁸³ Victoria⁸⁴ and Queensland.⁸⁵

While not in the context of strip searching in prisons, recently in NSW, where international human rights are yet to be expressly enshrined in domestic law, the unlawful strip search conducted by police at a music festival on the lead plaintiff in a class action was held to strike at the “core interests” protected by the torts of false imprisonment, assault and battery – namely dignity, personal privacy and personal bodily integrity – and violations of these interests were taken into account in the award of damages to the plaintiff.⁸⁶

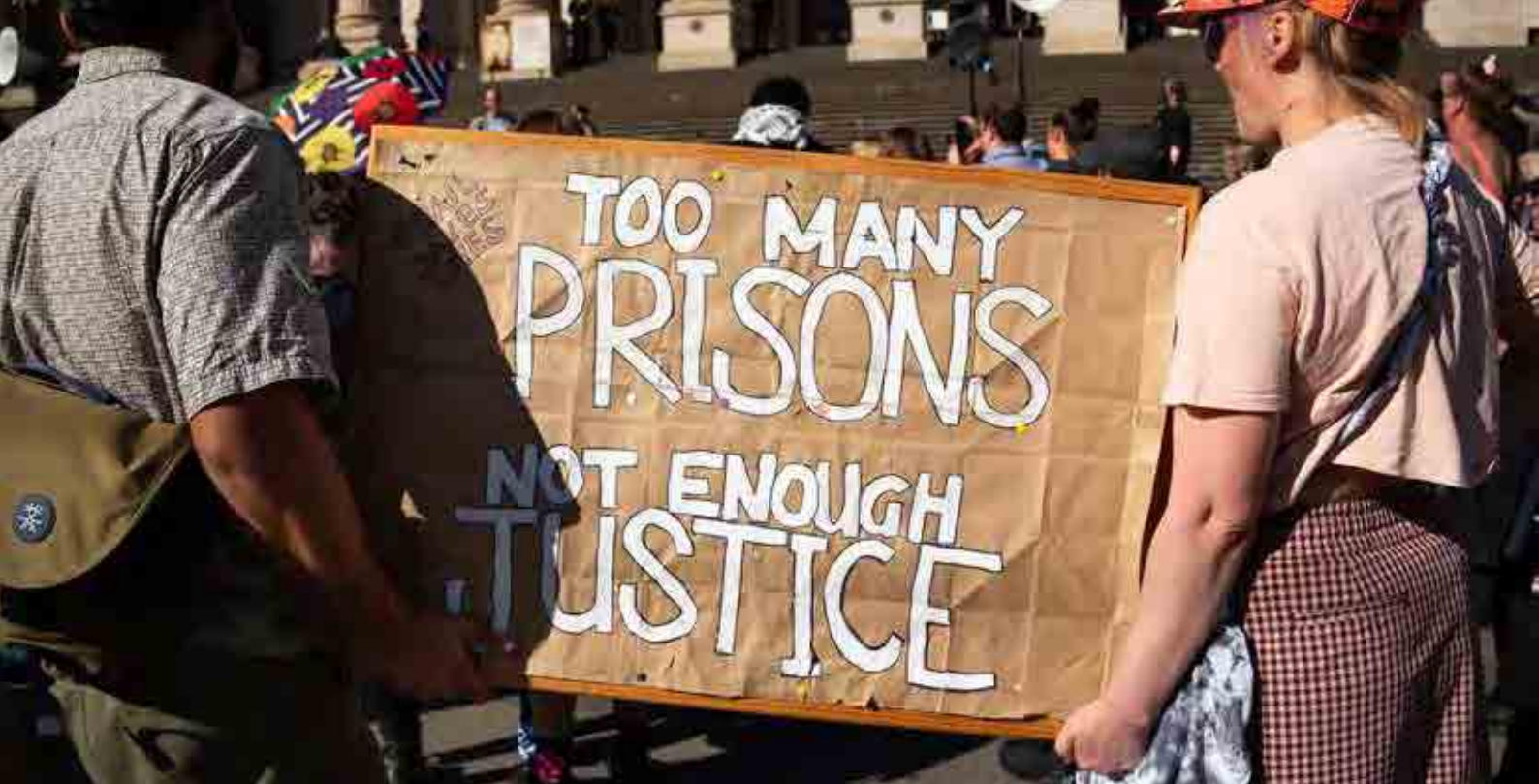
Pursuant to international human rights law, strip searches can constitute ill-treatment when conducted in a disproportionate, humiliating or discriminatory manner. When conducted for a prohibited purpose or for any discriminatory reason and leading to severe pain or suffering, strip searches amount to torture.⁸⁷

United Nations minimum standards provide further guidance on the treatment of people in prison. **The Nelson Mandela Rules require that intrusive searches, including strip searches, should be undertaken only if ‘absolutely necessary’, with prison administrations encouraged to develop and use appropriate alternatives to intrusive searches.**⁸⁸ Searches should not be used to harass, intimidate or unnecessarily intrude on privacy, and records should be kept of the searches, the reason for the searches, who conducted them, and the results of the search.⁸⁹

The **Bangkok Rules** on the treatment of women in prison additionally require their personal histories, including experiences of trauma, abuse, or violence, to be taken into account in any rehabilitation and reintegration efforts.⁹⁰ These rules also require alternative screening methods, such as scans, to be developed to replace strip searches, in order to avoid the harmful impacts they cause.⁹¹

“The availability of less invasive alternatives to strip searching means that it should not be ‘necessary’ to subject people in prisons to the cruel and degrading practice. Ongoing use of strip searching therefore calls into question government compliance with international human rights standards.”

– Monique Hurley, Associate Legal Director at the Human Rights Law Centre



Access to justice for human rights violations

The entrenched, routine use of strip searching and patchy availability of alternatives in Australian prisons exposes Australian governments' disregard for the requirement of 'absolute necessity' under the Nelson Mandela Rules.

This disregard for the rights of people in prison is exacerbated by the failure of Australian governments to directly and adequately incorporate Australia's international human rights obligations into domestic law.

While human rights laws have been enacted in Queensland, the ACT and Victoria,⁹² there remain significant barriers to people enforcing their rights. In Victoria and Queensland, human rights claims must accompany another primary cause of action, preventing standalone human rights challenges.⁹³ The remedies available for breaches of human rights are also limited in the ACT, Victoria and Queensland, which do not permit the recovery of damages.⁹⁴

In this context, alongside the normalisation of prison strip searches and the broad powers to conduct them, few legal challenges have successfully challenged strip searching in prisons under Australian human rights laws.



Thompson v Minogue [2021] VSCA 358

The Victorian Court of Appeal found that two of the three strip searches challenged by Dr Minogue at Barwon Prison, a maximum-security men's prison in Victoria, unjustifiably interfered with his rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).⁹⁵

The invasive nature of the full strip search procedure,⁹⁶ especially when required before a random, supervised urine test,⁹⁷ was found to have severely limited Dr Minogue's rights to privacy and humane treatment when deprived of liberty.⁹⁸

The Court reasoned that the severity of these interferences were not proportionate to ensuring the security of prisons and the welfare of people in prison.⁹⁹ Importantly, there was insufficient evidence to prove that full strip searches were the "only" effective way to prevent urine sample interference, as alleged by the Governor of Barwon Prison,¹⁰⁰ or that they were necessary at all.¹⁰¹ The Court considered that less restrictive alternatives, like body scans, may have been reasonably available.¹⁰²

While it is significant that the Victorian Court of Appeal confirmed that the practice of routine and invasive strip searches before random urine tests was incompatible with human rights, the case law to date has not ruled out strip searches in the multitude of circumstances in which people are still subjected to them. For example, following *Thompson v Minogue*, nearly 500 strip searches were recorded at Port Philip Prison, a maximum security men's prison and Victoria's largest prison, in one single month.¹⁰³



Williams v Director—General of the Justice and Community Safety Directorate [2025] ACTSC 396

More recently, the ACT Supreme Court found that an attempted strip search of a “highly vulnerable”¹⁰⁴ Aboriginal woman, who had refused a strip search and was otherwise quiet and lying on her bed when four guards sat on top of her and attempted to cut her clothes off in the presence of male guards, breached her rights to humane and appropriate treatment while deprived of her liberty on remand, as well as her right to privacy and protection from degrading treatment.¹⁰⁵

A subsequent strip search of the Aboriginal woman in the bathroom, though conducted in accordance with the relevant policy, was also held to breach her right to appropriate treatment while detained on remand and to privacy, noting that the circumstances of the strip were tainted and that the Aboriginal woman’s ‘consent’ was obtained in circumstances of severe distress and degradation.¹⁰⁶

In jurisdictions without enforceable human rights laws, people are deprived of mechanisms to seek effective remedy. Australia needs robust human rights protections in every state and territory: if legislated and enforceable, they could be used to seek accountability for government practices which are incompatible with people’s rights, like arbitrary strip searching. Enforceable human rights protections also require improved access to justice. While dedicated, standalone legal services for people in prison exist in Queensland, all state and territory governments should establish and resource independent legal and advocacy services for people in prison, including Aboriginal Legal Services for Aboriginal and Torres Strait Islander peoples in prison, to help people enforce their rights. Relevant to the ability of people in prison subjected to strip searching to safely engage with the criminal legal system, the Australian Law Reform Commission recently recommended that all Australian governments fund the provision of independent legal services for every person who has experienced sexual violence.¹⁰⁷

Crisis of secrecy in prisons

Inadequate record keeping, limited access to information and the lack of independent oversight are barriers to holding governments to account for strip search practices in prisons.

There is a crisis of secrecy in prisons. Transparency and recording the number of strip searches, and the reasons for them, are essential and bare minimum safeguards against the abuses that this report shows can thrive behind bars.
– Monique Hurley, Associate Legal Director at the Human Rights Law Centre

Inadequate record keeping

Some Australian jurisdictions do not require prisons to keep any, or any adequate, records of strip searches.

In response to an information request made by the Human Rights Law Centre, the NSW Department of Communities and Justice admitted that strip searches were conducted routinely in NSW prisons but “only a small percentage” of them were recorded.

“...the Department’s record keeping system does not record the total number of strip searches involving inmates. Unlike [Youth Justice New South Wales], there are no registers of logbooks where strip searches are centrally recorded for inmates.

This is because strip searches are mainly conducted as part of correctional centre routine, procedure, and policy. They may be conducted when inmates are departing or returning to a correctional centre, after a visit, on arrival to court, when participating in external leave programs, when placed in an assessment cell, among other things. These are not necessarily recorded each time and consequently only a small percentage of strip searches are recorded on the Offender Integrated Management System (OIMS)”¹⁰⁸

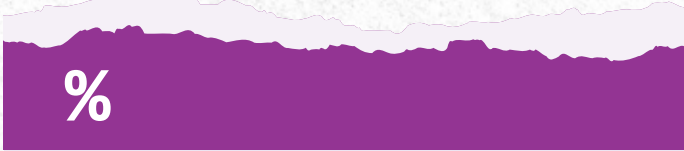
In Western Australia, the Human Rights Law Centre was unable to obtain data on strip searching in adult and youth prisons in Western Australia for the period covering 1 October 2021 to 30 April 2022; the Department of Justice refused to disclose strip search records because no central register of prison strip searches existed.

Even where prisons keep records of strip searches, they frequently fail to record information sufficient to monitor their use as a tool of punishment and control, or in circumstances which are not authorised by law.

In response to a request for information, Northern Territory Correctional Services informed the Human Rights Law Centre in May 2021 that prison strip search registers do not record the reasons why strip searches are conducted.

In relation to some women’s prisons in Queensland, the Human Rights Law Centre obtained strip search registers which simply cited the broad statutory provisions under which strip searches may be authorised without detailing the individual circumstances giving rise to each strip search.¹⁰⁹

Prison strip search records do not generally state whether any items found during strip searches pose a significant risk of harm to people in prison, and sometimes fail to specify the nature of any items found. Without this information, it is difficult to assess the effectiveness of strip searching as a purported method of contraband detection. In some jurisdictions, where relatively higher numbers of items were reportedly identified in strip searches, many of the items found were unlikely to pose any significant risk to the safety of people in prison.



In Queensland, the most recent data obtained by the Human Rights Law Centre on strip searching in Brisbane, Cleveland and West Moreton youth prisons, covering the three-month period between February and April 2022, indicated that **44** items were identified in **24 (5.57%)** of **430** strip searches of children. Items, however, included three white board markers, two rolling papers, nail clippers, a vape, a piece from a smoke detector, a pen, playing cards and an unspecified item.

The gender, race and ethnicity of the people subjected to strip searching – key information needed to monitor and address the discriminatory impacts of strip searching – are also rarely recorded. For instance, in the second phase of data collection, we requested information on the Aboriginal and Torres Strait Islander status of people subjected to strip searches. Only two jurisdictions were able to provide this data: Tasmania for children and the ACT for adults.



Even where prisons are required by law or regulations to maintain records, poor record-keeping practices undermine the reliability of strip search records.¹¹⁰

There are lots of situations where strip searches are not recorded even when they're supposed to be.

At times, SESG* officers would conduct mass strip searches of an entire unit without carrying their strip search registers, and I doubt these searches were properly documented.

****SESG: Security and Emergency Services Group, a tactical unit within Corrections Victoria.***

On a separate occasion, shortly after I reported one of many sexual assaults I was subjected to at Hopkins prison in Victoria, I was strip searched by a single male officer, in circumstances where every strip search was meant to be conducted by at least two officers so as to avoid "misunderstandings".

After this incident I felt very violated, as I was already in a fragile state of mind due to the recent sexual assault. So, I reported this violation by the male officer.

The officers said I was a liar and pointed to false records which indicated that everything was done as per procedure. The case was closed, until my lawyers demanded to view the security footage. After that, upon review, the prison's general manager upheld what I had said. Everything we say is a lie until we prove it's not.
– Stacey Stokes, FIGJAM



Limited access to information

The issue of inadequate record keeping is compounded by difficulties accessing information on prison strip searches.

Much of the data on strip searching in prisons in the Supplementary Paper was obtained by the Human Rights Law Centre over years of protracted correspondence with government departments in multiple jurisdictions. In some cases, the Human Rights Law Centre had to significantly narrow the scope of its information requests to avoid them being rejected on the basis that collating the relevant records would amount to an unreasonable diversion of resources. For example, in relation to a request for information regarding strip searches in all youth prisons in NSW between October 2021 and April 2022, the Human Rights Law Centre was only able to obtain data covering just one month for two youth prisons.

As a result, the information requests yielded snapshots of strip search data at varying points in time. This makes it difficult to analyse trends in prison strip searching in any one jurisdiction, and to compare strip searching practices in multiple jurisdictions over the same period of time.

Rather than having to pursue resource-intensive requests to obtain information on strip searching in prisons, the default should be that this information is regularly published, while protecting the identities of those subjected to strip searching.

One example of improved practice is the publication of quarterly data on strip searches, since January 2023, on the website of the Victorian Department of Justice and Community Safety.¹¹¹ This data includes the number of strip searches and body scanner searches in youth prisons. At minimum, prisons should be recording and publishing the grounds for any search, together with any items identified by the search; the identity, age, gender, race and/or ethnicity of the person subjected to search; the identities of those who conducted the search; and the prison at which the search took place.

Independent oversight of prisons

A light must be shone on the cruelty allowed to thrive in the darkness behind prison walls. As a signatory to the United Nations' anti-torture protocol, the Optional Protocol to the Convention Against Torture (**OPCAT**), Australia is obliged to establish and facilitate "a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture".¹¹²

OPCAT was ratified by the Australian Government in 2017; while some states and territories have taken steps to implement OPCAT – with varying levels of compliance – to date, the NSW, Victorian and Queensland governments have yet to nominate the required independent bodies to monitor places of detention, known as a National Preventive Mechanisms.¹¹³

In jurisdictions which have nominated National Preventive Mechanisms, independent monitoring bodies have identified issues with strip searching practices. For example, in the ACT, the Custodial Inspector's 2022 review of the adult prison found that, for the 4,077 strip searches conducted in 2020–21, ACT Corrective Services failed to record the purported grounds for search under the *Corrections Management Act 2007* (ACT).¹¹⁴ The subsequent ACT Inspector of Custodial Services' 2025 review found these issues had still not been addressed.¹¹⁵

In Victoria, where the government has yet to nominate a National Preventive Mechanism, the Victorian Ombudsman conducted its first, and to date only, OPCAT-style inspection of its maximum security women's prison over eight years ago in 2017 and concluded that the routine practice of strip searching women breached rights to privacy, to protection from cruel, inhuman or degrading treatment and to humane treatment when deprived of liberty under the Victorian Charter of Human Rights and Responsibilities.¹¹⁶

In order to monitor and prevent the mistreatment of people in prison, all Australian governments must establish and adequately resource independent bodies to regularly conduct unannounced inspections of prisons.¹¹⁷ At minimum, inspectors should have access to all information necessary to monitor searches of people in prison, including search registers.

While prisons are required to record who conducts searches, this information isn't made public. It is particularly important that independent inspectors have access to unredacted search records to identify both systemic issues and problems with specific guards. They should also be taking steps to verify the accuracy of search records by interviewing people in prison and viewing security footage.

We know that some people who take prison roles abuse power intentionally. Given their access to power, guards should be getting scrutinised more than we are. Where they are found to be abusing power, they need to be held to account.

– Stacey Stokes, FIGJAM

Australian governments must also facilitate access to all places of detention by the United Nations Subcommittee on Prevention of Torture (SPT), as required by OPCAT, as well as by other United Nations bodies such as the United Nations Working Group on Arbitrary Detention (WGAD). In recent years, multiple Australian jurisdictions have obstructed accountability by denying such access: during the 2025 visit of the WGAD, the Northern Territory and Western Australia refused access to places of detention.¹¹⁸ Previously, during the 2022 visit of the SPT, NSW and Queensland also denied access, leading to the termination of that visit.¹¹⁹



Deaths in custody rally in Melbourne/Naarm. Credit: Matt Hrkac.

5.

There are less invasive alternatives to strip searching

All Australian governments must ban the use of strip searches in prisons in law. Where absolutely necessary and as a last resort, there are less intrusive alternatives that could be used, like scanners similar to those used at airports and public buildings across the country.

Nobody can give an answer as to why strip searching needs to be done. In this day and age, there are less invasive scanners that do the job. There isn't any empathy for what it feels like when you're strip searched. If there was, everyone would know and accept that there is no reason to put anyone through a strip search.

– Cathy Campesato, FIGJAM

Body scanners and other alternatives to strip searching

As required by international human rights law, and as recommended by a multitude of bodies including the Western Australian Office of the Inspector of Custodial Services,¹²⁰ the NSW Inspector of Custodial Services¹²¹ and the Royal Commission into Institutional Responses to Child Sexual Abuse,¹²² alternatives to strip searching must be developed. At this point, it is difficult to understand why some prisons still lack scanning technologies.¹²³ Prisons that have scaled back the use of strip searches have not seen a corresponding rise in the entry of contraband.¹²⁴

A number of scanners are already available in prisons across the country and have reduced unnecessary prison strip searches.¹²⁵ The Australian Law Reform Commission recently noted that this should inform the expanded use of body scanners across all jurisdictions.¹²⁶

%

In South Australia, following the installation of body scanning technology at the Kurlana Tapa youth prison in August 2020, the South Australian Department of Human Services reported in response to information requests by the Human Rights Law Centre that **no strip searches** were recorded in the seven-month periods between October 2020 to April 2021 and October 2021 to April 2022 at Kurlana Tapa. This is in contrast to **676** recorded strip searches conducted on children at Kurlana Tapa in the six-month period between June 2018 and November 2018, prior to the installation of the scanners.

Similarly, since the introduction of two scanners at the ACT's adult prison in 2023, it has been reported that the number of strip searches has reduced from over **4,000** in 2020–21 to **580** in 2024.¹²⁷

In recognition of the harmful impact of strip searches on children in particular, some Australian jurisdictions have amended the law, prison policies and minimum standards to reduce reliance on strip searches in favour of less intrusive alternatives.

In South Australia, a General Manager's Notice, effective from 7 August 2020, provides that strip searches in Kurlana Tapa youth prison should only occur as a last resort where body scanning technology supports the need for the strip search; the child has been given multiple opportunities to surrender any contraband; and body scanning, pat-down and wand searches has not eliminated the possibility of contraband.¹²⁸

In 2024, the ACT Inspector of Correctional Services updated its youth prison standards – a benchmarking tool which lacks the force of law – to provide that strip searching should not be used, and that body scanners or direct observations should be used as alternatives.¹²⁹ Given that policies can be amended with lesser scrutiny than legislation, and to remove any uncertainty in interpretation, reforms aiming to eliminate strip searching must be expressly provided for in law.

Regulating alternatives to strip searching

While the use of modern technology and scanners represent progress, reliance on strip searching persists when body scanning is used alongside strip searching, rather than as an alternative. For example, between 1 March 2023 and 29 February 2024, the Brisbane youth prison recorded 1,300 strip searches compared with just 24 electronic body scans.¹³⁰ The scanner was recorded as broken in May 2023, and inspectors were unable to determine whether the fault was logged or whether any steps had been taken to repair it.¹³¹

The combined use of body scanning and strip searching can also generate further unnecessary strip searches and invasions of privacy and dignity.

While I was imprisoned at Victoria's Dame Phyllis Frost Centre, a scanning machine was installed in the visits section. This helped reduce the number of strip searches, but if the machine detected anything in a routine scan after a visit, you were still required to undergo a strip search
– Nikki, FIGJAM

I don't understand why it was necessary to scan me when I was received at prison after court, especially since I had already been strip searched at the court
– Georgia Sheales, FIGJAM

It is therefore vital that strip searches are banned and body scanners and other alternatives to strip searches are not deployed by prison guards in the same manner as strip searches – that is, for control or other improper purposes. The risks of abuse are illustrated by a case recently reported by the ACT Inspector of Custodial Services, in which a person was segregated and charged with a disciplinary offence after an alleged anomaly on a body scan. Although a subsequent scan and drug test were clear, the person's 'segregation' was nonetheless extended.¹³²

In many cases, scanning technology and other less invasive searches may be unnecessary due to existing control measures in prisons. For example, the QHRC Review found that saliva swab testing is an effective and less invasive alternative to urine drugs testing, which is preceded by mandatory strip searches and thus drives high strip search rates in Queensland women's prisons.¹³³ Since saliva swab testing eliminates the risk of sample tampering, less invasive alternatives like body scanners or other searches become unnecessary.

Searches are also unnecessary when people in prison are already in secure custody and under direct supervision. A November 2025 report of inspections of three Queensland youth prisons found that West Moreton youth prison was “doing more searches than they need to”; noting that 120 strip searches recorded during admissions to the prison between 1 December 2022 and 30 November 2023 were conducted on children transferred from another prison or watchhouse.¹³⁴ The report also found that children at Brisbane youth prison were subjected to strip searches when returning from a leave of absence, despite being accompanied by staff throughout the leave.¹³⁵

When you're being escorted by guards, you're under constant watch, so there's no need to search you by any means.
– Stacey Stokes, FIGJAM

The law must therefore prescribe that alternative search methods and scanning technology must only ever be used as a last resort in cases of absolute necessity, after less intrusive alternatives have already been exhausted and there remains reasonable and specific intelligence about the concealment of dangerous contraband that poses a significant risk to safety.

The use of alternative search methods or scanning technology should be subject to individual risk assessment and relevant human rights considerations given that body scanners and other alternatives can still interfere with the privacy and dignity rights of people in prison.

Prison scanners create very clear, detailed images and can lead to invasions of privacy. One time when I was scanned, the officers commented on the fact that I was wearing a bikini top under my clothes.
– Georgia Sheales, FIGJAM

Alternatives to strip searching like pat down searches are also invasive and can be used as cover for other abuses of power. On one occasion, when I was subjected to a pat down search, the male guard patted down and ran their hand over my breasts during the search.
– Stacey Stokes, FIGJAM



Less invasive bodyscanner technology available. Credit: Gerti at R&S.

A person with dark hair, wearing a light purple long-sleeved shirt, is seen from behind, holding a large white rectangular sign high above their head with both hands. The sign has the words "HOMES NOT PRISONS" written in a bold, black, hand-drawn sans-serif font. The person is standing in a crowd of other people, some of whom are also holding signs. In the background, there are tall city buildings, trees, and two birds flying in the sky. The scene is set in an urban environment during the day.

HOMES
NOT
PRISONS

CONCLUSION

Support people and communities, not prisons

**“Let this radicalize you rather than
lead you to despair.”¹³⁶**

– Mariame Kaba

Everyone deserves to be treated with dignity, and as this report has shown, strip searches are an unnecessary, ineffective and harmful form of state-perpetrated violence.

The use of the practice cannot be justified. Safer, less invasive and more effective alternatives exist. In recognition of this, all Australian governments should ban the use of strip searches in prisons in law.

Imprisonment harms rather than heals, with strip searches only one cruel carceral tool of many that undermine any rehabilitative purpose that prisons purport to serve. Their ongoing, normalised use in prisons across the country confirms that prisons cannot be sites of rehabilitation.

This report is being published at a time when the country is experiencing a mass imprisonment crisis and the number of people being pipelined into prisons is skyrocketing due to discriminatory and turbo-charged ‘tough on crime’ politics. Prisons are increasingly being used as warehouses for people who have been marginalised and failed by the government. An extensive body of research makes clear that harsh punishment fails to prevent acts of violence, and that we need to move beyond a fixation on short-term, overly punitive measures towards solutions that work to address what causes people to be criminalised in the first place.

Alongside ending the strip searching of people in prisons, governments need to do the right thing by building up the community services required to support people and divert them away from prisons, where they are at risk of being subjected to the harms detailed in this report.



Deaths in custody rally in Melbourne/Naarm. Credit: Matt Hrkac.

ENDNOTES

- 1 See, eg, Debbie Kilroy and Tabitha Lean, 'State-sanctioned sexual assault: the injustice of strip searching women in prisons', *Croakey Health Media* (Webpage, 30 January 2024) <<https://www.croakey.org/state-sanctioned-sexual-assault-the-injustice-of-strip-searching-women-in-prisons>>; Debbie Kilroy, 'Strip-Searching: Stop the State's Sexual Assault of Women in Prison' (2003) 12 *Journal of Prisoners on Prisons* 30, 34–36.
- 2 Human Rights Law Centre (HRLC), *Total Control: ending the routine strip searching of women in Victoria's prisons* (Report, 7 December 2017).
- 3 Premier of Victoria, 'New Gatehouse to Boost Security and Keep People Safe' (Media release, 13 January 2020) <<https://www.premier.vic.gov.au/new-gatehouse-boost-security-and-keep-people-safe>>.
- 4 Cultural Review of the Adult Custodial Corrections System (CRACCS), *Safer Prisons, Safer People, Safer Communities* (Final Report, December 2022) 656–659.
- 5 Queensland Human Rights Commission (QHRC), *Stripped of our dignity: A human rights review of policies, procedures, and practices in relation to strip searches of women in Queensland prisons* (Final Report, 20 September 2023) 44, citing Corrections Victoria consultation, 5 May 2023.
- 6 Australian Bureau of Statistics, 'Key statistics', *Prisoners in Australia* (Web report, 19 December 2024) <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2024>>; Australian Institute of Health and Welfare, *Adults in prison* (Web article, 15 November 2023) <<https://www.aihw.gov.au/reports/australias-welfare/adults-in-prison>>.
- 7 Australian Bureau of Statistics, 'Australia', *Recorded Crime – Offenders* (Web report, 6 March 2025) <<https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-offenders/latest-release>>; See also Productivity Commission, *Australia has fewer criminal offenders but more people in prison* (Web article, 18 October 2021) <<https://www.pc.gov.au/media-speeches/articles/imprisonment>>.
- 8 Independent Broad-based Anti-corruption Commission (IBAC), *Special report on Corrections: IBAC Operations Rous, Caparra, Nisidia and Molara* (Report, June 2021) 83.
- 9 Redfern Legal Centre, *Strip Searches of Children by NSW Police* (Report, March 2024) 9 <<https://rlc.org.au/sites/default/files/2024-03/Strip%20Searches%20of%20Children%20by%20NSW%20Police.1.pdf>>.
- 10 *Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Act 2024* (Cth) sch 3.
- 11 Queensland Corrective Services, *Custodial Operations Practice Directive: Prisoner Search* (Date of implementation: 9 September 2025) 15 <<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/f3171e45-a4b6-4c8b-9597-4f687b266948/coppd-prisoner-search-redacted.pdf>>.
- 12 Ibid 15–19.
- 13 *Corrections Act 1986* (Vic) s 45(1)(b). See also *Corrective Services Act 2006* (Qld) s 33(2), *Corrections Act 1997* (Tas) s 22(1A), *Prisons Act 1981* (WA) s 41(1)(c), *Corrections Management Act 2007* (ACT) s 111(1).
- 14 QHRC (n 5) 68, 126, 132.
- 15 See, eg, Explanatory Notes, *Corrective Services Bill 2006* (Qld) 59–60.
- 16 See, for example, Department for Correctional Services, 'Example Contraband List' (Web Page, Department for Correctional Services, 2024) <<https://www.corrections.sa.gov.au/prison/prison-life/prisoner-mail/mail-prohibited-items>>.
- 17 Office of the Inspector of Custodial Services (WA) (OICS), *Strip searching practices in Western Australian prisons* (Report, March 2019) 8–9.
- 18 Ibid 7.
- 19 QHRC (n 5) 5.
- 20 Corrections Management (Searching) Policy 2022 (ACT) s 8.11. This instrument has since repealed and replaced by the Corrections Management (Searching) Policy 2023 (ACT), which retains the same requirements in section 8.12.
- 21 See further the Supplementary Paper.
- 22 New South Wales Department of Communities and Justice, *Searching inmates* (Custodial Operations Policy and Procedures 17.1, version 1.13, 13 June 2024) 10 <<https://dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/copp/17-searching/17.01-searching-inmates.pdf>>.
- 23 Inspector of Custodial Services (NSW), *Inspection of Mary Wade Correctional Centre* (Report, October 2020) 20.
- 24 OICS (n 17) v; QHRC (n 5) 44.
- 25 Baroness Jean Corston, *The Corston Report: Review of Women with Particular Vulnerabilities in the Criminal Justice System* (Report, Home Office, Government of the United Kingdom, March 2007) 31 [3.18].
- 26 HRLC (n 2) 24, based on correspondence received from Operational Security Group, Her Majesty's Prison and Probation Service, 15 and 18 August 2017.
- 27 Kilroy and Lean (n 1); Amanda George, *Strip Searches: Sexual Assault by the State* (1993) 18 *Alternative Law Journal* 31–33.
- 28 Jessica Hutchison, "'It's Sexual Assault. It's Barbaric': Strip Searching in Women's Prisons as State-inflicted Sexual Assault" (2020) 35(2) *Affilia: Feminist Inquiry in Social Work* 170.
- 29 QHRC (n 5) 59.
- 30 Ibid 60.
- 31 Kilroy and Lean (n 1); George (n 27).
- 32 Hutchison (n 28) 171.
- 33 Ibid 160, 169.
- 34 Bree Carlton and Emma Russell, 'The Weaponisation of 'Trauma-Informed' Discourse in Prison Policy: An Abolition Feminist Critique' (2023) 4 *Incarceration* 17.
- 35 Flat Out, *Submission No 980 to the Royal Commission into Family Violence* (29 May 2015).
- 36 ACT Human Rights Commission, *Human Rights Audit on the Operation of ACT Correctional Facilities under Corrections Legislation* (Audit Report, July 2007).
- 37 Ibid.
- 38 Ibid.
- 39 *Corrections and Sentencing Legislation Amendment Act 2023* (ACT).
- 40 ACT Office of the Inspector of Custodial Services, *Healthy Prison Review of the Alexander Maconochie Centre 2025* (Report, 27 November 2025) 84 <www.ics.act.gov.au/reports-and-publications/healthy-prison-reviews/healthy-prison-review-of-the-alexander-maconochie-centre-2025>.
- 41 CRACCS (n 4) 656–657.
- 42 IBAC (n 8) 53.
- 43 OICS (n 17) 4–5.
- 44 Ombudsman NT, *Separate Confinement: A Thematic Investigation into Practices in Darwin Correctional Centre* (Report, May 2024) 56.
- 45 QHRC (n 5) 61.
- 46 CRACCS (n 4) 657.
- 47 Association for the Prevention of Torture, *Global Report on Women in Prison: Analysis from National Preventive Mechanisms*, (Report, December 2024) 22.
- 48 Sisters Inside, *Women and girls' experience of the criminal 'justice' system: Sisters Inside's response to Discussion Paper 2, Women's Safety and Justice Taskforce, Queensland* (Submission, 2021) 8 <https://www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0004/692662/wsjt-submission-dp2-sisters-inside>.

- pdf>; QHRC (n 5) 89; Association for the Prevention of Torture, *Global Report on Women in Prison: Analysis from National Preventive Mechanisms*, (Report, December 2024) 22.
- 49 QHRC (n 5) 41, 86; Association for the Prevention of Torture, *Global Report on Women in Prison: Analysis from National Preventive Mechanisms*, (Report, December 2024) 22.
- 50 Hutchison (n 28) 163; QHRC (n 5) 61, 132.
- 51 QHRC (n 5) 122.
- 52 Ibid 127.
- 53 Productivity Commission, *Report on Government Services 2025* (Part C, Section 8: Corrective Services data tables, 4 February 2025) Table 8A.5 <<https://www.pc.gov.au/ongoing/report-on-government-services/2025/justice/corrective-services>>; Productivity Commission, *Closing the Gap Annual Data Compilation Report* (Report, July 2024) 63; Australian Bureau of Statistics, 'Aboriginal and Torres Strait Islander prisoners', *Prisoners in Australia, 2024* (Web report, 19 December 2024) <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2024>>.
- 54 Queensland Government, 'Lotus Glen Correctional Centre', *Queensland Government* (Webpage, 27 September 2022) <<https://www.qld.gov.au/law/sentencing-prisons-and-probation/prisons-and-detention-centres/prison-locations/view?id=7&title=Lotus%20Glen%20Correctional%20Centre>>.
- 55 ACT Office of the Inspector of Custodial Services (n 40) 85.
- 56 Australian Bureau of Statistics, *Prisoners in Australia, 2022* (Web report, Data downloads, 24 February 2023) Table 14 <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2022>>.
- 57 Jude McCulloch and Amanda George, 'Naked Power: Strip Searching in Women's Prisons' in Phil Scraton and Jude McCulloch (eds), *The Violence of Incarceration* (Routledge, 2009) 107-23.
- 58 Australia's National Research Organisation for Women's Safety, *Women's imprisonment and domestic, family, and sexual violence: Research synthesis* (Report, ANROWS Insights, March 2020) 5-6; Association for the Prevention of Torture, *Global Report on Women in Prison: Analysis from National Preventive Mechanisms*, (Report, December 2024) 21-22.
- 59 Australian Law Reform Commission (ALRC), *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (ALRC Report 143, January 2025) 95; Steering Committee for the Review of Government Service, Coalition of Australian Governments, *Framework for Reporting on Indigenous Disadvantage: Report on Consultations* (Report 2006); ALRC and New South Wales Law Reform Commission, *Family Violence – A National Legal Response* (ALRC Report No 114, NSWLRC Report No 128, 2010) 24.27.
- 60 ALRC (n 59) 95; Matthew Mitchell, Adrien McCrory, Isabelle Skaburskis and Brenda Appleton, 'Criminalising Gender Diversity: Trans and Gender Diverse People's Experiences with the Victorian Criminal Legal System' (2022) 11(4) *International Journal for Crime, Justice and Social Democracy* 99, 99-100.
- 61 ACT Office of the Inspector of Custodial Services (n 40) 85.
- 62 QHRC (n 5) 109.
- 63 Flat Out Inc, Transgender Victoria, Zoe Belle Gender Collective and Fitzroy Legal Service, 'Joint statement from LGBTQI+ rights advocates and allies on the treatment of transgender women in the Victorian prison system' (Media statement, 12 August 2022) <<https://static1.squarespace.com/static/5f3a46e3dffd8f36701099cf/t/637eb140287ff4075f95e2ed/1669247297101/20220812+Media+Statement+prisons%2C+human+rights%2C+sensationalism.pdf>>.
- 64 *United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)*, UN Doc E/CN.15/2015/L.6/Rev (17 December 2015), rules 7(a) and 52; United Nations Office of Drugs and Crime, Technical Brief: Transgender People and HIV in Prisons and Other Closed Settings, 5 <https://www.unodc.org/documents/hiv-aids/publications/Prisons_and_other_closed_settings/22-03088_Transgender_HIV_E_ebook.pdf>.
- 65 *Youth Justice (Conduct of Searches and Other Matters) Amendment Regulation 2024* (Qld) regs 4 and 7.
- 66 Charlie Winter, 'Correctional policies for the management of trans people in Australian prisons' (2023) 25(2) *International Journal of Transgender Health* 130, 141.
- 67 See, eg, Rebecca Peppiatt, 'Transgender woman kept in Perth prison for men', *WAtoday* (online, 17 March 2023) <<https://www.watoday.com.au/national/western-australia/perth-judge-in-sentencing-dilemma-as-transgender-woman-complains-of-treatment-in-male-prison-20230316-p5cst9.html>>.
- 68 Productivity Commission, *Report on Government Services 2025* (Part F, Section 17: Youth Justice Services data tables, 4 February 2025) Table 17A.5; Australian Institute of Health and Welfare, *Youth detention population in Australia 2024* (Web report, 13 December 2024) <<https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2024/contents/about>>; *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, 29 September 2023) vol. 8, 85; Standing Council of Attorneys-General, *Age of Criminal Responsibility Working Group Report* (Report, September 2023) 21-22; Australian Human Rights Commission, 'Help way earlier!': *How Australia can transform child justice to improve safety and wellbeing* (Report, August 2024) 18-19, 45.
- 69 Lord Carlile of Berriew QC, *An independent inquiry into the use of physical restraint, solitary confinement and forcible strip searching of children in prisons, secure training centres and local authority secure children's homes* (Report for The Howard League for Penal Reform, 2006) 58 <[howardleague.org/wp-content/uploads/2016/03/Carlile-Report-pdf.pdf](https://www.howardleague.org/wp-content/uploads/2016/03/Carlile-Report-pdf.pdf)>.
- 70 *Royal Commission into the Protection and Detention of Children in the Northern Territory* (Final Report, 2018) 447.
- 71 Ibid 257.
- 72 *Royal Commission into Institutional Responses to Child Sexual Abuse* (Final Report, Volume 15, 2017).
- 73 Youth Justice Amendment (Searches in Custody) Act 2022 (Tas), amending the Youth Justice Act 1997 (Tas); Youth Justice Act 2024 (Vic) s 497.
- 74 *Royal Commission into the Protection and Detention of Children in the Northern Territory* (Final Report, 2018) 226.
- 75 Youth Justice Act 2005 (NT) s 161, as amended by Youth Justice Legislation Amendment Act 2018 (NT) s17.
- 76 Ainsley Kock, 'Aboriginal girl 'traumatised' after police strip-search in Hobart', *ABC News* (online, 12 January 2019) <<https://www.abc.net.au/news/2019-01-12/claims-aboriginal-girl-traumatised-after-police-strip-search/10709932>>; Chanel Kinniburgh, '11-year old boy strip searched and locked up in Hobart', *Mercury* (online, 15 February 2019) <<https://www.themercury.com.au/news/scales-of-justice/11-year-old-boy-strip-searched-and-locked-up-in-hobart/newsstory/2b274f8e944c2c33d62b32e1996aaead>>.
- 77 Commissioner for Children and Young People Tasmania, *Searches of children and young people in custody in custodial facilities in Tasmania* (Memorandum of Advice, Public release, 7 May 2019).
- 78 Youth Justice Act 1997 (Tas) ss 25E-25G.
- 79 Office of the Custodial Inspector Tasmania, *Children in Tasmania's prisons* (Report, 2025) <https://www.custodialinspector.tas.gov.au/_data/assets/pdf_file/0005/814073/Children-in-Tasmanias-prisons-review-report-2025.pdf>.

- 80 *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force on 23 March 1976).
- 81 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987).
- 82 *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).
- 83 *Human Rights Act 2004* (ACT) ss 8, 10, 11, 12, 19.
- 84 *Charter of Human Rights and Responsibilities Act 2006* (Vic) ss 8, 10, 13, 17, 22.
- 85 *Human Rights Act 2019* (Qld) ss 15, 17, 25, 26, 30.
- 86 *Meredith v State of New South Wales (No 5)* [2025] NSWSC 1133 [335].
- 87 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/ HRC/31/57, 5 January 2016, paras 23, 36.
- 88 Nelson Mandela Rules (n 64) rule 52.
- 89 *Ibid* rule 51.
- 90 *Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*, GA Res 3/65, 65th sess, Agenda Item 105, UN Doc A/C.3/65/L.5 (6 October 2010), rule 12.
- 91 *Ibid* rule 20.
- 92 *Human Rights Act 2004* (ACT); *Charter of Human Rights and Responsibilities Act 2006* (Vic); *Human Rights Act 2019* (Qld).
- 93 *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 39; *Human Rights Act 2019* (Qld) s 59(1).
- 94 *Human Rights Act 2004* (ACT) s 40C(4); *Charter of Human Rights and Responsibilities Act 2006* (Vic) s 39(3); *Human Rights Act 2019* (Qld) s 59(3).
- 95 Sections 13(a) and 22(1).
- 96 *Thompson v Minogue* [2021] VSCA 358, [284], [287].
- 97 *Ibid* [243], [318(b)], [355].
- 98 *Ibid* [318(b)], [358].
- 99 *Ibid* [350–358].
- 100 *Ibid* [352].
- 101 *Ibid* [355–356].
- 102 *Ibid* [353].
- 103 Supplementary Paper, data on adult prisons in Victoria in April 2022.
- 104 *Williams v Director-General of the Justice and Community Safety Directorate* [2025] ACTSC 396, [342].
- 105 *Ibid* [341–351].
- 106 *Ibid* [352–356].
- 107 ALRC (n 59) 15.
- 108 Extract of response from NSW DCS, dated 23 April 2023, to a request for information made by the Human Rights Law Centre for data on strip searching in adult prisons in NSW for the period covering 1 October 2021 to 30 April 2022.
- 109 See further data in the Supplementary Paper on strip searching in women's prisons in Queensland from January to April 2021.
- 110 See, for example, Ombudsman NT, *Separate Confinement: A Thematic Investigation into Practices in Darwin Correctional Centre* (Report, May 2024) 67; OICS (n 17) iv, v, vii.
- 111 State of Victoria, *Youth justice reviews and reporting* (Web Page) <<https://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-reviews-and-reporting>>.
- 112 *Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment*, opened for signature on 9 January 2003, A/RES/57/199 (entered into force 22 June 2006) Article 1.
- 113 Association for the Prevention of Torture, Australia (Web Page) <<https://www.ap.t.ch/knowledge-hub/opcat/australia>>.
- 114 ACT Inspector of Correctional Services, *Healthy Prison Review of the Alexander Maconochie Centre 2022* (Report, November 2022) <https://www.ics.act.gov.au/_data/assets/pdf_file/0006/211964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022-tagged_FA-updated.pdf>.
- 115 ACT Office of the Inspector of Custodial Services (n 40) 83.
- 116 Victoria Ombudsman, *Implementing OPCAT in Victoria: Report and Inspection of Dame Phyllis Frost Centre* (Report, 10 February 2023) 5 <<https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/1-PDF-Report-Files/Implementing-OPCAT-in-Victoria-report-and-inspection-of-Dame-Phyllis-Frost-Centre.pdf>>.
- 117 See Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party (UN Doc CAT/OP/AUS/ROSP/1) (20 December 2023) 5, [21]–[22]; Australian National Preventative Mechanism members, 'Joint Statement: No Additional Funding to Implement Australia's Obligations Under OPCAT' (online, May 2023) <https://www.ics.act.gov.au/_data/assets/pdf_file/0016/2220712/Joint-Statement-Federal-Budget-10-May-2023-Final-Clean.pdf>; Australian National Preventative Mechanism members, 'Joint Statement: Australia's National Preventive Mechanism under the Optional Protocol to the Convention against Torture' (online, January 2023) <https://www.ics.act.gov.au/_data/assets/pdf_file/0009/2165751/NPM-Network-Joint-Statement-19-January-2023.pdf>.
- 118 UN Human Rights Office of the High Commissioner, 'Working Group on Arbitrary Detention: Preliminary Findings from its Visit to Australia (1 to 12 December 2025)' (Statement, 12 December 2025) <<https://www.ohchr.org/sites/default/files/statements/20251212-com-stm-australia-wg-arbitrary-detention-en.pdf>>.
- 119 UN Human Rights Office of the High Commissioner, 'UN torture prevention body terminates visit to Australia, confirms missions...' (Press Release, 20 February 2023) <<https://www.ohchr.org/en/press-releases/2023/02/un-torture-prevention-body-terminates-visit-australia-confirms-missions>>.
- 120 OICS (n 17) vi.
- 121 Inspector of Custodial Services (NSW), *Women on Remand* (Report, February 2020) 52, [5.1.1].
- 122 'Contemporary detention environments', *Royal Commission into Institutional Responses to Child Sexual Abuse* (n 69) 117–188 and recommendation 15.4.
- 123 OICS (n 17) vi.
- 124 QHRC (n 5) 44.
- 125 See, e.g., Premier of Victoria (n 3).
- 126 ALRC (n 59) 590.
- 127 Byrne, Elizabeth, 'Body scanner to be used in ACT courts after significantly reducing prison strip searches' ABC News (online, 29 September 2025) <<https://www.abc.net.au/news/2025-09-29/act-electronic-scanner-expansion-reduce-strip-searches-jail/105830654>>.
- 128 South Australian Government Department of Human Services, *General Manager's Notice – Body Scanners: Modification to Process and Authority for the Searching of Residents* (7 August 2020) 2.1, varying Department of Human Services, *Security Order 6 – Searching of Residents and Visitors* (1 December 2016).
- 129 ACT Inspector of Correctional Services, *ACT Standards for Youth Detention Places* (April 2024) 37.
- 130 Inspector of Detention Services, Office of the Queensland Ombudsman, *Combined inspection report for youth detention centres: A report on our 2024 inspections of 3 Queensland youth detention centres – West Moreton, Brisbane and Cleveland* (Report, November 2025) 74 <<https://www.ombudsman.qld.gov.au/ArticleDocuments/618/YDC%20inspections%20combined%20report%202025%20PUBLIC%20-%20OOCR.pdf.aspx?Embed=Y>>.
- 131 *Ibid* 77–78.
- 132 ACT Office of the Inspector of Custodial Services (n 40) 69.
- 133 QHRC (n 5) 73.
- 134 Inspector of Detention Services (n 130) 76.
- 135 *Ibid*.
- 136 Mariame Kaba, *Let This Radicalize You: Organizing and the Revolution of Reciprocal Care* (Haymarket Books, 2023) 149.

Human
Rights
Law
Centre.



FLAT OUT



ENDING STRIP SEARCHING

Supplementary Paper to Report on Ending
Strip Searching in Australian Prisons



Acknowledgement of Country

The Human Rights Law Centre, Flat Out and FIGJAM acknowledge Aboriginal and Torres Strait Islander peoples as the custodians and First Peoples of so-called Australia. We acknowledge the Traditional Owners of the lands on which we work and live – including the lands of the Wurundjeri, Bunurong, Gadigal, Ngunnawal, Darug and Wadawurrung people – and pay our respect to Elders of those lands, both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal and carceral systems in establishing and perpetuating the oppression of First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander peoples and organisations to undo the injustices imposed on them since colonisation.

Authors

This report was co-authored by Sohini Mehta, Senior Lawyer at Human Rights Law Centre, Monique Hurley, Associate Legal Director at Human Rights Law Centre, and Nina Storey, Family Violence Justice Project Coordinator at Flat Out and FIGJAM member.

This report honours the contributions of formerly incarcerated people and members of FIGJAM. We also wish to express our particular thanks to Aunty Vickie Roach and for the assistance provided by Karen Fletcher, Maggie Munn, Georgia Smith and Josephine Langbien in the preparation of this report.

Formerly Incarcerated Girls Justice Advocates Melbourne (FIGJAM)

FIGJAM is a collective of formerly incarcerated women based in Melbourne who have survived violence in the community but also at the hands of the state (namely prisons and police). FIGJAM was founded by Family Violence Justice Project Co-Ordinator from Flat Out – Nina – in the hope and dream of building a community of staunch advocates providing connection, support and stability to its members. FIGJAM use their voices and experiences to change community attitudes and push through barriers of stigma and discrimination. They are invited regularly to consult, sit on focus groups, present at conferences, engage with and attend community events, influence policy reform, write submissions and participate in creative arts activities, podcasts and research.

Flat Out

Flat Out is a Victoria-wide advocacy and support service for women, trans and gender diverse people and their children who have been criminalised. We are an independent, not for profit, community-based organisation that aims to prevent women and trans and gender-diverse people from entering and returning to prison. Flat Out resources women, trans and gender diverse people with lived expertise to inform and educate the broader community about the right to live free from trauma, injustice and violence, and the issues they face within the criminal legal system.

Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

CONTENT NOTES

This report refers to and includes the experiences of people subjected to strip searches in prison and discusses the (re-)traumatising impact of this practice on people with lived experience of violence.

This report does not intend to provide legal advice and should not be relied upon as such.

March 2026

Cover illustration and throughout: Judy Kuo



CONTENTS

Strip search data

1. Notes	ii
2. Limitations of the data obtained	2
3. Limitations of the data analysis	3
4. National snapshot: 2021–22	4
5. Data by jurisdiction	
Australian Capital Territory	10
New South Wales	13
Northern Territory	14
Queensland	15
South Australia	19
Tasmania	22
Victoria	26
Western Australia	28

SUPPLEMENTARY PAPER: Strip search data

1.

Notes

This Supplementary Paper presents point-in-time snapshots of prison strip search practices in all Australian jurisdictions, based on information obtained by the Human Rights Law Centre.

Where available, the following information is provided:

- the number of strip searches recorded over a specified time period;
- the number of searches identifying items, if any;
- any items identified which are unlikely to pose a significant risk to the safety of people in prison;
- the most common reason recorded for the searches;
- the proportion of searches conducted on Aboriginal and Torres Strait Islander people; and
- the prisons at which the searches took place.

Where possible, this information is disaggregated by youth, women's and men's prisons, and by the gender of the people subjected to the strip searches.

2.

Limitations of the data obtained

At the outset, we note the following limitations of the data obtained:

- The data may not be reflective of the actual number of prison strip searches in each jurisdiction.
 - The accuracy of the data disclosed depends on the extent to which prison staff recorded strip searches, accurately or at all. Given known deficiencies in the recording of prison strip searches,¹ the data obtained may include false or incomplete information.
 - Where the gender of people strip searched was not obtained or disclosed, and no assumptions could be made about gender for searches conducted at mixed-gender prisons, or where the prison at which they were conducted was not recorded or disclosed, these strip searches could not be attributed to any gender, resulting in under-reporting.
 - Some of the strip search data obtained pertains to periods during the Covid-19 pandemic where many prisons instituted restrictions, potentially affecting the representativeness of that data. Covid-19 restrictions, such as the suspension of prison visits during peaks in the pandemic, should have reduced the likelihood of contraband entering and passing through prisons, compounding the unnecessary nature of strip searching.
- The number of strip searches recorded over a specified time period does not indicate how many times any given person was subjected to strip searching during that period, and the number of people subjected to strip searches was not specifically sought.
 - Given the excessive use of prison strip searches, often as a matter of routine, people in prison may be repeatedly subjected to strip searches.
 - In limited cases, this information was disclosed. For example, the Western Australian Department of Justice disclosed that 971 women were subjected to 4,875 strip searches in Western Australian prisons in the seven-month period between October 2020 and April 2021.



3.

Limitations of the data analysis

- The data obtained does not reveal the identities of the officers searching people in prison, so it is not possible to assess the extent to which particular officers might be abusing their powers.
- Although requested, in many cases, the strip search registers disclosed did not record whether the people searched identified as Aboriginal and/or Torres Strait Islander peoples.
- Where gender is recorded in prison strip search records, it is not clear whether the gender recorded by prison staff refers to the sex characteristics or gender identity of the person in prison. Inferring gender based on the same-gender prisons at which strip searches were conducted has clear limitations, as this relies on the binary categorisation used in the prison system and does not account for trans and gender diverse people in prison.
- Prior to 2022, data in relation to strip searches of trans and gender diverse people in prison was not sought and data in relation to adult men in prison was only sought for the ACT.
- In some cases, the nature or precise quantity of items identified in strip searches was unclear. One item was counted for each type of item mentioned – for example, a reference to ‘contraband’ without further detail was considered to be a single item. For consistency, where items generally consist of multiple units, one item was counted rather than multiple units – for example, ‘10 tablets of medication’ was considered to be a single item.
- The age of people subjected to strip searching was not generally sought. Where strip searches were conducted in youth prisons, the people subjected to strip searching are referred to as children. Where gender is recorded or can be inferred, they are referred to as boys and girls.
- The data requested relates only to people detained in prison, so it does not reveal anything about the practice of strip searching visitors to prisons.

We note the following limitations of the data analysis conducted:

- The data analysis, undertaken by lawyers working at the Human Rights Law Centre, was based on information, including strip search records, disclosed under freedom of information laws in each state and territory. This information was often challenging to interpret because of incomplete and/or unclear records.
- Most of the analysis of disclosed strip search registers involved manual data entry, which introduces the possibility of human error. To mitigate this and improve accuracy, the largest datasets – those obtained after 2022 – were spot-checked at a frequency proportionate to their size.

4.

National snapshot: 2021–22

An overview of the strip search data obtained by the Human Rights Law Centre covering varying time periods between 2021 and 2022.

Adults in prison

Table 1: Strip searches of adults in Australian prisons, excluding New South Wales and Western Australia, over varying time periods in 2021–2022:

Jurisdiction	Time period	Number of strip searches	% of searches with items found	Most common type of item found	Most common reason for strip search	Strip searches of Aboriginal and/or Torres Strait Islander people	Strip searches of men	Strip searches of women
ACT	Oct 2021 – Apr 2022 (7 months)	1,192	2.01	Drugs	Court attendance	371 (31.12%)	1,073	119
Qld	Feb 2022 – Apr 2022 (3 months)	14,741	0.38	Syringes / needles	Escort and/or transfer	Not disclosed	14,054	687
NT	Feb 2022 – Apr 2022 (3 months)	6,326	0.21	Tobacco	Not disclosed	Not disclosed	Not disclosed	Not disclosed
SA	Feb 2022 – Apr 2022 (3 months)	5,741	0.31	Piercings / jewellery	General movements within prison	Not disclosed	3,902	Not disclosed
Tas	Feb 2022 – Apr 2022 (3 months)	817	0	Not disclosed	Initial reception into the prison, entering or leaving the prison, and “general safety or security concerns”	Not disclosed	625	192
Vic	Oct 2021 – Apr 2022 (7 months)	40,427	Not ascertainable	Not disclosed	Not disclosed	Not disclosed	39,056	1,371

Figure 1: Average strip searches conducted on adults in prison each month

**Across these six
Australian jurisdictions:**

15,154

**Average strip searches conducted
on adults in prison each month.**

This would amount to
approximately **181,848** strip
searches over one year.

Strip searches were most commonly
conducted for **routine reasons**.

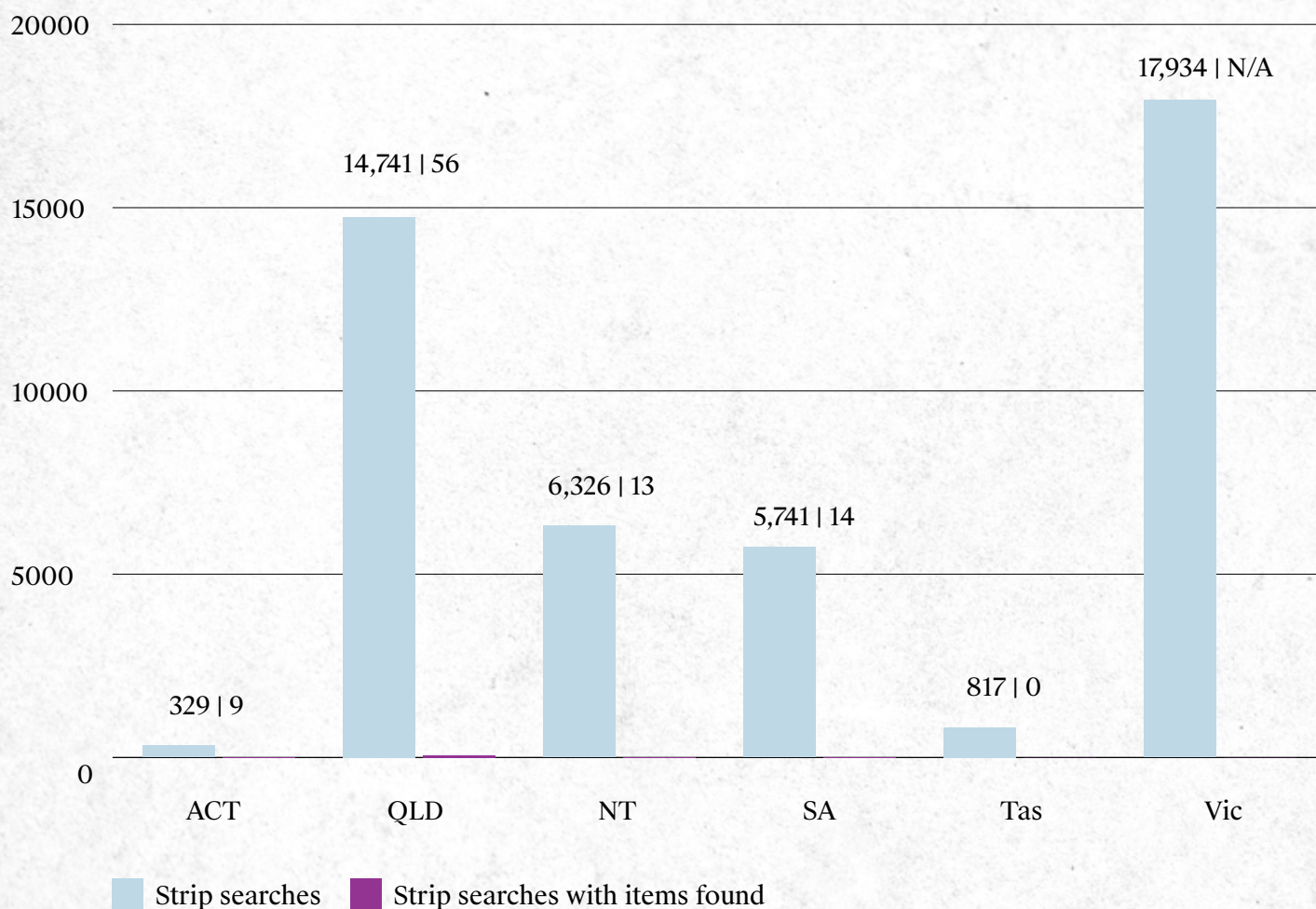
0.58%

Average detection rate

Item detection rates
ranged from 0% to a maximum
of 2.01%, with an average of 0.58%.

We note, however, that the rates are
not directly comparable as they are
based over different timeframes.

Graph 1: Strip searches of adults in Australian prisons, excluding New South Wales and Western Australia, in the 3-month period from February to April 2022



Notes on Table 1, Figure 1 and Graph 1:

- The strip search data disclosed did not always cover every prison in each jurisdiction. See further the data summaries by jurisdiction below.
- Information on strip searches of adults in prison in New South Wales and Western Australia for the 2021 – 2022 period was not disclosed.
- A policy in effect from 11 February 2022 prohibits routine strip searches of people in ACT prisons when attending or returning from court: Corrections Management (Searching) Policy 2022 (ACT) s 8.11. This instrument has since been repealed and replaced by the *Corrections Management (Searching) Policy 2023 (ACT)*, which retains the same requirements in s 8.12.
- In relation to strip searches of adults in prison in South Australia, records of 1,308 strip searches at South Australia's Mount Gambier prison did not indicate if any items were found.
- In relation to strip searches of adults in prison in Tasmania, the actual number of strip searches is likely to be higher as six pages of strip search records from Risdon prison were stated to be missing. 90 strip searches did not document whether any items were identified.
- In relation to strip searches of adults in prison in Victoria, this excludes strip searches at Loddon Prison, which the Department of Justice and Community Safety did not disclose due to strip search registers not being retrieved from offsite storage.

Children in prison

Table 2: Strip searches of children in Australian prisons, excluding Western Australia, over varying time periods in 2021–2022

Jurisdiction	Time period	Number of strip searches	% of searches with items found	Most common type of item found	Most common reason for strip search	Strip searches of Aboriginal and/or Torres Strait Islander children
ACT	1 Oct 2021 – 30 April 2022 (7 months)	7	0	Not disclosed	Intelligence	Not disclosed
NSW	1 April 2022 to 30 April 2022 (1 month)	127	2.36	Not disclosed	New admission	Not disclosed
NT	1 Oct 2021 – 30 April 2022 (7 months)	0	Not ascertainable	Not disclosed	Not disclosed	Not disclosed
Qld	1 February 2022 – 30 April 2022 (3 months)	430	5.58	Screws	New admission	Not disclosed
SA	1 Oct 2021 – 30 April 2022 (7 months)	0	Not ascertainable	Not disclosed	Not disclosed	Not disclosed
Tas	1 Oct 2021 – 30 April 2022 (7 months)	19	2.63	Tobacco and marijuana	New admission	6 (31.58%)
Vic	1 Oct 2021 – 30 April 2022 (7 months)	299	11.04	No description	“Reasonable grounds”	Not disclosed

Figure 2: Average strip searches conducted on children in prison each month

Across the ACT, NSW, NT,
Qld, SA, Tas and Vic

317

**Average strip searches
conducted on children in
prison each month.**

This would amount to
approximately **3,804** strip
searches of children over
one year.

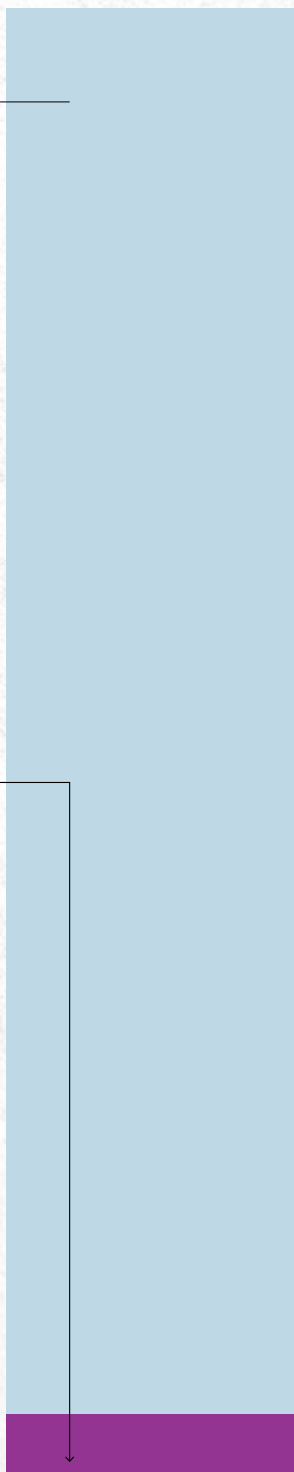
4.32%

Average detection rate

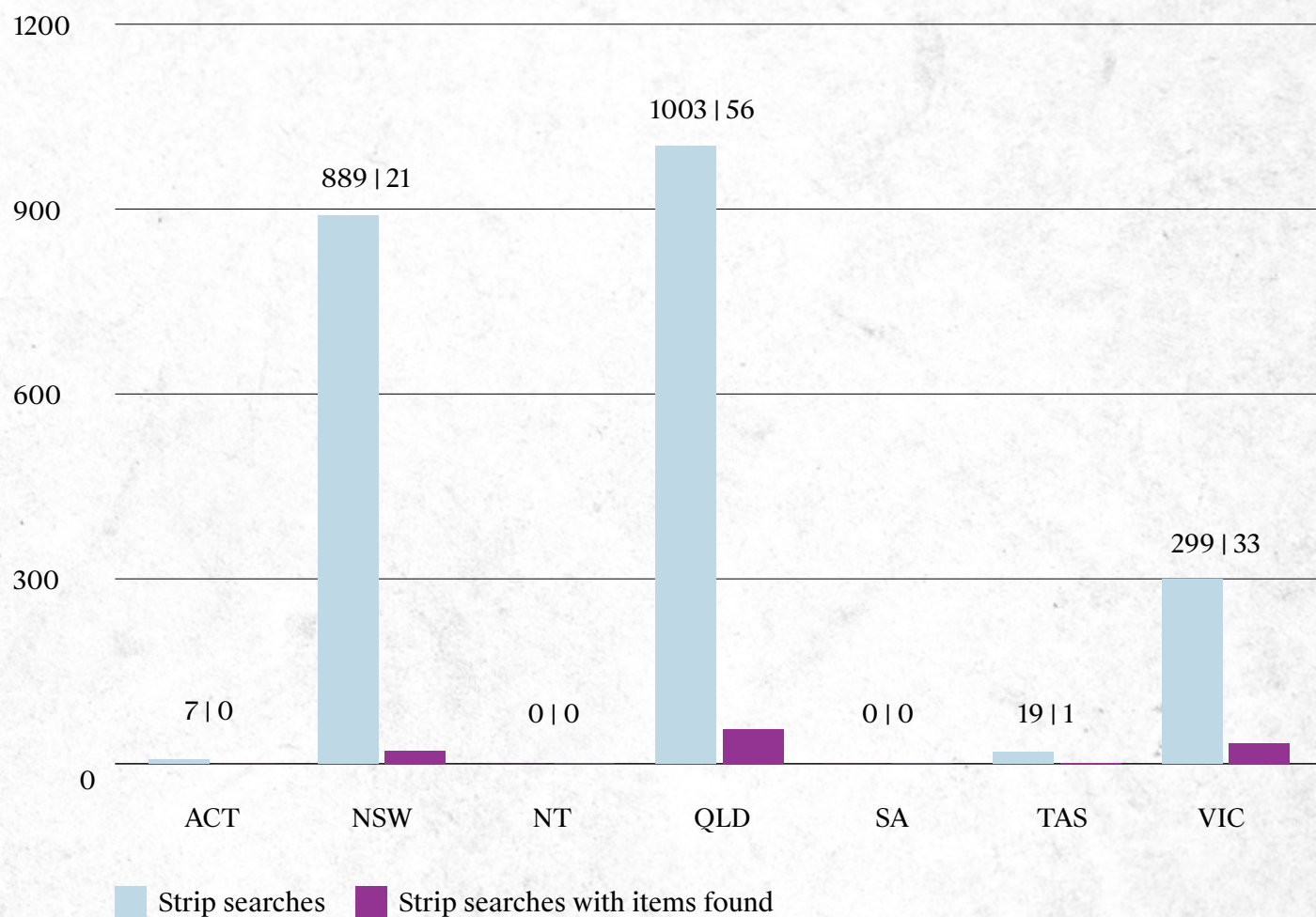
Item detection rates ranged
from 0% to a maximum
of 11.04%, with an average
of 4.32%.

We note, however, that the
rates are not directly
comparable as they are based
over different timeframes.

In most jurisdictions that
supplied data on the reasons
for strip searches, strip
searches were most often
conducted **routinely**, when
a child is newly admitted
to prison.



Graph 2: Strip searches of children in Australian prisons, excluding Western Australia, in the 7-month period from October 2021 to April 2022



Notes on Figure 2 and Graph 2:

- The data disclosed did not always cover every youth prison in each jurisdiction. See further the data summaries by jurisdiction below.
- Information on strip searching of children in prison in Western Australia during the 2021–2022 period was not disclosed.
- The available data for New South Wales (1 month) and Queensland (3 months) has been extrapolated to represent a 7-month period, to align with datasets from other jurisdictions.
- The gender of children subjected to strip searches was not disclosed and generally could not be inferred based on the prisons at which the strip searches were conducted. In New South Wales, we note that it is likely that most of the 127 strip searches recorded for the month of April 2022 were conducted on boys, since the data provided covered two youth prisons: Cobham and Frank Baxter youth prisons which primarily detain boys.²

5.

Data by jurisdiction

Australian Capital Territory

In relation to the information below, please note that some of the data relates to periods prior to the introduction of a policy on 11 February 2022 which prohibits routine strip searches of people in ACT prisons when attending or returning from court.³

Adults in prison

October 2021 to April 2022

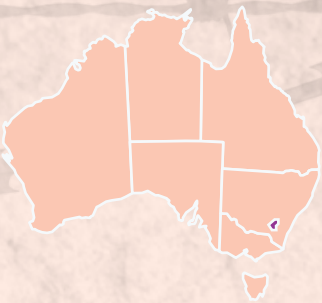
In the seven-month period between October 2021 and April 2022, 1,192 strip searches were conducted in the ACT's adult prison, Alexander Maconochie Centre.

Only 24 of the 1,192 strip searches identified items – being 2.01% of strip searches of adults during this period. Approximately 31 items were identified, including a gold ring, mobile phone battery, car key and tobacco.

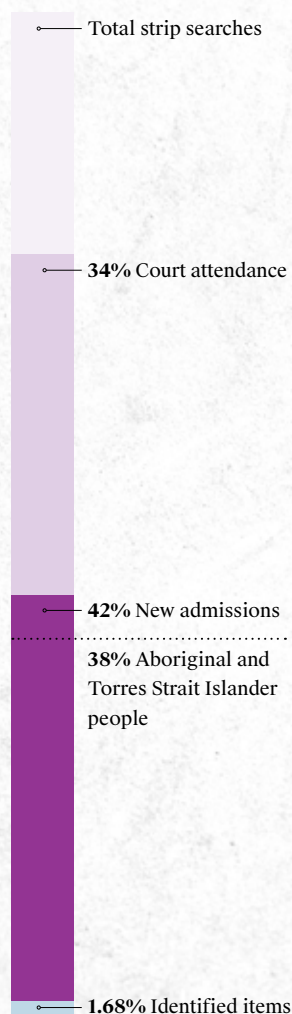
The majority of strip searches appear to have been conducted routinely, with the most common reason being court attendance, accounting for 564 (47.32%) of the 1,192 strip searches.

Of the total strip searches, 119 (9.98%) conducted on women, and 1,073 (90.02%) on men.

At least 371 (31.12%) strip searches were conducted on Aboriginal and/or Torres Strait Islander people. The ACT Justice and Community Safety Directorate disclosed data indicating that there were 87 Aboriginal and/or Torres Strait Islander people admitted to the prison during this period.



October 2021 to April 2022: Gender breakdown



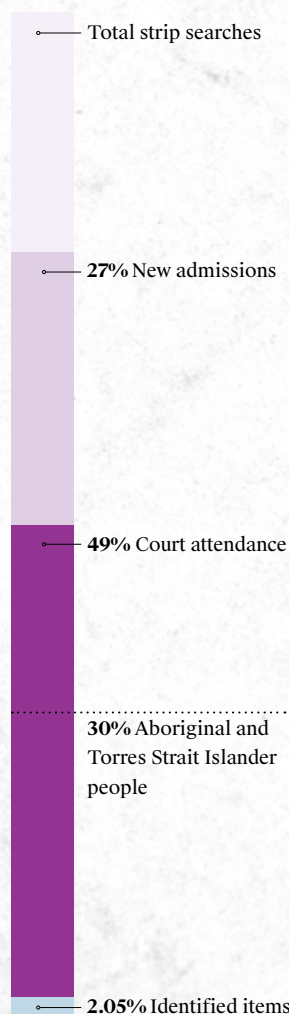
Women

119 recorded strip searches were conducted on women at the Alexander Maconochie Centre.

Only two of the 119 strip searches identified items – being **1.68%** of strip searches of women during this period. Two items were identified in total.

The majority of strip searches appear to have been conducted routinely, with the most common reasons recorded for strip searches were new admissions (50 strip searches, or **42.02%**) and court attendance (41 strip searches, or **34.45%**).

Aboriginal and Torres Strait Islander women were subjected to at least 45 (**37.82%**) of the 119 strip searches. The rate at which Aboriginal and/or Torres Strait Islander women were strip searched is disproportionate, even when their over-representation in the prison is taken into account: at 30 June 2022, Aboriginal and Torres Strait Islander women represented **23.81%** of adult women in prison in the ACT.



Men

1,073 recorded strip searches were conducted on men at the Alexander Maconochie Centre.

22 of the 1,073 strip searches identified items – being **2.05%** of strip searches of men during this period. Approximately 29 items were identified in total, including a gold ring, mobile phone battery, car key and tobacco.

The majority of strip searches appear to have been conducted routinely, for reasons such as court attendance (523 strip searches, or **48.74%**) and new admissions (292 strip searches, or **27.21%**).

Aboriginal and/or Torres Strait Islander men were subjected to at least 327 searches (**30.48%**) of all strip searches of men in the ACT's prison during this period. The rate at which Aboriginal and/or Torres Strait Islander men were strip searched is disproportionate, even when their over-representation in the prison is taken into account: at 30 June 2022, Aboriginal and/or Torres Strait Islander men represented **25.2%** of the male adult prison population in the ACT.



Women in the ACT's adult prison

October 2020 – April 2021

During the seven-month period between October 2020 and April 2021, 208 recorded strip searches were conducted on women at the Alexander Maconochie Centre.

Only three of the 208 searches identified items – being 1.44% of strip searches of women during this period. Approximately 3 items were identified.

The majority of strip searches appear to have been conducted routinely, with the most common reasons recorded for the strip searches were in connection with women heading to or returning from court (95 strip searches, or 45.67%) and admissions to prison (49 strip searches, or 23.56%).

Given the statutory requirement to record the reason for each strip search,⁴ it is notable that the reasons for 49 of the 208 strip searches were either redacted or not recorded.

Aboriginal and/or Torres Strait Islander women were subjected to at least 121 (58%) of the 208 strip searches. The rate at which Aboriginal and/or Torres Strait Islander women were strip searched is disproportionate, even when their over-representation in the prison is taken into account: at 30 June 2021, 48% of adult women in prison in the ACT were Aboriginal and/or Torres Strait Islander women.⁵

October 2021 to April 2022

See the above data on adults in prison in the ACT.

Men in the ACT's adult prison

October 2020 – April 2021

During the seven-month period between October 2020 and April 2021, 2,144 recorded strip searches were conducted on men at the Alexander Maconochie Centre.

Only 19 of the 2,144 strip searches – being 0.89% of strip searches of men during this period – identified items. Approximately 19 items were identified, including two items of medication.

The majority of strip searches appear to have been conducted routinely, prior to the men in prison attending court (785 strip searches, or 36.61%), returning from court (621 strip searches, or 28.96%), or on admission (265 strip searches, or 12.36%). Only 79 (3.7%) of the 2,144 strip searches were conducted based on suspicion or intelligence.

Aboriginal and/or Torres Strait Islander men were subjected to at least 640 (29.85%) of the 2,144 strip searches. The rate at which Aboriginal and/or Torres Strait Islander men were strip searched is disproportionate, even when their over-representation in the prison is taken into account: at 31 June 2021, Aboriginal and/or Torres Strait Islander men represented 26.27% of all adult men in prison in the ACT.⁶

October 2021 to April 2022

See the above data on adults in prison in the ACT.

Children in the ACT's youth prison

In relation to the information below, the ACT Community Services Directorate refused to disclose the gender of the children subjected to strip searches, as well as whether they identified as Aboriginal and/or Torres Strait Islander, due to privacy concerns.

June to November 2018

During the six-month period between June 2018 and November 2018, there was one recorded strip search at Bimberi youth prison. Information as to whether any items were detected pursuant to this search was not disclosed.

October 2020 to April 2021

During the seven-month period between October 2020 and April 2021, there were four recorded strip searches at Bimberi youth prison. Information as to whether any items were detected pursuant to this search was not disclosed.

October 2021 to April 2022

During the seven-month period between October 2021 and April 2022, there were seven recorded strip searches at Bimberi youth prison. Zero items were identified. In three of the seven strip searches, children handed over items prior to being strip searched.

Two of the seven searches were not led by intelligence but instead appear to have been conducted for routine reasons: “new admission” and “admission after day release”.



New South Wales

Women's prisons

Three requests for disclosure of strip search records from women's prisons in New South Wales – made in January 2019, March 2021 and December 2022 – were met with a similar response from the NSW Department of Communities and Justice:

- Strip searches were said to be conducted “as part of centre routine, procedure and policy”. This includes when people in prison “are departing or returning to a correctional centre, after a visit, on arrival to court, when participating in external leave programs, when placed in an assessment cell, among other things.”
- Unlike in other jurisdictions, there was no central register or logbook of strip searches.
- The majority of strip searches are not recorded unless there is an incident or contraband is found.
- There is no obligation on the part of prison officers to record every strip search. Even where contraband is found and recorded, the database does not link contraband to a strip search. As such, there is no reliable way to ascertain whether the contraband was found during a strip search.

In the absence of this data, we note evidence that women in NSW prisons appear to have been subjected to frequent, routine strip searches. An October 2020 NSW Inspector of Custodial Services inspection of one women's prison, Mary Wade prison (MWCC), found that in addition to routine strip searches conducted every time women leave and return to MWCC, women were also subjected to strip searches after contact visits and even after non-contact visits.⁷ Data provided by Corrective Services NSW to the NSW Inspector of Custodial Services indicated that no contraband was identified by way of strip searching after a visit (contact or non-contact) between 22 October 2018 and 22 October 2019.⁸ The inspection team was particularly troubled by the routine strip searching of women who had not left the prison or had no contact with visitors, and recommended that NSW Custodial Services cease the practice of routinely strip searching women after non-contact visits.

At the time of publication, current policy still provides for the routine strip searching of people in prison in NSW, including on arrival from court, other prisons and any other place where they may have come into contact with people, and after a contact visit.⁹ Current policy now provides that some strip search details must be recorded – namely, searches after visits, contraband detections during searches, searches conducted by an Immediate Action Team and targeted search operations.¹⁰

Youth prisons

Requests for strip search data in NSW youth prisons had to be significantly narrowed, as the original requests were deemed to involve “a substantial and unreasonable diversion of resources.” As a result, data was only provided for one-month periods for two youth prisons.

In relation to the information below, the strip search records disclosed did not record the gender of the children subjected to strip searches, nor whether they identified as Aboriginal and/or Torres Strait Islander. We note, however, that Cobham and Frank Baxter youth prisons primarily detain boys.

October 2018

In the month of October 2018, 403 recorded strip searches were conducted on children at Frank Baxter and Cobham youth prisons.

Only one (0.25%) of the 403 strip searches identified an item. The single item identified was a ping pong ball.

The majority of strip searches appear to have been conducted routinely, relating to visits (188 strip searches, or 46.65%), returns from court or other outings (83 strip searches, or 20.6%) and admissions or transfers (42 strip searches, or 10.42%).

April 2021

In the month of April 2021 alone, there were 165 recorded strip searches conducted on children at Frank Baxter and Cobham youth prisons.

Only three (1.82%) of the 165 strip searches identified items. Approximately four items were identified, including a paper with addresses and numbers relating to a school board.

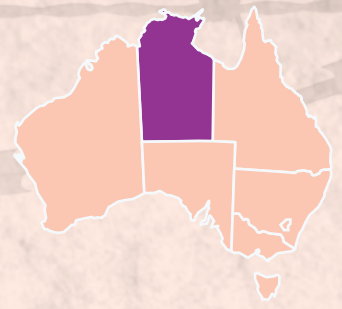
The majority of strip searches appear to have been conducted routinely, with the most common reason recorded for new admissions (146 strip searches, or 88.5%).

April 2022

In the month of April 2022 alone, 127 recorded strip searches were conducted on children at Frank Baxter and Cobham youth prisons.

Only three (2.4%) of the 127 strip searches identified items. Five items were identified, including a roller deodorant and pencil. Four of the five items identified had already been declared.

The majority of strip searches appear to have been conducted routinely, with the most common reason recorded for new admissions (119 strip searches, or 93.7%).



Northern Territory

Adult prisons

In relation to the information below, the strip search records disclosed did not record the gender of the adults subjected to strip searches, nor whether they identified as Aboriginal and/or Torres Strait Islander peoples.

As many of the strip search register entries did not specify the reasons for searches, it is not possible to comment on the most common reasons for the strip searches during these periods.

September 2020 to May 2021

During the approximately nine-month period between 10 September 2020 and 21 May 2021, 5,367 strip searches were recorded in the search register for the visits centre at Darwin prison.

Only three (0.056%) of the 5,367 strip searches identified items. Approximately three items were identified, however these were not recorded or were redacted in the search register disclosed.

February to April 2022

During the three-month period between February 2022 and April 2022, 6,326 recorded strip searches were conducted on people in Darwin and Alice Springs prisons.

13 (0.21%) of the 6,326 strip searches identified items. Approximately 13 items were identified, including a ring, sleep mask, soap, letter and “personal property”.

Women in Darwin prison

May 2020 to June 2021

During the nearly 14-month period between 29 May 2020 and 12 July 2021, 100 recorded strip searches were conducted in sector four of Darwin prison, which detains women.

Only one (1%) of the 100 strip searches identified an item.

March to June 2021

During the approximately four-month period between 12 March 2021 and 23 June 2021, 664 recorded strip searches were conducted on women in the reception area of Darwin prison.

Only one (0.15%) of the 664 strip searches identified an item – “papers with address on”.

Youth prisons

June to November 2018

During the six-month period between June 2018 and November 2018, 26 recorded strip searches were conducted on children at Don Dale and Alice Springs youth prisons.

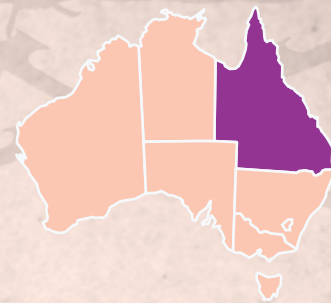
One of these searches identified items. Two items – “metal and plastic” – were identified. The Don Dale youth prison search register disclosed did not record whether any items were identified pursuant to five strip searches recorded during this period.

The most common reason recorded for the strip searches during this period was “admission”, accounting for 18 strip searches (69.23%).

The search registers disclosed did not record the gender of the children subjected to searches, nor whether they identified as Aboriginal and/or Torres Strait Islander.

Further data

Territory Families have claimed that no strip searches were conducted during the periods from October 2020 to April 2021 and October 2021 to April 2022 at Don Dale and Alice Springs youth prisons. In response to one request for information, Territory Families stated: “No personal searches have been conducted since approximately 2017. It is not the Department’s policy to conduct pat down or personal searches routinely.” This information contradicts data previously disclosed by Territory Families itself, which documented strip searches between June and November 2018.



Queensland

Adult prisons

February to April 2022

During the three-month period between February and April 2022, 14,741 recorded strip searches were conducted at the following adult prisons in Queensland: Numinbah prison, Palen Creek prison, Maryborough prison, Borallon prison, Lotus Glen prison, Brisbane Women's prison, Capricornia prison, Woodford prison, Brisbane prison, Arthur Gorrie prison, Wolston prison, and Southern Queensland prison.

The number of strip searches recorded during this period includes nine searches at Lotus Glen prison in respect of which the records obtained do not indicate whether these searches involved the removal of clothing. Since these searches were disclosed, it has been assumed that they were strip searches.

Only 56 (0.38%) of the 14,741 searches identified items. Some of the records of searches where items were identified are indecipherable, making it difficult to determine the number of items found. Items identified included a lighter, pen, letters, post-it note, string, chocolate, nail clipper, shoes, CDs and tokens.

The majority of searches appear to have been conducted routinely, with the most common reason recorded for the strip searches being escorts and transfers, accounting for 8,530 strip searches (57.86%). The next most common reasons were visits, accounting for 2,573 strip searches (17.45%) and "lockdown", accounting for 1,244 strip searches (8.44%).

The reasons for search were redacted in relation to 527 (3.58%) strip searches and were not recorded, or indecipherable, in relation to 857 (5.81%) strip searches.

The strip search registers disclosed did not record whether the people subjected to strip searches identified as Aboriginal and/or Torres Strait Islander. While the strip search registers did not disclose the gender of the people subjected to strip searches, a gender breakdown is provided below with inferences made based on the population profile of the prison at which people were detained.

February to April 2022: Gender breakdown



Women

Out of the **14,171** strip searches recorded across 12 adult prisons in Queensland during this three-month period, 687 (**4.66%**) recorded strip searches were conducted at the following women's prisons: Brisbane Women's prison, Numinbah prison and Southern Queensland prison.

Items were found in 12 (**1.75%**) strip searches of women. Items found included chocolate, a glove, a lighter and a letter.

The majority of searches appear to have been conducted routinely, with the most common reason being escorts and transfers, accounting for 513 (**74.67%**) strip searches of women.



Men

Out of the **14,171** strip searches recorded across 12 adult prisons in Queensland during this three-month period, 14,054 (**95.34%**) recorded strip searches were conducted at the following men's prisons: Maryborough prison, Palen Creek prison, Lotus Glen prison, Woodford prison, Brisbane prison, Arthur Gorrie prison, Borallon prison, Capricornia prison and Wolston prison.

Items were found in 44 (**0.31%**) strip searches of men. Syringes were the most common items found.

The majority of searches appear to have been conducted routinely, with the most common reason being escorts and transfers, accounting for 8,017 (**57.04%**) strip searches of men.

Women's prisons

In relation to the information below, strip search records did not record whether the women subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

July to December 2017

During the six-month period between July 2017 and December 2017, 16,258 recorded strip searches were conducted on women at four women's prisons in Queensland – Brisbane Women's prison, Numinbah prison, Helana Jones Centre and Townsville prison.

Approximately 274 items were identified, including tobacco-related items, clothing, beauty and hygiene products, letters and notes, stationery, jewellery and food.

It was not possible to calculate the proportion of searches which identified items because the search registers disclosed did not appear to record the number of items identified per search. It is possible that some searches identified multiple items.

January to April 2021

During the four-month period between January 2021 and April 2021, 1,821 recorded strip searches were conducted on women at the same four women's prisons in Queensland – Brisbane Women's prison, Numinbah prison, Helana Jones Centre and Townsville prison.

25 (1.37%) of the 1,821 searches identified items – this excludes five searches: four that appeared to involve tattoo identification, and one in which an item seemed to be handed over before the search. Approximately 26 items were identified, including letters and notes, a remote control, comb and lip gloss.

The most common reason recorded for these strip searches was “s35”, referring to section 35 of the *Corrective Services Act 2006* (Qld). This section allows strip searches to be conducted with written authorisation from the chief executive of Queensland Corrective Services. Search registers indicated that this section was used to authorise routine strip searches in a range of situations including: “[Urine Tests], Contact Visits, before Separate Confinement, Safety Orders, At Risk, Being received into centre [sic]”. Strip searches authorised under this section appeared to account for 1,657 strip searches – being 91% of the 1,821 strip searches during this period.

The majority of the 1,821 strip searches during this period were conducted at Brisbane Women's prison, where, at most, only two (0.078%) of the 1,274 strip searches identified items. The result of one of these strip searches was redacted.

The majority of these searches appear to have been conducted routinely, with all of the strip searches recorded at Brisbane Women's prison during this period conducted at the reception or visitation area.

February to April 2022

See the above data on adults in prison in Queensland.

Men's prisons

February to April 2022

See the above data on adults in prison in Queensland.

Youth prisons

June to November 2018

During the six-month period between June 2018 and November 2018, there were 371 recorded strip searches conducted on children at Brisbane and Cleveland youth prisons. At the time the request for information was lodged, West Moreton youth prison was not yet in operation.

130 (35%) of the 371 searches identified items. Approximately 246 items were purportedly identified, including stationery and food. There appear, however, to be irregularities in recording items identified, with duplicate entries likely. For instance, the search registers disclosed record four consecutive searches where “red marker pen” was identified, and 11 consecutive searches where “3 x used match sticks” were identified.

The recorded reasons for these searches generally cite a suspicion that the child was carrying contraband, but the specific basis for this suspicion was often absent from the disclosed search registers, which frequently stated “reasonable suspicion that yp [young person] carrying contraband on person”.

Boys were subjected to 347 (93.5%) of the strip searches and girls were subjected to 24 (6.5%) of the strip searches.

Aboriginal and/or Torres Strait Islander children were subjected to 249 (67.1%) of the 371 recorded strip searches during this period. On an average day in 2018–19, Aboriginal and/or Torres Strait Islander children represented 71.15% of all children detained in Queensland.¹¹



October 2020 to April 2021

During the seven-month period between October 2020 and April 2021, 697 recorded strip searches were conducted on children at Brisbane, Cleveland and West Moreton youth prisons.

It was not possible to calculate the proportion of searches in which items were identified because the information disclosed did not record the number of items identified per search. It is possible that some searches identified multiple items.

Approximately 38 items were identified, including hair extensions, underwear, pens, a t-shirt, permanent marker, broom and television remote control.

The reasons for the searches were not disclosed.

Boys were subjected to 590 (84.65%) of the strip searches and girls were subjected to 101 (14.49%) of the strip searches. This excludes six strip searches for which the gender of the children strip searched was not recorded.

Aboriginal and/or Torres Strait Islander children were subjected to 370 (53.08%) of the 697 recorded strip searches during this period. On an average day in 2021-22, Aboriginal and/or Torres Strait Islander children represented 65.21% of all children detained in Queensland.¹²

February to April 2022

During the three-month period between February and April 2022, 430 recorded strip searches were conducted on children at Brisbane, Cleveland and West Moreton youth prisons.

24 (5.58%) of the 430 strip searches identified items. The total number of items identified was difficult to determine because some were described only in general terms (e.g. “contraband”) and others lacked specified quantities (e.g. “drug leaf items”). Items included three white board markers, two rolling papers, nail clippers, a vape, a piece from a smoke detector, a pen, playing cards and an unspecified item. The items most commonly recorded were screws.

The majority of searches appear to have been conducted routinely, with the most common reason recorded for the strip searches was admission to the prisons, accounting for 277 (64.42%) strip searches. The next most common reason for search was “suspicion of carrying contraband”, accounting for 74 (17.21%) strip searches. In most cases, the basis for any such suspicion was not recorded. No reasons were recorded for 35 (8.14%) of the strip searches.

The gender of the children subjected to strip searches and whether they identified as Aboriginal and/or Torres Strait Islander were not disclosed.



South Australia

Adult prisons

In relation to the information below, the strip search registers did not disclose whether the people subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

February to April 2022

During the three-month period between February 2022 and April 2022, 5,741 recorded strip searches were conducted in South Australia's adult prisons: Adelaide Remand Centre; Adelaide Women's Prison & Adelaide Pre-Release Centre; Cadell Training Centre; Mobilong Prison; Port Augusta Prison; Port Lincoln Prison; Yatala Labour Prison and Mount Gambier Prison.

Strip search records for Mount Gambier prison did not indicate if any items were found. Out of the 4,433 strip searches recorded at the other eight adult prisons in South Australia over this period, only 14 (0.31%) searches identified items. Approximately 25 items were identified, including jewellery and piercings.

An additional nine strip searches recorded identifying approved items or injuries to the person. These nine searches are excluded from the above count as they do not appear to have been removed from the person in prison and injuries to the person do not constitute items.

While the strip search registers did not disclose the gender of the people subjected to strip searches, a gender breakdown is provided below with inferences made based on the population profile of the prison at which people were detained.

February to April 2022: Gender breakdown



Men

Out of the **5,741** strip searches recorded at adult prisons during this three-month period, 3,902 strip searches (**67.97%**) were conducted at men's prisons: Adelaide Remand Centre, Cadell Training Centre, Mobilong Prison, Port Lincoln Prison and Yatala Labour Prison.

14 of the 3,902 strip searches (**0.36%**) identified items. Approximately 25 items were identified, including jewellery and piercings.

An additional nine strip searches recorded identifying approved items or injuries to the person. These nine searches have been excluded from the above count as they do not appear to have been removed from the person in prison and personal injuries are not items.

The majority of searches appear to have been conducted routinely, with the most common reason being general movement within, to or from prison, accounting for 1,727 of the 3,902 strip searches (**44.26%**).



Women in prison

October to December 2017

During the three-month period between October 2017 and December 2017, 1,269 recorded strip searches were conducted on women at Adelaide Women's Prison, Adelaide Pre-release Centre and Port Augusta Prison.

Five (0.39%) of the 1,269 searches identified items. Seven items were identified, including coloured pencils, a cigarette and tobacco.

The majority of searches appear to have been conducted routinely, with the most common recorded reason being escorts and transfers accounting for 468 strip searches (36.9%). Strip searches related to visits accounted for 457 (36%).

October 2020 to April 2021

During the seven-month period between October 2020 and April 2021, 1,476 recorded strip searches were conducted on women at the Adelaide Women's Prison and Adelaide Pre-release Centre.

Three (0.2%) of the 1,476 searches identified items. Three items were identified, including an orange strip, a cigarette and \$2.50.

The majority of searches appear to have been conducted routinely, with the most common recorded reason being escorts and transfers, which accounted for 601 (40.72%) strip searches. Strip searches related to visits accounted for 495 (33.54%) and admissions accounted for 233 (15.79%).

Men in prison

February to April 2022

See the above data on adults in prison in South Australia.

Youth prisons

June to November 2018

During the six-month period between June 2018 and November 2018, 676 recorded strip searches were conducted on children at Adelaide's youth prison, Kurlana Tapa.

One of these searches identified one item, which was not specified.

It was not possible to accurately calculate the proportion of searches which identified items because a number of search entries did not record, or redacted, whether any items were identified.

Further data

The South Australian Department of Human Services have claimed that no strip searches were conducted during the periods from October 2020 to April 2021 and October 2021 to April 2022 at Kurlana Tapa youth prison. In response to one request for information, the Department of Human Services stated: "In August 2020, the Department of Human Services installed full size body scanning technology at the Kurlana Tapa Youth Training Centre, reducing the need for partially clothed searches."



Tasmania

Adult prisons

In relation to the information below, the strip search registers did not disclose whether the people subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

While the strip search registers did not disclose the gender of the people subjected to strip searches, a gender breakdown is provided below with inferences made based on the population profile of the prison at which people were detained. We note that Mary Hutchinson Women's Prison detains women and Risdon Prison primarily detains men.

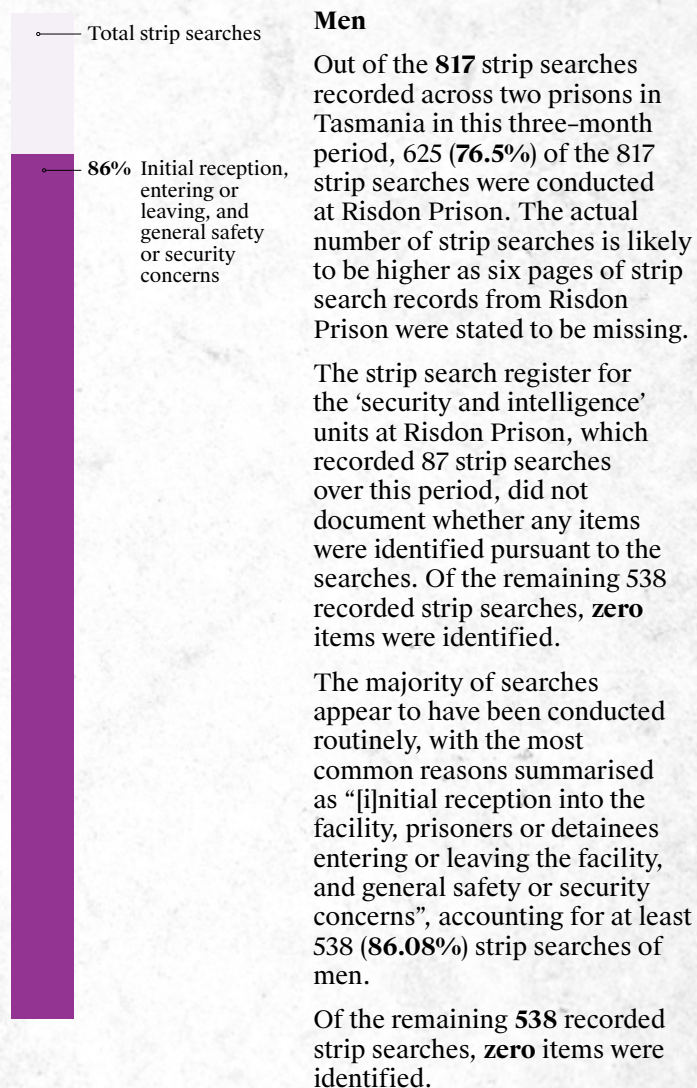
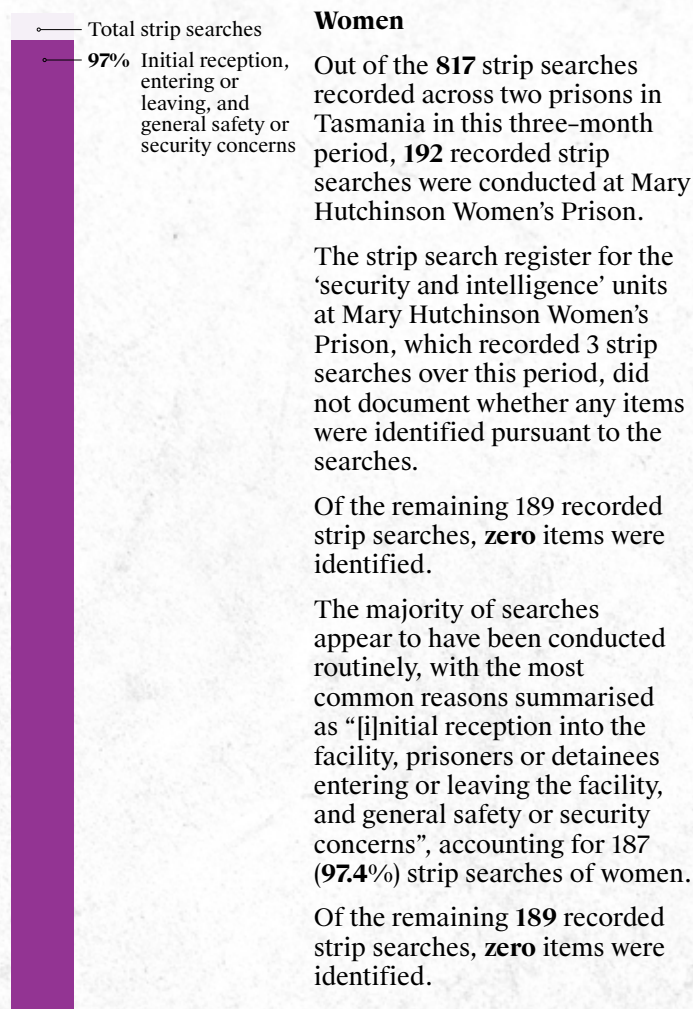
February to April 2022

During the three-month period between February 2022 and April 2022, at least 817 recorded strip searches were conducted at Mary Hutchinson Women's Prison and Risdon Prison.¹³ The actual number is likely to be higher as six pages of strip search records from Risdon prison were stated to be missing.

The strip search register for the 'security and intelligence' units at these prisons, which in total recorded 90 strip searches over this period, did not document whether any items were identified pursuant to those searches. Of the remaining 727 recorded strip searches, zero items were identified.

The most common reasons for strip searches at both prisons were summarised as "[i]nitial reception into the facility, prisoners or detainees entering or leaving the facility, and general safety or security concerns", accounting for 725 (88.74%) of 817 recorded strip searches and indicating routine strip searching.

February to April 2022: Gender breakdown



Women in prison

In relation to the information below, the strip search records did not disclose whether the people subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

October 2020 to April 2021

During the seven-month period between October 2020 and April 2021, 841 recorded strip searches were conducted on women at Mary Hutchinson Women's Prison and Risdon Prison. Although Risdon Prison primarily detains men, women are occasionally detained in the Inpatient and the Crisis Support Unit.

It was not possible to calculate the proportion of searches which identified items because the information disclosed does not indicate the number of items identified per search. It is possible that some searches identified multiple items.

Five items were identified. The items identified included pain medication and tobacco.

The Tasmanian Prison Service was unable to provide reasons for each search, purportedly because "this information is not routinely entered into all the Search Registers". In the absence of this information, the Tasmanian Department of Justice provided the "likely reasons for the searches, based on the intended use and location of the [search] register".

The majority of searches appear to have been conducted routinely, with 629 (74.8%) conducted in the reception area, likely for the purpose of "initial reception, prisoners entering or leaving prison and general safety and security concerns".

February to April 2022

See the above data on adults in prison in Tasmania.

Men in prison

February to April 2022

See the above data on adults in prison in Tasmania.

Youth prison

In relation to the information below, the strip search registers did not disclose the gender of the children subjected to strip searches.

June to November 2018

During the six-month period between June 2018 and November 2018, 203 recorded strip searches were conducted on children at Ashley youth prison.

Zero items were identified.

The reasons recorded for these strip searches were not obtained.

187 (92.12%) of the strip searches were conducted on boys and 16 (7.88%) were conducted on girls.

Aboriginal and/or Torres Strait Islander children were subjected to 113 recorded strip searches, over half (55.67 %) of the total number of strip searches of children during this period. The rate at which Aboriginal and/or Torres Strait Islander children were strip searched is disproportionate, even when their over-representation in prison is taken into account: on an average day in 2018-19, Aboriginal and/or Torres Strait Islander children represented 33.33% of all children in prison in Tasmania.¹⁴

This data prompted calls for reform and the number of children subjected to strip searches reportedly dropped over the eight-month period between July 2019 and February 2020.¹⁵

October 2020 to April 2021

During the seven-month period between October 2020 and April 2021, 18 recorded strip searches were conducted on children at Ashley youth prison. Zero items were identified.

The majority of searches appear to have been conducted routinely, with the most common recorded reason being new admissions, accounting for 15 (83.33%) of the strip searches.

14 (77.78%) searches were conducted on boys and four (22.22%) were conducted on girls.

Aboriginal and/or Torres Strait Islander children were subjected to 3 recorded strip searches (16.67%). On an average day in 2020-21, Aboriginal and/or Torres Strait Islander children represented 39.36% of all children in prison in Tasmania.¹⁶



October 2021 to April 2022

During the seven-month period between October 2021 and April 2022, 19 recorded strip searches were conducted on children at Ashley youth prison.

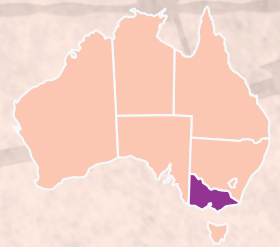
One (2.63%) of the searches identified items. Two items were identified; tobacco and marijuana. Two other searches resulted in items being handed over.

The majority of searches appear to have been conducted routinely, with the most common recorded reason was new admissions, accounting for 10 (52.63%) of the 19 strip searches.

Aboriginal and/or Torres Strait Islander children were subjected to 6 recorded strip searches (31.58%). On an average day in 2021-22, Aboriginal and/or Torres Strait Islander children represented 49.45% of all children in prison in Tasmania.¹⁷

Eight strip searches did not record whether the children subjected to strip searching identified as Aboriginal and/or Torres Strait Islander.

Victoria



Adults in prison

October 2021 to April 2022

During the seven-month period between October 2021 and April 2022, the Victorian Department of Justice and Community Safety reported 40,427 strip searches at the following prisons: Dame Phyllis Frost Centre, Barwon Prison, Beechworth prison, Dhurringile Prison, Fulham prison, Hopkins prison, Karreenga Prison, Loddon Prison, Middleton prison, Marngoneet prison, Melbourne Assessment Prison, Metropolitan Remand Centre, Port Phillip Prison and Ravenhall prison.

While the strip search registers did not disclose the gender of the people subjected to strip searches, a gender breakdown is provided below with inferences made based on the population profile of the prison at which people were detained.

In relation to women's prisons, the Department of Justice and Community Safety reported 1,371 strip searches conducted at the Dame Phyllis Frost Centre. The Department of Justice and Community Safety reported no strip searches at Tarrengower prison during this period.

In relation to men's prisons, the Department of Justice and Community Safety reported 39,056 strip searches conducted at the following men's prisons: Barwon Prison, Beechworth prison, Dhurringile Prison, Fulham prison, Hopkins prison, Karreenga Prison, Loddon Prison, Middleton prison, Marngoneet prison, Melbourne Assessment Prison, Metropolitan Remand Centre, Port Phillip Prison and Ravenhall prison. Data for Loddon Prison was not provided on the basis that strip search registers were not stored onsite and could not be retrieved from their offsite storage.

Strip search registers were requested for all of the above prisons covering this period, but the Department of Justice and Community Safety indicated that it would refuse this request on the basis that it would unreasonably divert resources. As a result, no further information in relation to this seven-month period was provided. Instead, strip search registers for two prisons were provided for the month of April 2022 (see further below).

Women's prisons

In relation to the information below, the strip search records did not disclose whether the people subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

November 2015 to January 2016

During the six-month period between November 2015 and January 2016, 4,465 recorded strip searches were conducted at Victoria's women prisons.

Five (0.11%) of the 4,465 searches identified items. Items included cigarettes, tobacco and nicotine patches, chewing gum and a "foreign object in the vaginal area".

December 2019

During the month of December 2019, 625 recorded strip searches were conducted at Victoria's women prisons. All of these searches were conducted at the Dame Phyllis Frost Centre, except one strip search conducted at Tarrengower prison.

Three (0.48%) of the 625 searches identified items. The three items identified included one cigarette and two unknown items.

The majority of searches appear to have been conducted routinely, with the most common recorded reasons related to attending or returning from court, accounting for 252 (40.32%) strip searches, and new receptions accounting for 183 (29.28%) strip searches.

June to December 2020

During the seven-month period between June 2020 and December 2020, 1,598 recorded strip searches were conducted at the Dame Phyllis Frost Centre. No strip searches were recorded at Tarrengower prison during this period.

It was not possible to calculate the proportion of searches which identified items because the number of items identified per search was not disclosed.

Only ten items were identified. No information was provided about the nature of the items found.

The majority of searches appear to have been conducted routinely, with the most common reason for the strip searches conducted during this period was new receptions, accounting for 766 (47.93%) strip searches.

April 2022

During the month of April 2022, 221 recorded strip searches were recorded at the Dame Phyllis Frost Centre, with no items found. The Department of Justice and Community Safety reported no strip searches at Tarrengower prison during this period.

With the purported grounds for many strip searches either unspecified or redacted, it was not possible to meaningfully determine the most common reasons for

these strip searches.

Men's prisons

In relation to the information below, the strip search records did not record whether the people subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

April 2022

During the month of April 2022, 492 strip searches were recorded at Port Philip Prison. At most, it is possible that one item – “Bupe” (commonly used as heroin replacement) – was found, although the relevant entry on the strip search register is not dated so it is not clear whether the relevant strip search took place in April 2022.

With the purported grounds for many strip searches either unspecified or redacted, it was not possible to meaningfully determine the most common reasons for these strip searches.

Youth prisons

In relation to the information below, the strip search records did not disclose the gender of the children strip searched nor whether the children subjected to strip searches identified as Aboriginal and/or Torres Strait Islander.

June to November 2017

During the six-month period between June 2017 and November 2017, 1,798 recorded strip searches were conducted on children at Parkville and Malmsbury youth prisons.

21 (1.17%) of the 1,798 strip searches identified items. Approximately 25 items were identified, including medication, cigarettes, rolling paper, a small amount of tea, lighter, toilet roll holder, crystal balls, watches and sunglasses.

The majority of searches appear to have been conducted routinely, with the most common recorded reason for strip searches was return from escorted leave, accounting for 1,118 (62.18%) strip searches.

July to October 2019

During the four-month period between July 2019 and October 2019, 1,277 recorded strip searches were conducted on children at Parkville and Malmsbury youth prisons.

Six (0.47%) of the 1,277 strip searches identified items. The nature of these items is not known because the items were redacted in the disclosed documents.

The majority of searches appear to have been conducted routinely, with the most common reason recorded for the strip searches was “return from court/admissions (routine)”, accounting for 725 (56.77%) strip searches.

May to November 2020

During the seven-month period between May 2020 and November 2020, 809 recorded strip searches were conducted on children at Parkville and Malmsbury youth prisons.

Ten (1.24%) of the 809 strip searches identified items. 11 items were identified, including a clip from a clipboard.

The most common reason recorded was “reasonable grounds that the prisoner possessed contraband”, accounting for 389 (48%) strip searches. The specific basis of any reasonable grounds for strip searching was not recorded.

January to September 2021

During the nine-month period between January and September 2021, the Department of Justice and Community Safety gave permission to publish limited information on the strip searching of children in Victorian youth prisons.

The Department of Justice and Community Safety reported 221 strip searches in this 9-month period and did not provide permission to publish the number of items identified in these searches.

October 2021 to April 2022

During the seven-month period between October 2021 and April 2022, 299 recorded strip searches were conducted on children at Parkville and Malmsbury youth prisons.

33 (11.04%) of the searches identified items. Approximately 37 items of contraband were identified, including tobacco papers, laptop pieces and 10 items that were not described.

The most common reason recorded for searches were “at any other time on reasonable grounds that client possesses contraband (approved by unit supervisor)”, amounting to 222 or 74.25% of searches.

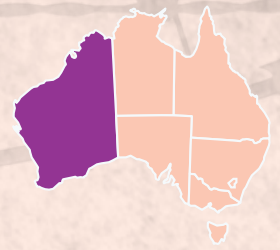
July to December 2022

During the six-month period between July and December 2022, the Department of Justice and Community Safety gave permission to publish limited information on the strip searching of children in Victorian youth prisons.

The Department of Justice and Community Safety reported 133 strip searches in this 6-month period and did not provide permission to publish the number of items identified in these searches.

Further data

Since January 2023, quarterly data on the number of youth justice strip searches is published on the Department of Justice and Community Safety website, although the number and nature of any items identified in those searches are not being disclosed.¹⁸



Western Australia

Women in prison

July to December 2017

During the six-month period between July and December 2017, based on the Western Australian Department of Justice's search of the Total Offender Management Solution database, 3,329 recorded strip searches were conducted on women in Western Australian prisons.

Only 11 items were identified in the 3,329 strip searches, including five items that were simply described as "other".

It was not possible to calculate the proportion of searches which identified items because the number of items identified per search was not disclosed.

October 2020 to April 2021

In the seven-month period between October 2020 and April 2021, based on the Western Australian Department of Justice's search of the Total Offender Management Solution database, 4,875 recorded strip searches were conducted on 971 women in Western Australian prisons.

Only five (0.1%) of the 4,875 strip searches identified items. Five items were identified.

The vast majority of strip searches (4,693 strip searches, or 96%) were conducted by reason of "routine". None of these routine strip searches identified any items.

Aboriginal and/or Torres Strait Islander women were subjected to 2,392 recorded strip searches, nearly half (49%) of the total number of strip searches of women during this period. The rate at which Aboriginal and/or Torres Strait Islander women were strip searched is disproportionate, even when their over-representation in the prison is taken into account: at 30 June 2021, Aboriginal and/or Torres Strait Islander women represented 47.04% of all women in prison in Western Australia.¹⁹

Further data

The Western Australian Department of Justice refused to disclose strip search records for the seven-month period covering 1 October 2021 to 30 April 2022 because no central register of prison strip searches existed.

Youth prison

June to November 2018

During the six-month period between June 2018 and November 2018, 801 recorded strip searches were conducted on children at Banksia Hill youth prison.

Four (0.5%) of the 801 strip searches identified items. Four items were identified, including a CD.

The vast majority of strip searches (706, or 88.14%) were described as 'routine'.

Of the 801 strip searches, boys were subjected to 649 (81.02%) strip searches, and girls were subjected to 152 (18.98%).

Aboriginal and/or Torres Strait Islander children were subjected to 463 (57.8%) strip searches. On an average day in 2018–19, Aboriginal and/or Torres Strait Islander children represented 76.09% of all children in prison in Western Australia.²⁰

The majority of the strip searches – 730 (91.14%) – were described as 'full body' searches, rather than the 'half and half' searches which ensure that children are never fully naked during strip searches. In November 2018, a Superintendent's notice was issued to stop full body strip searches of children on admission to Banksia Hill.²¹ At the time of publication, current policy now provides that strip searches should only be conducted by the half and half method.²²

October 2020 to April 2021

During the seven-month period between October 2020 and April 2021, no strip searches were recorded at Banksia Hill youth prison.

The Commissioner's Operating Policy and Procedure on searching, which first came into effect in May 2020, made all strip searches of children in youth prison subject to a risk assessment that required reasonable suspicion that the child was in possession of an unauthorised item on their person that may jeopardise the safety, good order or security of the prison or be used for self-harm.²³ There is evidence that strip searches are still conducted in Western Australia's youth prison – for instance, in October 2022, a 14-year-old girl who refused to be strip searched was detained for 19 days at Banksia Hill youth prison.²⁴

Further data

The Western Australian Department of Justice refused to disclose strip search records for the seven-month period covering 1 October 2021 to 30 April 2022 because no central register of prison strip searches existed.

ENDNOTES

- 1 See, for example, Ombudsman NT, *Separate Confinement: A Thematic Investigation into Practices in Darwin Correctional Centre* (Report, May 2024) 67; Office of the Inspector of Custodial Services (WA) (OICS), *Strip searching practices in Western Australian prisons* (Report, March 2019) v, v, vii.
- 2 NSW Government, 'Cobham Youth Justice Centre' (Webpage, 27 August 2024); NSW Government, 'Frank Baxter Youth Justice Centre' (Webpage, 20 September 2024).
- 3 Corrections Management (Searching) Policy 2022 (ACT) s 8.11. This instrument has since been repealed and replaced by the Corrections Management (Searching) Policy 2023 (ACT), which retains the same requirements in section 8.12.
- 4 Section 110 of the *Corrections Management Act 2007* (ACT) requires that the director-general keep a register containing the reason for each strip search.
- 5 Australian Bureau of Statistics, *Prisoners in Australia, 2021* (Web report, Data downloads, December 2021) Table 40 <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2021>>.
- 6 Australian Bureau of Statistics, *Prisoners in Australia, 2021* (Web report, Data downloads, 9 December 2021) Table 14, Table 21 <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2021>>.
- 7 Inspector of Custodial Services (NSW), *Inspection of Mary Wade Correctional Centre* (Report, October 2020) 20.
- 8 Ibid.
- 9 New South Wales Department of Communities and Justice, *171 Searching inmates* (Custodial Operations Policy and Procedures, version 1.13, 13 June 2024) 10 <<https://dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/copp/17-searching/17.01-searching-inmates.pdf>>.
- 10 Ibid 4.
- 11 Australian Institute of Health and Welfare, 'Youth justice in Australia 2018-19' (Web Page, 15 May 2020) Data Table S132c <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data>>.
- 12 Australian Institute of Health and Welfare, 'Youth justice in Australia 2021-22' (Web Page, 31 March 2023) Data Table S131c <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2021-22/data>>.
- 13 It is notable that, during this period, only a small number of strip searches were recorded on the 'visits' registers for each prison – two strip searches at Mary Hutchinson prison and no searches at Risdon prison. This is likely due to restrictions on visits during the Covid-19 pandemic, and may not reflect the typical number of strip searches related to visitation at other times. The information disclosed states that there were no contact visits due to Covid-19 restrictions in February and March 2022 at Mary Hutchinson prison, and in February, March and April 2022 at Risdon prison.
- 14 Australian Institute of Health and Welfare, 'Youth justice in Australia 2018-19' (Web Page, 15 May 2020) Data Table S138c <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data>>.
- 15 Ellen Coulter and Kate Ainsworth, 'Push to ban strip searches in custody for children, replace with body scanning', ABC News (online, 30 June 2020) <<https://www.abc.net.au/news/2020-06-30/push-to-ban-strip-searches-in-custody-for-children/12407694>>.
- 16 Australian Institute of Health and Welfare, 'Youth justice in Australia 2020-21' (Web Page, 31 March 2022) Data Table S136c <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2020-21/data>>.
- 17 Australian Institute of Health and Welfare, 'Youth justice in Australia 2021-22' (Web Page, 31 March 2023) Data Table S136c <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2021-22/data>>.
- 18 Victorian Government, Justice and Community Safety, 'Youth justice custodial services quarterly unclothed searches reporting (1 January to 31 March 2024)' (Webpage, 15 November 2024) <<https://www.justice.vic.gov.au/youth-justice-custodial-services-quarterly-unclothed-searches-reporting-1-january-to-31-march-2024>>.
- 19 Australian Bureau of Statistics, *Prisoners in Australia, 2021* (Web report, Data downloads, December 2021) Table 14, Table 21 <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2021>>.
- 20 Australian Institute of Health and Welfare, 'Youth justice in Australia 2018-19' (Web Page, 15 May 2020) Data Table S134c <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data>>.
- 21 Office of the Inspector of Custodial Services, *2020 Inspection of Banksia Hill Detention Centre* (Report, April 2021) 20 [3.5].
- 22 Government of Western Australia, Department of Justice, Searching (Commissioner's Operating Policy and Procedure 11.2, version 8.0, effective from 22 October 2024) 7.5.7-7.6.1.
- 23 Ibid. See also OICS (n 1).
- 24 Giovanni Torre, '14-year-old Aboriginal girl spent 19 days in Perth prison after refusing strip search, no investigation planned', *National Indigenous Times* (online, 8 February 2023) <<https://nit.com.au/08-02-2023/4922/14-year-old-aboriginal-girl-spent-almost-three-weeks-in-perth-prison-after-refusing-strip-search-no-investigation-planned>>.

Human
Rights
Law
Centre.



FLAT OUT

Stigma, Discrimination and the Weaponisation of Survival:

Women's Experiences of the Intersection between the Child Protection and Criminal Legal Systems

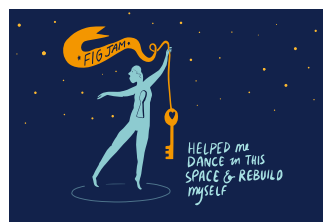
A collaboration between



L | A | C | W
LAW & ADVOCACY
CENTRE FOR WOMEN



ELIZABETH MORGAN HOUSE
ABORIGINAL WOMEN'S SERVICE INC



Publication details

Acknowledgement of Country

We pay our respects to the Wurundjeri Woi-wurrung and Boon-wurrung peoples, the traditional owners and custodians of the unceded lands on which this project took place. We learn from their longstanding practices of care, community-building and advocacy for women and families. We also recognise the centrality of the child protection and criminal legal systems to ongoing settler colonialism and support clear calls for self-determination and transformative change. Sovereignty was never ceded.

Authors

This is a collaborative report produced by representatives from the Law and Advocacy Centre for Women, Elizabeth Morgan House Aboriginal Women's Service, FIGJAM and the University of Melbourne: Kellyanne Andy, Holly Charles, Crystal McKinnon, Nesam McMillan, Elena Pappas and Nina Storey (in alphabetical order).

Acknowledgements

We are so thankful to the women who shared their stories and visions of a better future with us – your generosity and expertise is deeply appreciated and we too hope this report can contribute to the changes that are needed. Thank you also to everyone who contributed to this project: Amanda Porter; Law and Advocacy Centre for Women interns Ruby Condon, Soojung Yeo, Melie Protat, June MacAraeg-Casem and Hannah Clancy; University of Melbourne research support staff Gillian Butcher, Carol Que, Bonnie Reid and the School of Social and Political Sciences and Faculty of Arts for research assistant support; and colleagues Bree Carlton, Jennifer Balint and Riya Kundu.

This research was supported by the Victoria Law Foundation (VLF). This report does not constitute VLF policy. The content of this publication is solely the responsibility of the authors and does not necessarily represent the views of the VLF.

Ethics approval details

Stage 1 of this project received human research ethics approval from the University of Melbourne (Project Number 2023-26447-43017-4).

Publisher details and suggested citation

Law and Advocacy Centre for Women, Elizabeth Morgan House, FIGJAM and University of Melbourne researchers (Charles, H, McKinnon, C, McMillan, N) and Storey, N. 2025. *Stigma, Discrimination and the Weaponisation of Survival: Women's Experiences of the Intersection between the Child Protection and Criminal Legal Systems*. Melbourne: University of Melbourne. Funding provided by Victorian Law Foundation Knowledge Grants Program.

Table of Contents

Glossary and Acronyms.....	4
Tables and Figures.....	4
Executive Summary.....	5
Findings and Recommendations.....	6
1. Introduction to the Report	10
2. Background: Criminalised Women in Contact with Child Protection	11
2.1 Invisible and unsupported	11
2.2 The unjust impacts for mothers and families.....	12
2.3 Longstanding calls for systemic change	14
3. What We Did Together: Project Aims and Design.....	15
3.1 Interviews and focus groups	15
3.2 File reviews	16
3.3 Lived expertise involvement in the project	17
3.4 Stage 1 and Stage 2 of the project.....	17
3.5 Ethical considerations	17
4. Findings	18
4.1 Data	18
4.1.1 Available data suggests many women experience the system intersection	18
4.1.2 There are concerning trends in available data that need further investigation.....	18
4.2 Women experience the system intersection as unsupportive and punitive	19
4.2.1 Women at the system intersection have significant unmet support needs.....	19
4.2.2 The child protection system reframes these support needs as risks.....	20
4.2.3 Women at the system intersection receive a punitive response to their and their children's needs	21
4.3 System interventions can also cause further harm ...	23
4.3.1 System interventions as increasing risk.....	23
4.3.2 System interventions as causing psychological and emotional harm.....	23
4.3.3 System interventions causing enduring stigma and surveillance	23
4.3.4 There is no accountability for these system harms	24
4.4 Women at the system intersection experience a lack of access to legal information and legal representation	24
4.5 Women at the system intersection are not included in decision-making or able to have their voices heard	25
4.6 For women who have been in prison, more support is needed to have contact and reunify with children.....	26
4.7 Women have to navigate multiple, conflicting systems themselves without support	26
4.8 System bias: Race, gender and socio-economic advantage	27
4.9 Strength, love and care.....	28
4.10 What a better response would look like.....	28
Conclusion	30
Recommendations	31
Reference List	33

Glossary and Acronyms

Tables and Figures

CCYP	Commission for Children and Young People
DFFH	Department of Families, Fairness and Housing
EMH	Elizabeth Morgan House Aboriginal Women’s Service
FAS	Financial Assistance Scheme
FIGJAM	Formerly Incarcerated Girls Justice Advocates Melbourne
INT	Interview
LACW	Law & Advocacy Centre for Women
RT-FM	Roundtable Figjam Member
VLF	Victorian Law Foundation
VLA	Victoria Legal Aid

Table 1: Non-Legal Support Needs (Rounded)	19
Table 2: Support Provided (Rounded)	19
Table 3: Protective Concerns (Rounded)	20
Table 4: Compliance Obligations (Rounded)	21

Executive Summary

“A lot of us have been reunified with our children. And I think the important point to make is we’re the same people that we were when the children got removed. That’s just it in a nutshell.” (RT-FM1)

“I understand like it’s ‘child protection’, but isn’t protecting the mum then necessary as well?” (INT1)

This report provides a window onto the needs and experiences of women in contact with both the criminal legal and child protection systems. It shows clearly how women experience the intersection of these two systems: as working against them, as well as harming and discriminating against both them and their families at times of crisis. When women come into contact with the criminal legal and child protection systems, they have significant support needs relating to their health, experiences of trauma, housing insecurity and family violence. They also recognise the need for additional support for their children during this time of crisis. Yet, they receive little support for their own needs, including support to navigate the child protection system or have contact or reconnect with their children. They often do not know what their legal rights are in relation to the child protection system, and they are not meaningfully included in decision-making and court processes. Instead, in these crucial junctures in court or other proceedings relating to the care and welfare of their children, their voices are not heard and they can be misrepresented including in official documents. The treatment of women by the child protection and criminal legal systems, and by those individuals that represent them, can be shaped by gender, racial and socio-economic bias. Overall, these systems that claim to offer ‘protection’ or ‘justice’ often fail to support women, and their children, in meaningful ways. Instead, women’s stories demonstrate how the state’s responses to women in crisis, especially those facing disadvantage, are underpinned by surveillance, disbelief and exclusion, rather than care or support.

But what also emerges from women’s stories is their strength, care for others and a better vision for the future. The women we learned from in this study identified a range of shifts that

were needed to make current systems more humane and less harmful – community-based and solution-focused responses that address underlying needs and provide holistic, wrap-around supports. They emphasised the importance of lived expertise and peer support in understanding what is needed and providing effective, person-centred support to women at the system intersection. There is also a need for criminalised women to have more support in their contact with Child Protection – for example, from independent advocates who walk alongside them – and to maintain a relationship with their children. These shifts are important for both women and children, especially children and young people who may be placed in residential out-of-home care. In this way, women’s stories provide invaluable insight into the harms and the barriers they faced, as well as providing the solutions and ways forward.

The project findings and data demonstrate that fundamental changes are needed to transform how the child protection and criminal legal systems intersect and how they can better respond to women’s and families’ needs. Emerging from the practice experience of community organisations supporting women at this intersection and their drive to understand women’s experiences better, this project has brought together community organisations, academic researchers and lived experience experts and collectives. The project reveals the value of such collaborative work to address systemic injustice. Legal practice can support women experiencing the system intersection by working with lived experience advocates and trusted community service providers to ensure systems are held accountable and legal and other services reflect the holistic, person-centred support women said they need.

Findings and Recommendations

Findings from the Project

Finding 1: There are concerning trends in project data

Available project data suggests that:

- many women, and their children, experience the system intersection; and
- there are concerning trends in available data that need further examination.

Finding 2: Women at the system intersection have significant unmet support needs, but they receive an unsupportive, blaming and punitive response

Women at the system intersection have significant unmet support needs, relating to alcohol and drug use, family violence, mental health challenges and family violence. The child protection system reframes these support needs as risks (or protective concerns). As a result, women receive a punitive and stigmatising response that treats both their own and their children's support needs as matters of individual responsibility and compliance.

Finding 3: Child protection and criminal legal system interventions cause further serious harms, increasing risks to women and their children and causing long-term psychological and emotional harm

System interventions lead to enduring stigma and surveillance due to system records and information sharing. There is no accountability for these system harms.

Finding 4: Women at the system intersection experience a lack of access to legal information and legal representation

Women themselves have to work out what rights they have in relation to Child Protection and where they can turn for support. They face life-altering decisions and consequences without adequate information and support. They experience a lack of power and agency in their contact with the child protection and criminal legal systems.

Finding 5: Women at the system intersection are not included in decision-making nor are they able to have their voices heard

Women's perspectives are not always included in decision-making and official documents. They feel silenced and misrepresented in official records, with no 'right of reply'.

Finding 6: For women who have been in prison, more support is needed to have contact with and reunify with their children

Women in prison face multiple barriers to connecting and reconnecting with their children, while in custody and on release. There is no-one responsible for ensuring that women and children at the system intersection can maintain contact during parental incarceration. Women need parenting and material support (such as housing) to successfully reunify with their children on release from prison.

Finding 7: Women have to navigate multiple, conflicting systems themselves without support

The child protection and criminal legal systems work in siloed, and sometimes conflicting, ways. When they do work together, women felt that they colluded against them in a punitive way. Support was invaluable, but often random and due to the efforts of one person or worker.

Finding 8: Racial, gender-based and socio-economic bias shape the nature and practice of the child protection and criminal legal systems

Women at the system intersection can experience racial discrimination and gendered double standards (for example, that hold mothers responsible for situations of family violence). Economic advantage also makes it easier for some people to access the support they need and avoid Child Protection intervention.

Finding 9: The women that we spoke with demonstrated immense strength, resilience, love and care for their children and others

They spoke of trying to make the best decisions they could at hard times and reach out for support. They are committed to working towards change and to ensuring solidarity and peer support for women and families at the system intersection.

Finding 10: Immediate and substantive change to the child protection and criminal legal systems is needed

When they were asked '*what a better outcome would have looked like and what supports were needed for this?*', interviewees identified a range of important shifts and initiatives that shaped our project recommendations.

Key shifts identified:

- Build up a range of alternative, community-based supports for women and their families and subsequently remove police and child protection practitioners as first responders;
- Invest resources in responding to the underlying needs that affect women's involvement with the child protection system and criminal legal system and their ability to reunify with their children, including access to safe and affordable housing;
- Non-judgemental, strengths-based and solution-focused responses to women, families and their needs, including alcohol and drug use;
- Early intervention by holistic, wrap-around support focused on keeping families together;
- Humanistic or humanised support that treats people like they matter;
- Learning from and prioritising lived expertise and peer support.

Specific initiatives identified:

- Independent advocates who work with women from their first contact with Child Protection;
- Better support to maintain relationships while in prison, including free phone calls, visiting supports and co-located Child Protection staff;
- Funding to meet the needs of community organisations that women at the intersection turn to and trust.

Recommendations

Recommendation 1: Improve data collection

Better data collection is needed on the extent and nature of women's experiences of the system intersection. Future data collection initiatives and research should specifically examine in more detail: the over-representation of Aboriginal and Torres Strait Islander women at the system intersection; whether children of women at the system intersection may be placed in out-of-home care at a younger age than other Victorian children; and the overlap between women's own experiences of out-of-home care as children and their later contact with the child protection and criminal legal systems as mothers.

Recommendation 2: Fund community organisations

Fund, according to demand, the trusted community-based organisations that women at the system intersection turn to for help, to ensure they can provide the services needed.

Recommendation 3: Housing, housing, housing

Access to safe and affordable housing must be prioritised and funded to ensure women can keep their children safe and reunify with them after separation.

Recommendation 4: Fund and prioritise community-based and needs-based support

Prioritise and fund according to demand community-based, early intervention and wrap-around supports for women and their families that address their unmet support needs, particularly in relation to:

- alcohol and drug use;
- family violence;
- mental health challenges; and
- housing,

thereby removing the involvement of the child protection and criminal legal systems from women and children's lives.

Recommendation 5: Social and cultural training

Better early training for all workers and organisations who have contact with women and their families at the system intersection to understand:

- the underlying reasons and unmet support needs that have resulted in women coming into contact with the criminal legal and child protection systems
- how to respond in a non-judgemental, solution-focused, humane, family-centred and strengths-based way.

This training should:

- include lived expertise insights and participants;
- be required for people working in Child Protection, Corrections and Parole, community service providers, family and criminal lawyers and support services that engage with criminalised women (such as those assisting people with alcohol and drug use, mental health challenges, housing insecurity, and family violence);
- include Aboriginal and Torres Strait Islander expertise and lived experience;
- occur early in their education or training.

Recommendation 6: Broader societal change

Investigate and develop recommendations in relation to enabling changes in broader societal attitudes and approaches to women at the system intersection and the discrimination and bias they currently face.

Recommendation 7: Independent advocates

Link in women with independent advocates who work with them from their first contact with Child Protection to understand their rights and legal processes and walk alongside them during the process – extending a model similar to the important support provided by Grandmothers Against Removal to Aboriginal women and their families.

Recommendation 8: End discrimination on the basis of criminal record

Further investigate and develop recommendations to address the harm and bias in service provision experienced by women at the system intersection due to criminal records, or due to permanent, partial and incorrect state records, and because of information sharing and publicly available information sources (such as various internet sources and social media platforms).

Recommendation 9: Better supports to enable women to maintain relationships with families while in prison

As recognised by the Victorian parliamentary inquiry into children affected by parental incarceration, this necessarily includes:

- free, untimed phone calls;
- greater support for children to visit their parents – including funding support, obligations on and support for carers to facilitate visits, and support that is independent from both systems to facilitate visits;
- a Child Protection worker or workers in prison (see, for example, the successfully evaluated New South Wales co-located caseworker program).

Recommendation 10: Lived expertise and peer support

Learn from, prioritise and adequately fund:

- lived expertise leadership;
- peer support models;

in advocacy, practice, policy development and training.

Recommendation 11: Fund and evolve legal services to support women at the intersection

Provide dedicated funding to community legal centres and advocacy organisations to support women navigating both the child protection and criminal legal systems, including:

- representation in child protection matters, including decision reviews and reunification support;
- strategic litigation and complaints under the Charter of Human Rights and Responsibilities Act 2006 (Vic) and anti-discrimination legislation;
- advocacy to address structural discrimination and harm;
- person- and family-centred legal practice that embeds lived expertise and trauma-informed approaches;
- greater use of rights-based legal strategies and collaboration with trusted community organisations.

Legal services must be resourced to evolve their practice and play an active role in the various systemic changes called for by women.

1. Introduction to the Report

This project was a collaboration between the Law & Advocacy Centre for Women (LACW), Elizabeth Morgan House Aboriginal Women's Service (EMH), researchers at the University of Melbourne, FIGJAM (Formerly Incarcerated Girls Justice Advocates Melbourne) and other lived experience experts. It had two key aims:

1. **To better understand the legal and non-legal needs and experiences of women in contact with both the criminal legal and child protection systems**, including any particular needs and experiences of Aboriginal and Torres Strait Islander women.¹ This included better understanding the support (or barriers) they experienced in maintaining or re-establishing contact with their children *and* participating in child protection processes.
2. **To build the research capacity of LACW and EMH and develop sustainable models of data collection, ethics and research impact for future and similar projects.**

These project outcomes were directed towards improving LACW and EMH's capacity to provide integrated, wrap-around support to women at the intersection of the two systems (that is, to ensure they were able to identify and respond to people's legal and non-legal needs). They were also directed towards informing the systemic advocacy of LACW and EMH in this space, and the capacity for the organisations to amplify women's voices and priorities so they are not left out of policy development and implementation.

The project emerged from the practice experience of LACW, the only legal service in Victoria whose primary focus is to assist women who are in or at risk of entering the criminal legal system. LACW provides legal advice and representation in relation to criminal matters, family violence intervention orders, the victims of crime Financial Assistance Scheme (FAS), infringements/fines, and, from June 2021 to June 2024, child protection. This legal assistance is provided alongside holistic case management to address the causes of criminalisation and imprisonment. Through their work representing women in criminal cases, they saw the need for a specialist child protection practice that would represent the women coming to their practice in the civil, Family Division of the Children's Court. Most of these women have concurrent criminal, family violence intervention order and / or victims of crime assistance matters. As part of this work, LACW identified a gap in their knowledge and data regarding the needs, experiences and any barriers faced by women in contact with Child Protection, particularly those trying to maintain or re-establish contact with their children and meet system requirements to support

reunification.

LACW partnered with EMH, the peak body in Victoria for Aboriginal women and children, providing refuge accommodation, family violence services, therapeutic support and working with Aboriginal women in the justice system to uphold their rights to live a life free from violence. In 2023, EMH started working specifically with criminalised Aboriginal women through the new Aboriginal Healing Unit at Dame Phyllis Frost Centre providing holistic support and therapeutic care. They also collaborate with other community services to run pre-release and post-release support for women in contact with the criminal legal system. LACW and EMH then invited a team of Aboriginal and non-Aboriginal academics at the University of Melbourne to contribute to the project. Finally, as part of the first stage of the project the FIGJAM Collective was invited to join the team as a project partner to develop recommendations on Stage 1 and collaborate on Stage 2 (on Stages 1 and 2, see Section 3 below). FIGJAM is a peer-led collective of formerly incarcerated women, trans and gender diverse folks in Victoria focused on advocacy, connection and support.

This report focuses on the first stage of this study, which worked with women with criminal legal and child protection system contact who are living in the community (that is, they are no longer in justice system contact). We worked with these women as both lived experience experts and as interviewees, with ethics approval from the University of Melbourne. The scoping findings in this report are based on these interviews and a review of LACW case files. The next stage of the project will work with women in custody and under justice supervision (for example, on parole), as well as a broader range of service providers and staff working within prison, with ethics approval from the Justice Human Research Ethics Committee. Stage 1 of the project has been crucial to establishing the ethical and methodological framework to undertake such work, given the complexities of researching other people's experiences of criminalisation, harm, loss and state intervention.

1 In terms of definitions, while there are many understandings of family and diverse care arrangements that extend beyond families, our references to the 'child protection system' relate to a system of state intervention in the care of children through legal processes. Meanwhile, we use the term 'Child Protection' to refer to the Victorian Child Protection Service, delivered by the Department of Families, Fairness and Housing. The 'criminal legal system' refers to all organisations and professionals that respond to behaviour that is criminally prohibited, including police, prosecuting agencies, courts and corrective services. We recognise the diversity of Aboriginal and Torres Strait Islander communities and women. Throughout this report, we refer to Aboriginal and Torres Strait Islander women inclusively, unless the original source refers to Aboriginal people.

2. Background: Criminalised Women in Contact with Child Protection

2.1. Invisible and unsupported

There is no clear data on how many women in Victorian prisons are mothers.² At a national level, a majority of women entering prison (54%) have one dependent child and many others have non-dependent children.³ Aboriginal women are understood to be more likely to be mothers than non-Aboriginal women.⁴ As the number of women in Victorian prisons, especially Aboriginal women, continues to grow significantly over time, it is predicted that the number of mothers in prison will also grow.⁵ The over-criminalisation of Aboriginal women specifically also means their children are more likely to be affected by parental incarceration.⁶

There is even less available data on how many women are in contact with *both* the criminal legal system (living in prison or in the community) and the child protection system. A recent Victorian parliamentary inquiry into children affected by parental incarceration found that neither criminal legal or child protection agencies systematically gather this information.⁷ However, there are clear indications that a large amount of women and their families experience the intersection between these systems.⁸ For example, in their submission to the Victorian parliamentary inquiry, VACCA (Victorian Aboriginal Child and Community Agency) reported that one quarter (27%) of Aboriginal children in a particular service region who were in contact with the child protection system also had a father or mother in prison.⁹ Further studies show child protection system involvement can be a

triggering factor in women's increasing criminalisation and that children experiencing maternal incarceration face high rates of child protection system involvement.¹⁰ In Western Australia and NSW, studies based on linking government department datasets or correctional data show a majority of women in prison have children in contact with child protection or have children out of their care.¹¹ Again, given the dire over-representation of Aboriginal children in contact with the child protection system in Victoria (at a rate 11 times higher than non-Aboriginal children), it is expected that Aboriginal women, children and families are more impacted by the intersection between this system and the criminal legal system.¹²

However, despite this intersection between the criminal legal and child protection systems, inquiry reports and research have continued to show a lack of coordination between them. Generally, the needs and experiences of the children of parents in prison are not seen to be the responsibility of any government agency.¹³ The Victorian inquiry into parental incarceration found that whether or not children's needs were recognised and met, for example by police or courts, was 'discretionary' rather than mandated, highlighting research reporting children being left at school or with lawyers at court after their parent was taken into custody.¹⁴ In relation to children in contact with the child protection system specifically, there is no evidence that the criminal legal and child protection systems systematically communicate with each other or work together to ensure that parents in prison can have contact with their children involved with the child protection system or

-
- 2 Legislative Council Legal and Social Issues Committee, "Inquiry into Children Affected by Parental Incarceration" (Parliament of Victoria, August 2022), xix, xxiii.
 - 3 Australian Institute of Health and Welfare, "The Health and Welfare of Women in Australia's Prisons" (Canberra: AIHW, 2020), 10; Legislative Council Legal and Social Issues Committee, "Inquiry into Children," 34; Althea Gibson et al., "Supporting Incarcerated Mothers: A Mixed Methods Evaluation of the NSW Co-Located Caseworker Program," Trends and Issues in Crime and Criminal Justice (Canberra: Australian Institute of Criminology, January 2025): 2, <https://doi.org/10.52922/ti77741>.
 - 4 Legislative Council Legal and Social Issues Committee, "Inquiry into Children," xi, xv; Juanita Sherwood and Sacha Kendall, "Reframing Spaces by Building Relationships: Community Collaborative Participatory Action Research with Aboriginal Mothers in Prison," *Contemporary Nurse* 46, no. 1 (December 1, 2013): 85, <https://doi.org/10.5172/conu.2013.46.1.83>.
 - 5 Legislative Council Legal and Social Issues Committee, "Inquiry into Children," 35–38.
 - 6 Legislative Council Legal and Social Issues Committee, "Inquiry into Children," 37–38; Yoorrook Justice Commission, "Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems," 2023, 25.
 - 7 Legislative Council Legal and Social Issues Committee, "Inquiry into Children," 73, 82.
 - 8 Gibson et al., "Supporting Incarcerated Mothers," 2; C Caruana et al., "Leaving Custody Behind - Foundations for Safer Communities and Gender-Informed Criminal Justice Systems: Issues Paper" (Melbourne: Centre for Innovative Justice, RMIT University, 2021), 27.
 - 9 Victorian Aboriginal Child Care Agency, "Response to the Inquiry into Children of Imprisoned Parents" (Melbourne, April, 2022) 8, <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-children-with-imprisoned-parents/>.
 - 10 E Campbell, L Macmillan, and C Caruana, "Women Transforming Justice: Final Evaluation Report." (Centre for Innovative Justice, RMIT University, Melbourne, 2020), 43–45; Leonie Segal et al., "Child Protection System Involvement in Children of Incarcerated Mothers: A Linked Data Study," *Child Abuse & Neglect* 139 (May 1, 2023): 5–6, <https://doi.org/10.1016/j.chiabu.2023.106126>.
 - 11 A Western Australian data linkage study found 60% of children were in contact with the child protection system, see Segal et al., "Child Protection System Involvement," 6; a New South Wales study based on correctional data found that 73% of women with children did not live with their children when they entered prison, see Jude Lobo and Mark Howard, "Women in Prison" (Correction Research Evaluation and Statistics, Corrective Services NSW, March 2021), 2.
 - 12 Yoorrook Justice Commission, "Yoorrook for Justice," 19, 25.
 - 13 Finding 12, Yoorrook Justice Commission, "Yoorrook for Justice," xxi; see also Rosemary Sheehan and Gregory Levine, "Parents as Prisoners: Maintaining the Parent-Child Relationship," 2007, 14, <https://search.informit.org/doi/10.3316/cinch.277226>; and Aaron Hart and Melanie Field-Pimm, "Whose Responsibility? Reexamining Victorian Justice System Responses to the Children and Families of Parents in Prison," *Australian Journal of Social Issues* 57, no. 2 (2022): 284, <https://doi.org/10.1002/ajs4.192>.
 - 14 Legislative Council Legal and Social Issues Committee, "Inquiry into Children," 8, 50; on this point, see also Hart and Field-Pimm, "Whose Responsibility?"

participate in case-planning and decision making.¹⁵ Instead, the child protection and criminal legal systems operate independently, which means that women in contact with them both are left to navigate ‘two large bureaucracies with vastly different aims, policies, practices and organisational cultures’.¹⁶ Along with the lack of Victorian data, this lack of awareness of the experiences of mothers and children in contact with both systems means that their needs and perspectives remain ‘invisible’ to others.¹⁷

2.2 The unjust impacts for mothers and families

The intersection between the criminal legal and child protection systems has serious impacts for mothers and their families. When they are in prison or Child Protection is involved in their lives, criminalised women are often forcibly separated from their children and reliant on other people to facilitate contact with them. The experience of losing contact with their children is extremely distressing for mothers in prison, particularly when they are aware their child is involved with Child Protection or at risk of family violence.¹⁸ There is evidence that mothers are less likely than fathers in prison to have other people facilitate their contact with their children, and generally receive little support to have contact with their children or reconnect with them when they leave prison.¹⁹ This contact may be even less likely where family contact has to be facilitated by child protection agencies.²⁰ For Aboriginal and Torres Strait Islander women, incarceration can also affect their capacity to care for other children and people in their communities.²¹ Both criminalised women and children affected by parental incarceration

face social discrimination and stigma due to their justice system contact.²² In their practice, LACW found that this stigma and shame was a barrier to clients maintaining contact with their children.²³

Parental incarceration also negatively impacts on the lives of their children - in particular their emotional, mental and physical wellbeing.²⁴ Parental incarceration is an experience of grief and loss, and is associated with children facing challenges in relation to their education involvement, housing and care arrangements.²⁵ For Aboriginal children and young people, separation from their families can affect their connection to culture and Country and reflects a continued practice of damaging state intervention in their families’ lives.²⁶ The Yoorrook Justice Commission refers to the child protection and criminal legal systems as ‘two intertwined colonial systems’ which have caused deep harm to Aboriginal people and communities in the past and present.²⁷ Even when reforms are implemented into child protection practice, they tend to reproduce colonial perspectives on families, which reinforces these cycles of harm rather than addressing the structural causes of disadvantage.²⁸

Moreover, for children, there are a range of adverse impacts associated with being in contact with child protection systems, and particularly the out-of-home care and residential care systems. These include being more likely to experience poor educational opportunities, housing insecurity, serious mental health challenges, sexual exploitation and criminalisation.²⁹ Multiple reports now highlight the over-criminalisation of children in out-of-home care and police involvement in responding to absences from care and behavioural incidents in care as a significant contributing

15 Sheehan and Levine, “Parents as Prisoners,” 6, 14, 85; and more recently cumulative testimonies to the Legislative Council Legal and Social Issues Committee, “Inquiry into Children,” 62, 83, 110, 142.

16 Gibson et al., “Supporting Incarcerated Mothers,” 11; see also Sheehan and Levine, “Parents as Prisoners,” 14.

17 Legislative Council Legal and Social Issues Committee, “Inquiry into Children,” 83, see also 74.; It is now widely accepted that children who experience parental incarceration are ‘invisible’ - often described as the ‘invisible’ or ‘forgotten’ victims of crime, see for example Sheehan and Levine, “Parents as Prisoners,” 8, 13; Gibson et al., “Supporting Incarcerated Mothers,” 11.

18 Gibson et al., “Supporting Incarcerated Mothers,” 2, 13; Campbell, Macmillan, and Caruana, “Women Transforming Justice,” 31; Yoorrook Justice Commission, “Yoorrook for Justice,” 366.

19 Legislative Council Legal and Social Issues Committee, “Inquiry into Children,” 131; Yoorrook Justice Commission, “Yoorrook for Justice,” 366; Law & Advocacy Centre for Women, “Inquiry into the Children of Imprisoned Parents” (Carlton, Victoria, April 29, 2022), 5, <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-children-with-imprisoned-parents/submissions>.

20 Law & Advocacy Centre for Women, “Inquiry into the Children,” 5.

21 Jocelyn Jones et al., “Australian Aboriginal Women Prisoners’ Experiences of Being a Mother: A Review,” *International Journal of Prisoner Health* 14, no. 4 (2018): 225–26, <https://doi.org/10.1108/IJPH-12-2017-0059>; Campbell, Macmillan, and Caruana, “Women Transforming Justice,” 32, 39–40.

22 Women and Mentoring, “Speaking from Experience: A Framework to Drive Change” (Melbourne: Women and Mentoring, 2025), 3; Legislative Council Legal and Social Issues Committee, “Inquiry into Children,” xii, 5; Sheehan and Levine, “Parents as Prisoners,” 14.

23 Law & Advocacy Centre for Women, “Inquiry into the Children,” 5.

24 Catherine Flynn and Kathryn Gor, “Living with a Parent in Prison: Learning from Young People,” Report (Monash University, February 4, 2025), 6, <https://doi.org/10.26180/28340528.v1>.

25 Legislative Council Legal and Social Issues Committee, “Inquiry into Children,” xi, xix, 15, 19; Sherwood and Kendall, “Reframing Spaces by Building Relationships,” 85; Yoorrook Justice Commission, “Yoorrook for Justice,” 366.

26 Yoorrook Justice Commission, “Yoorrook for Justice,” 366; Legislative Council Legal and Social Issues Committee, “Inquiry into Children,” xix, see also 18.

27 Yoorrook Justice Commission, “Yoorrook for Justice,” 46.

28 Terri Libesman, Paul Gray, and Kirsten Gray, “The Shackles of Terra Nullius in Child Protection ‘Reforms,’” in *Legal Education Through an Indigenous Lens*, ed. Nicole Watson and Heather Douglas, 1st ed. (London: Routledge, 2024), 66–67, <https://doi.org/10.4324/9781003473404-5>.

29 Susan Baidawi and Rosemary Sheehan, “‘Crossover Kids’: Offending by Child Protection-Involved Youth,” Trends & Issues in Crime and Criminal Justice (Australian Institute of Criminology, December 2019), 2, https://www.aic.gov.au/sites/default/files/2020-05/ti582_crossover_kids-v2.pdf; Yoorrook Justice Commission, “Yoorrook for Justice,” 4, 25; Commission for Children and Young People, “Let Us Learn: Systemic Inquiry into the Educational Experiences of Children and Young People in Out-of-Home Care” (Melbourne: Commission for Children and Young People, 2023), 22–23; Commission for Children and Young People, “Out of Sight: Systemic Inquiry into Children and Young People Who Are Absent or Missing from Residential Care” (Melbourne: Commission for Children and Young People, 2021), 15.

factor.³⁰ In 2020, Commission for Children and Young People (CCYP) reported that 24% of children in out-of-home care were also involved in the youth justice system and this rose to 50% for those whose final placement was in residential care.³¹ These findings point to a well-documented but poorly addressed pathway from residential care to criminalisation and family separation, which can impact specifically on young women (who, for example, are significantly more likely to be reported absent from residential care).³² There are also intergenerational impacts of such system involvement. For example, 23% of young women became parents while in, or shortly after leaving, out-of-home care and the majority (71%) of these young women also had children known to the child protection system.³³

Serious legal consequences also flow from the lack of coordination between the child protection and criminal legal system. Prior research has found that child protection assistance is a common unmet support need for women in custody.³⁴ Through their child protection practice, LACW saw that mothers in prison were not notified of or included in decision-making processes concerning their children and faced barriers to accessing legal representation.³⁵ This can affect their ability to be part of child protection hearings and case planning and decision-making processes that may influence permanent care arrangements.³⁶ Incarceration means limitations are placed on women's ability to communicate with others, plan for appointments, and receive support and representation to participate in key processes and have their preferences heard. It can also impede their capacity to satisfy child protection conditions for future contact, such as demonstrating that they have maintained contact with their children or participated in necessary programs when they are reliant on others to facilitate both these actions.³⁷

These barriers can have serious and long-lasting consequences – for example, children (and particularly babies) can be placed on permanent care orders if their mother has not had contact with them in the first 12 months of their incarceration.³⁸ There was evidence presented to the Yoorrook Justice Commission that criminalised parents did not know even where their children were living following a permanent care order decision.³⁹ Difficulties relating to housing and other necessary supports can also affect women's ability to reconnect with their children on release.⁴⁰ For the women we spoke with in this project, these legal impacts mean that women do not receive the support they need and experience the systems as colluding against them (see Section 4.7).

More generally, women in contact with the criminal legal system have a range of unmet support needs. The vast majority of women in prison (70–90%) are estimated to have experienced physical, sexual or emotional abuse, with the rates for Aboriginal and Torres Strait Islander women being highest.⁴¹ Despite the strength, resilience and diversity of women in contact with the criminal legal system, they are disproportionately impacted by structural and systemic inequalities, such as housing insecurity, socio-economic inequality, gender-based violence, systemic racism and unemployment, and have significant unmet health and support needs.⁴²

30 Commission for Children and Young People, "Out of Sight," 81, 132; Commission for Children and Young People, "Keep Caring: Systemic Inquiry into Services for Young People Transitioning from Out-of-Home Care," (Melbourne: Commission for Children and Young People, 2020) 61; Commission for Children and Young People, "In Our Own Words: Systemic Inquiry into the Lived Experience of Children and Young People in the Victorian Out-of-Home Care System" (Melbourne: Commission for Children and Young People, 2019) 159–62; Commission for Children and Young People, "Always Was, Always Will Be Koori Children: Systemic Inquiry into Services Provided to Aboriginal Children and Young People in Out-of-Home Care in Victoria." (Melbourne: Commission for Children and Young People, 2019). See also Koorie Youth Council, "Ngaga-Dji" (Melbourne: Koorie Youth Council, 2018), which discusses the structural criminalisation of poverty and identity, as well as the intergenerational nature of child protection and criminal legal system involvement for Aboriginal families.

31 Commission for Children and Young People, "Keep Caring," 61.

32 Commission for Children and Young People, "Out of Sight," 81–82.

33 Commission for Children and Young People, "Keep Caring," 61.

34 Campbell, Macmillan, and Caruana, "Women Transforming Justice," 43–45.

35 See Law & Advocacy Centre for Women, "Inquiry into the Children," 5 and broader project discussions.

36 Gibson et al., "Supporting Incarcerated Mothers," 3. This also emerged through LACW's practice, but the Victorian parliamentary inquiry also noted the impact of reunification timelines for parents in prison, see 105.

37 Gibson et al., "Supporting Incarcerated Mothers," 3, 9, 11; Law & Advocacy Centre for Women, "Inquiry into the Children," 5–6.

38 One of the conditions for a permanent care order is that a child's parent has not had care of the child for at least 6 months, or for periods amounting to less than 6 months in the last 12 months: *Children, Youth and Families Act 2005* (Vic), s319(a).

39 Yoorrook Justice Commission, "Yoorrook for Justice," 366.

40 Una Stone, Marg Liddell, and Marietta Martinovic, "Jumping Hurdles: The Myriad of Issues and Barriers for Incarcerated Mothers to Regain Custody of Children," *Justice Policy Journal* 12, no. 1 (March 1, 2015): 6–7.

41 Australia's National Research Organisation for Women's Safety, "Women's Imprisonment and Domestic, Family and Sexual Violence: Research Synthesis," ANROWS Insights (Sydney, NSW: Australia's National Research Organisation for Women's Safety Limited (ANROWS), March 2020), 5, <https://www.anrows.org.au/publication/womens-imprisonment-and-domestic-family-and-sexual-violence/>.

42 Australia's National Research Organisation for Women's Safety, "Women's Imprisonment," 6–8; Marie Segrave and Bree Carlton, "Women, Trauma, Criminalisation and Imprisonment," *Current Issues in Criminal Justice* 22, no. 2 (November 2010): 290–93, <https://doi.org/10.1080/10345329.2010.12035887>; Emma Russell et al., "A Constellation of Circumstances: The Drivers of Women's Increasing Rates of Remand in Victoria," (Melbourne: Fitzroy Legal Service and the La Trobe Centre for Health, Law and Society, 2020), 5, 19.

2.3 Longstanding calls for systemic change

“For First Peoples, the child protection and criminal justice systems have long been sites of systemic injustice.”⁴³

Both the criminal legal system and the child protection system involve the (largely involuntary) intervention of the state in people's and family's lives. As outlined in multiple inquiries, these systems intersect to co-produce harm across generations, demonstrating the ongoing, cyclical impacts of system intervention.⁴⁴ For Aboriginal and Torres Strait Islander people and families in particular, the child protection and criminal legal systems operate within a broader context of colonial control, surveillance and dispossession. Both systems have been used as ways to enable and reinforce colonial state power and racial bias, and dispossess Aboriginal and Torres Strait Islander people despite their continued sovereignty and resistance.⁴⁵ Both systems impact unfairly and disproportionately on these communities and there has been longstanding advocacy and calls for fundamental and transformative change and the development of a range of community-based supports and alternatives.⁴⁶ Most recently, the Yoorrook Justice Commission has recommended 'transformative changes' to child protection and criminal legal processes, including full self-determination and a transfer of power in relation to child protection and criminal justice (Recommendations 1 and 2), reflecting continued community advocacy and other support for these goals.⁴⁷

It also recommended several urgent actions and reforms, including the need to strengthen prevention and early intervention instead of the child protection system (Recommendation 8), better fund Aboriginal community-controlled organisations providing services in this space (Recommendations 8 and 9), and ensure that all Aboriginal families in contact with the child protection system have access to legal assistance and non-legal advocacy in relation to child protection reports (Recommendation 12).

These calls for structural change sit alongside other broader findings about the need to better recognise and address the negative impact of parental incarceration on mothers and their children.⁴⁸ This work highlights a range of needed system reforms, from a more gender specific approach to criminalised women, to more child-aware arrest, court and prison processes, to increased support for contact and connection for families when mothers are in custody.⁴⁹ It also recognises the need to reduce, if not remove, women's incarceration generally, especially in light of overall growth in the number of women in custody and the connection between women's criminalisation and experiences of harm, trauma and socio-economic disadvantage.⁵⁰

Yet, despite the number of inquiry reports, community campaigns, academic research and practice-based submissions over many years that have highlighted the serious issues that exist and a range of ways forward, there remains a 'paradox of reform without change'.⁵¹ The stories and experiences that are in this report amplify these existing calls for change and make it clear that more action is needed, now.

43 Yoorrook Justice Commission, "Yoorrook for Justice," 14.

44 See, for example, Koorie Youth Council, "Ngaga-Dji"; Commission for Children and Young People, "Keep Caring."

45 Yoorrook Justice Commission, 14, 16, 46–63. In relation to racial and systematic discrimination, see also 9, 15, 19.

46 Commission for Children and Young People, "Our Youth, Our Way: Inquiry into the Overrepresentation of Aboriginal Children and Young People in the Victorian Youth Justice System" (Melbourne: Commission for Children and Young People, 2021) (especially 46–63 on longstanding advocacy and resistance in relation to successive government policies); Commission for Children and Young People, "Always Was, Always Will Be Koori Children"; Victorian Aboriginal Legal Service, "A Plan for Aboriginal Justice in Victoria: Empowerment, Identity, Culture" (Melbourne: Victorian Aboriginal Legal Service, 2022); Koorie Youth Council, "Ngaga-Dji"; Sissy Austin, "'Our Kids Belong With Family': A Look into Institutional Child Removal," *Indigenous X* (blog), February 16, 2022, <https://indigenousx.com.au/our-kids-belong-with-family-a-look-into-institutional-child-removal/>; Commonwealth of Australia, *Royal Commission into Aboriginal Deaths in Custody: National Report*, vol. 1 (Canberra: Australian Government Publ. Service, 1991), vol. 1.

47 For example, see Austin, "Our Kids Belong with Family"; Libesman, Gray, and Gray, "The Shackles of Terra Nullius," 68.

48 For example, see Thalia Anthony, Gemma Sentance, and Larissa Behrendt, "'We're Not Being Treated Like Mothers': Listening to the Stories of First Nations Mothers in Prison," *Laws* 10, no. 3 (September 13, 2021): 74, <https://doi.org/10.3390/laws10030074>; Catherine Flynn and Anna Eriksson, "Children of Prisoners," in *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice*, ed. Antje Deckert and Rick Sarre (Cham: Springer International Publishing, 2017), 437–48, https://doi.org/10.1007/978-3-319-55747-2_29.

49 Una Stone, Marg Liddell, and Marietta Martinovic, "Incarcerated Mothers: Issues and Barriers for Regaining Custody of Children," *The Prison Journal* 97, no. 3 (2017): 300, <https://doi.org/10.1177/0032885517703957>; Hart and Field-Pimm, "Whose Responsibility?"; Legislative Council Legal and Social Issues Committee, "Inquiry into Children Chapter 7; Campbell, Macmillan, and Caruana, "Women Transforming Justice" 11.

50 Stone, Liddell, and Martinovic, "Incarcerated Mothers," 312; Legislative Council Legal and Social Issues Committee, "Inquiry into Children," 41–42; Thalia Anthony and Gemma Sentance, "The System Doesn't Care about Our Aboriginal Children: First Nations Mothers in Prison," *Precedent (Sydney, N.S.W.)*, no. 159 (August 1, 2020): 22–27.

51 Libesman, Gray, and Gray, "The Shackles of Terra Nullius," 57 describe as the 'paradox of reform without change', where legislated participation and decision making rights remain largely unimplemented in practice, which allows child protection systems to operate with unchecked authority over Aboriginal families. See also Stone, Liddell, and Martinovic, "Incarcerated Mothers," 311–12; Hart and Field-Pimm, "Whose Responsibility?," 277; and Flynn and Gor, "Living with a Parent," 2.

3. What We Did Together: Project Aims and Design

“Trust that we know who we are, what we have been through and what we need in this moment.”⁵²

“Through the lived experience of women ... nuances and complexities in debates appear that deserve deeper attention than sensationalised newspaper headlines and soundbites from the uninformed commentariat. These are stories that should be centre stage in these discussions.”⁵³

Despite their expert insight into how the criminal legal and child protection systems function, and the broader social, political and economic reasons that people come into contact with them, women who have experience of the two systems can struggle to have their voices heard. Criminalised women face significant social stigma, both when they are involved with the legal system and afterwards.⁵⁴ Similarly, women affected by the child protection system are also often unheard and met with discrimination based on stereotypes.⁵⁵ Due to systemic racism and the historical biases of both the criminal legal and child protection systems, Aboriginal and Torres Strait Islander women in contact with both of these systems face even greater barriers to being heard and respected.⁵⁶ For example, as we discuss further below (4.3.3), women at the system intersection describe the way that digital records are used against them, even though these do not contain their voices or stories and can be untrue. Yet, it is through the stories and perspectives of all women affected by these systems, in their diversity, that we gain insight into lived realities often obscured by data alone.⁵⁷ As Eualeyai and Kamilaroi academic-public commentator Larissa Behrendt explains, while statistics can demonstrate that an issue exists, it is through stories that it becomes possible to grasp what solutions are needed and where resources are required.⁵⁸

As such, this project took a storytelling approach, which sought to listen to and learn from the lived experiences of women at the system intersection.⁵⁹ As noted earlier, our two overarching aims were to (1) better understand the legal and non-legal needs and experiences of women in contact with both systems, including the particular needs and experiences of Aboriginal and Torres Strait Islander women, and (2) build the research capacity of LACW and

EMH and develop sustainable models of data collection, ethics and research impact for future and similar projects.

In terms of Aim 1, we listened to and learned from women about their needs and experiences in three main ways: (a) interviews and focus groups, (b) file reviews, and (c) lived expertise involvement in the project – which we describe further below. Lived expertise involvement in the project was also crucial to fulfilling Aim 2, alongside our collaborative project design. Aim 2 was largely achieved by research and LACW and EMH staff working collaboratively together on all stages of the project, including project co-design, ethics approvals, data collection, data analysis and recommendation development – rather than, for example, the researchers taking responsibility for ‘research tasks’ like ethics approval and so on.

3.1 Interviews and focus groups

Stage 1 of the project, on which this report is based, involved semi-structured interviews and focus groups with women with experience of the system intersection. We conducted one focus group with members of the FIGJAM Collective, as well as three additional, and one follow up, interviews – speaking with six women in total. Five of these women had been personally affected by both systems, while one woman had experienced criminalisation and now worked with criminalised women in contact with Child Protection. We were also lucky to access women’s voices and experiences through an already prepared document on the system intersection that FIGJAM was involved in producing, which we analysed in this project with the Collective’s permission.⁶⁰

52 Women and Mentoring, “Speaking from Experience,” 4.

53 Larissa Behrendt, “Stories and Words, Advocacy and Social Justice: Finding Voice for Aboriginal Women in Australia,” *Australian Feminist Law Journal* 45, no. 2 (July 3, 2019): 196, <https://doi.org/10.1080/13200968.2020.1837538>.

54 Diana Johns et al., *Co-Production and Criminal Justice*, 1st ed. (London: Routledge, 2022), 54, 58, <https://doi.org/10.4324/9780429328657>; Women and Mentoring, “Speaking from Experience,” 3, 11.

55 Joanne McGrath et al., “‘They Tarred Me with the Same Brush’: Navigating Stigma in the Context of Child Removal,” *International Journal of Environmental Research and Public Health* 20, no. 12 (January 2023): 6162, <https://doi.org/10.3390/ijerph20126162>.

56 Behrendt, “Stories and Words,” 198–201.

57 Behrendt, “Stories and Words”. In relation to the emphasis on diversity, see Women and Mentoring, 2–3, 5.

58 Behrendt, “Stories and Words,” 194, 198–99.

59 For more on the value of storytelling approaches in relation to research with criminalised women and amplifying silenced voices, see Johns et al., *Co-Production and Criminal Justice*, 54. See also Anthony, Sentance and Behrendt, “We’re Not Being Treated Like Mothers”.

60 In Section 4 of this report, these data sources are referred to as RT-FM1, RT-FM2, RT-FM3, INT1, INT2, INT3, INT4 and FD1.

The relatively small number of women we spoke with needs to be balanced with a recognition of the intensely traumatic nature of the experiences (criminalisation and child removal) they were discussing with us. Ultimately, we made a conscious decision in the project to only speak with women who were already connected with one of the three community partners to the project (LACW, EMH and then FIGJAM), such that the support and cultural safety needed to ethically interview people in this area and ensure adequate follow up if needed existed through those relationships.

The interviews focused on four main questions, namely women's experiences of:

- **The system intersection:** Can you walk us through your experience with these systems, or what stands out to you most about your experience of both systems?
- **Support received or not received:** Were you supported as someone involved with both systems – for example, to have contact with or reconnect with your children, be part of child protection processes, have access to legal representation, or have support to understand your legal rights and how to comply with the child protection order conditions?
- **Barriers:** Did you face any barriers or did your involvement with one system impact on the other? Did your involvement with these systems impact on your ability or willingness to access other support systems?
- **Recommendations for change:** What would a better outcome have looked like and what supports were needed for this?

However, given our storytelling approach, our key focus in the interviews was to listen to what interviewees wanted to tell us about their experience of the two systems. This meant we began by acknowledging them as the experts in this field, before starting with the broad question above about their experience. Sometimes the answer to this question took most of the interview time, even though they also answered the other questions through their answer. If needed, we intervened with follow-up questions to make sure we covered the other areas, particularly their recommendations for change. All interviews were on Zoom due to interviewee preference and people were paid \$75.00 per hour in the form of prepaid credit cards. Interview transcripts were also provided to all interviewees in case they wanted to make any changes and later all interviewees were given an opportunity to review and make changes to any quotes we proposed to use in the report. All interviewees were invited to a session where they could give us feedback on our draft findings and will be invited to the report launch.⁶¹

The interview and focus group transcripts were thematically analysed to identify common experiences, needs, barriers and recommendations for the future.⁶² In Section 4 below, we discuss the key themes that emerged from the interview in general terms—conscious of not including any identifying information from any interviewee and/or making it possible to identify interviewees through referencing every point we heard. The quotes used in the report are also sometimes amended from their original form and interviewees are referred to by pseudonym.

3.2 File reviews

We also analysed deidentified file review data from LACW's child protection practice which provided a second window on women's experiences. LACW ran an in-house child protection practice from June 2021 until June 2024. The practice was established to target a particular cohort of mothers who were otherwise facing barriers to accessing legal advice and representation for their child protection proceedings – that is, women with experience of the criminal legal system, and women subject to involuntary treatment orders in relation to their mental health challenges. The practice was managed by an experienced Managing Lawyer who was an accredited specialist in children's law, and supported by one other lawyer who was trained to act in child protection matters. Both lawyers worked across LACW's other legal practice areas, including criminal defence, family violence intervention orders, infringements, and victims of crime assistance applications. Both lawyers maintained a significant file load across these other areas with a particular focus on criminal defence, in addition to their work on child protection matters.

LACW was not independently funded to undertake this work, and relied on case-by-case funding as a member of Victoria Legal Aid's (VLA) relevant panel. At the outset, it is important to note the difficulty for a number of potential clients in qualifying for a grant of legal assistance under VLA's guidelines. These guidelines require that in respect of receiving a grant of aid for legal assistance for a protection application, the person has 'reasonable prospects of the child being placed in their care'. The guidelines specifically exclude 'parents who are seeking contact only or who are only seeking particular conditions in orders'. For a multitude of reasons, it can be very difficult for women in contact with the legal system, and particularly those who are in prison, to meet these guidelines for a grant of legal assistance, despite there being active child protection proceedings on foot or intervention from the Department of Families, Fairness and Housing (DFFH). As we discuss further below (Section 4.4), conflict of interest provisions can also limit women's access to legal representation. While ideally LACW would have been able to also assist clients who were seeking to re-establish contact with their children, but who could not meet the threshold for having the child placed in their care, this was not feasible within funding constraints.

In terms of this project, file review data was collected internally to LACW in line with its privacy and confidentiality protocols. All child protection files, which contain both paper-based and electronic records, that had been worked on from June 2021-June 2024 were reviewed and data relevant to the research project was extracted, de-identified and then recorded on a spreadsheet. Although this did not involve a thorough review of all concurrent legal files – including for criminal defence matters – that were also opened on behalf of the client during the relevant period, information regarding concurrent matters was initially gleaned from the child protection file, and LACW staff reviewing the files sought to address any gaps in information by obtaining access to the electronic file on a case-by-case basis as they assessed was necessary.

61 Although not all interviewees were able to take up these opportunities.

62 Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (Los Angeles: Sage, 2022).

Substantively, relevant, deidentified data from 66 client files was collected before being viewed by the broader project team.⁶³ This largely related to their child protection involvement – including the residential status of their children and age of removal and the protective concerns and compliance conditions noted in their child protection files. We also collected general service data, such as their access to legal representation and their non-legal support needs on intake. In Section 4 below, file review data is discussed in general terms, without reference to specific cases, and by rounding the data to avoid any reference to individual cases. Key trends in this data are reported as counts or percentages of certain issues arising across the files as a whole (and most files had multiple concerns, conditions and non-legal support needs identified). This focuses attention on the trends across files.

Due to information collected during LACW's screening process, it was possible to separate data relating to Aboriginal or Torres Strait Islander-identifying clients (almost 40% of the client files). This number indicates that Aboriginal and Torres Strait Islander clients are over-represented at the system intersection, based on LACW data. However, we only separate out this data when it shows something distinctive about the experience of Aboriginal and Torres Strait Islander women (as opposed to being in line with the proportion of the general sample of case files of which they are a part). We will provide a more detailed analysis of the data in Stage 2, when we will also conduct interviews with Aboriginal and Torres Strait Islander women and can report on the trends across both sets of data. As such, it is important to emphasise that our findings best reflect the experiences of the women included in our project, rather than all women in this situation.

3.3 Lived expertise involvement in the project

We were also fortunate to have a lived expertise consultant, Nina Storey, join the project and we worked together on the project design, data collection and analysis and authorship of the report.⁶⁴ Nina's advice directly shaped the interview questions asked, how the data was analysed and our engagement with women with lived experience in crucial ways, making the other team members alert to a range of important considerations. Toward the end of the project, we welcomed the opportunity to collaborate more closely with FIGJAM - of which Nina is a member - in developing recommendations, reflecting on Stage 1, and co-designing a sustainable and ethical framework for data collection, research ethics, and impact for Stage 2 of the project. We are thankful for the support and advice provided by Nina and FIGJAM throughout all stages of the project and look forward to extending this collaboration in Stage 2 of the project.

3.4 Stage 1 and Stage 2 of the project

Early in the project, we decided to split it into two stages as the original project had been too ambitious to do in the timeframe with the available resources. It took much longer than expected, for example, to secure ethics approval for both interviews and data collection in the community *and* interviews with people in prison or on parole. As we secured ethics approval through the University of Melbourne to conduct data collection in the community first, we proceeded with that aspect of the research. This stage, Stage 1, is the focus of this report. We will conduct interviews in prison and with women living in the community under justice supervision (such as on parole or on a community corrections order) in Stage 2. As part of this stage, in line with our ethics approval from the Justice Human Research Ethics Committee, we will also interview Corrections Victoria staff and service providers working with women in prison.⁶⁵

3.5 Ethical Considerations

Research on this topic is ethically complex. It asks people to revisit some of the most difficult moments in their lives, including their experiences of interpersonal harm and intrusive state intervention, without any immediate benefit.⁶⁶ These complexities and power imbalances in research are important to acknowledge, even though they cannot be overcome.⁶⁷ However, the storytelling approach in this project aimed to support the women involved to have agency and power over what and how they shared about their experiences. Knowing and feeling supported in focus groups of peers in already established communities of care and respect (such as FIGJAM and the Women and Mentoring Peer Advisory Group), the engagements were designed to give the women a sense of respect and healing. Small ways we sought to recognise and respond to them included an emphasis on using project findings to inform service delivery (rather than just academic articles); taking the opportunities we had to be guided by people with lived expertise on the project itself; and committing to use the findings for long-term advocacy beyond the report's completion. The involvement of lived experience advocates has been a journey of partnership and shared power. The women involved in the project expressed a sense that this has been relational work and not exploitative of their experiences.

63 In the time period for the file review, LACW opened 98 child protection files relating to 69 different clients. Data relating to 66 clients was included in their review process.

64 On the significance of lived expertise involvement, see Morgan Lee Cataldo et al., "Remembering Radical Roots: Lived Experience Participation Movements and the Risks and Responsibilities of Co-Design in Community-Led Change," *Parity* 34, no. 6 (July 2021): 13-16.; Women and Mentoring, "Speaking from Experience."

65 This ethics approval has other conditions, including not being able to remunerate women for their participation in the research.

66 For a powerful explanation of the gap between promises of change and the lack of immediate or tangible benefit for interviewees - and the power imbalances of research more generally - in another context, see Jacqueline Z. Wilson, Philip Mendes, and Frank Golding, "Hope Street: From Voice to Agency for Care-Leavers in Higher Education," *Life Writing* 15, no. 4 (October 2, 2018): 3-5, <https://doi.org/10.1080/14484528.2018.1427420>.

67 See also Johns et al., *Co-Production and Criminal Justice*, 58.

4. Findings

4.1 Data

4.1.1 Available data suggests many women experience the system intersection

In the absence of clear data from either the criminal legal or the child protection systems (see ‘Background’), informal data sources can provide some insight into how many women experience the intersection between these systems. The LACW file review data demonstrates that a significant number of women experience contact with both systems. Over two thirds of these clients had concurrent criminal defence matters with LACW, meaning that they were actively in contact with both systems at the time. As LACW is a service specifically focussed on women who have had experience of the criminal legal system, it can also be assumed that the vast majority their child protection clients were in contact with both systems at some stage. LACW client files also identify at least 145 children belonging to these 66 clients, indicating that even more children than women might be experiencing the system intersection. Most children (over 80%) were recorded as being in out-of-home care, with the vast majority of these children being recorded as living with family or in kinship care.

4.1.2 There are concerning trends in available data that need further investigation

Even though it is a selective sample of women’s experiences, the file review data, together with the interviews, demonstrates some concerning trends. First, **Aboriginal and Torres Strait Islander women are significantly over-represented at the system intersection**, based on LACW data. They represent around 40% of clients in the file review data, despite only comprising 1% of Victorian women.⁶⁸ This over-representation of Aboriginal and Torres Strait Islander women at the intersection underscores what is well known about the disproportionate levels of intervention by the child protection and criminal legal systems in Aboriginal women’s and families’ lives.⁶⁹

Second, **the children of women at the system intersection may be placed in out-of-home care at a younger age than other Victorian children**. The file review data, which relates specifically to women at the system intersection, shows a higher percentage of children in out-of-home care at young ages. Over 12% of children living in out-of-home care in the LACW file review data were under 1 year old compared to 2.8% of children in out-of-home care in Victoria as a whole.⁷⁰ This potentially indicates a greater level of intervention by Child Protection in these families’ lives at an earlier stage.

Third, interviews and files reviews also reveal an **overlap between experiencing the child protection system as a child and later experiencing the system intersection as an adult**. This data was not systematically collected by this project, but did arise across the range of study data. Childhood involvement with the child protection system was linked to a greater exposure to criminalisation and potentially child protection system involvement as a mother, reflecting the broader findings in recent inquiries in Victoria discussed in Section 2. Young people in residential care, for example, can be criminalised for running away or having police called to incidents for which they would not be contacted in other family contexts. Such criminal records can then follow women into adulthood and parenthood, which can – in turn – be used to justify further involvement of state systems in women’s lives. Such examples illustrate both the intergenerational nature of system involvement for some women and families and the way in which involvement with one system can increase women’s, including young women’s, exposure to the other (see Section 2).

Fourth, the file review data also shows that **mothers at the intersection may be still young people themselves**. Although LACW only provides services to women over 18 years of age, multiple clients in contact with both systems were under 25 years of age. Young people under 25 years of age are increasingly recognised as a unique group, developmentally separate from adults, who need tailored and different system interventions.⁷¹

68 Australian Bureau of Statistics, “Victoria - Aboriginal and Torres Strait Islander Population Summary,” January 7, 2022, <https://www.abs.gov.au/articles/victoria-aboriginal-and-torres-strait-islander-population-summary>.

69 Yoorrook Justice Commission, “Yoorrook for Justice,” 24–25.

70 The Australian Institute of Health and Welfare reports on the ages of children in out-of-home care by state, see Australian Institute of Health and Welfare, “Child Protection Australia 2022–23, Supporting Children,” Australian Institute of Health and Welfare, May 16, 2025, <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2022-23/contents/insights/supporting-children>; Australian Institute of Health and Welfare, “Data Tables: Child Protection Data Australia 2022-23,” Australian Institute of Health and Welfare, May 16, 2025, tbl. S 5.5, <https://www.aihw.gov.au/reports-data/health-welfare-services/child-protection/data>. Although our data is more selective and relates to a smaller data set of children who are in out-of-home care and whose ages were recorded (n 97).

71 Sentencing Advisory Council, “Rethinking Sentencing for Young Adult Offenders” (Melbourne: Sentencing Advisory Council, 2019), para. 1.4-1.8.

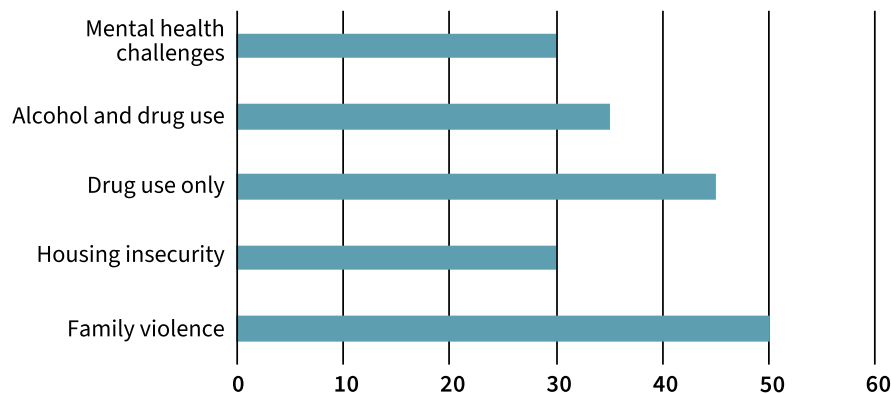
4.2 Women experience the system intersection as unsupportive and punitive

4.2.1 Women at the system intersection have significant unmet support needs

When women included in this study were in contact with both the criminal legal and child protection systems, they were often experiencing a time of crisis and vulnerability in their lives. They had significant unmet support needs relating to family violence, the use of drugs and alcohol to cope with trauma, mental health challenges and housing insecurity.

In their intake process, LACW screens clients for their non-legal support needs relating to experiences of family violence, housing insecurity, drug and alcohol use and disability (including mental health challenges). Non-legal, and overlapping, support needs were identified for 100% of clients:

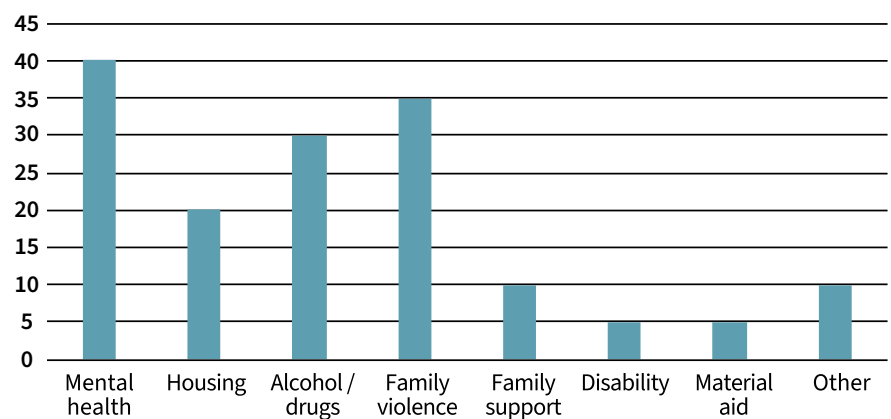
Table 1: Non-Legal Support Needs (Rounded)



Women in prison can have even higher needs, as well as a lack of access to legal support.

Clients then received or were referred to a broader range of supports:⁷²

Table 2: Support Provided (Rounded)



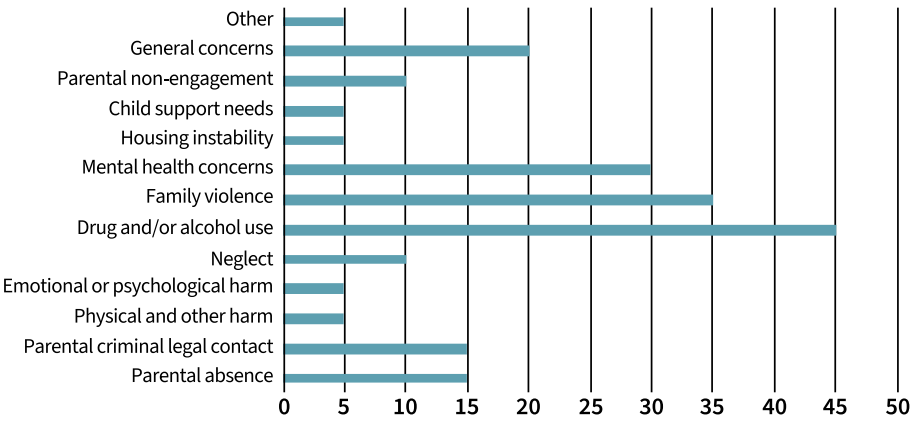
⁷² Where clients were referred to or received more than one service of the same support type (for example, family violence support and contact with The Orange Door), this was only counted as one support.

The extent of women’s non-legal support needs reflects existing knowledge about the experiences of harm, trauma and socio-economic disadvantage that underpin women’s involvement with the criminal legal system (see Section 2 of this report). It also reflects the lack of supports they have received to navigate them.

4.2.2 The child protection system reframes these support needs as risks

There is an overlap between the support needs of women and the child protection concerns identified in the LACW file reviews. Three of the four key support needs of women that LACW identified on intake – family violence, drug and alcohol use, and mental health challenges – also represent the top three protective concerns identified by Child Protection through the file review:

Table 3: Protective Concerns (Rounded)



The fourth most common protective concern noted in clients’ files was ‘general concerns’. ‘General concerns’ is a category we used to code concerns that broadly relate to assessments of a parent’s capacity to adequately care for their child that are expressed in general terms. These often co-existed with protective concerns relating to family violence, mental health challenges or alcohol and drug use, so these ‘general concerns’ may frequently be directly related to these unmet support needs.⁷³ Although housing insecurity appeared as a common non-legal support need on intake by LACW, it did not appear as regularly as a listed protective concern. However, the impact of housing insecurity and access to appropriate housing was regularly highlighted across other project data (interviews and documents) as affecting women’s criminalisation, child removal and the ability of mothers to reunify with their children.

The overlap between women’s most common non-legal support needs and the protective concerns (or risks to children) in child protection reports demonstrates how women’s unmet support needs are reframed as risks. This was also a theme in interviews. Many interviewees described times when they reached out to support services for help (for example, for housing, respite care, mental health support, or safety from family violence) only to have these actions used against them.

“I had voluntarily said, hey, I need help to look after [my child]... and then they didn’t let me see her.” (INT4)

Others described how accessing alcohol and drug services specifically could later be used against them, for example, in court or child protection decision-making, or result in being refused support altogether:

“if you do have a relationship with drugs and you’re trying to seek help, being honest about that help, then it means that you don’t have access to your child for even longer. So it’s like this catch 22.” (RT-FM1)

“They just look at your history and you’re already dismissed. It’s like they’ve decided already.” (INT3)

This can actually make people feel that it is unsafe to seek support and makes them less likely to reach out for help.

73 Some files also included more than one general concern.

Given this project’s focus on the system intersection, it is also notable that ‘parental criminal legal contact’ was the fourth most common protective concern. This often involved a reference to a parent’s criminal record or criminalised activities, and did not necessarily indicate that this parent was in custody (and parental absence or lack of contact is not necessarily assumed). These instances may be evidence of what we heard in our interviews about criminal legal system contact almost automatically leading to child protection system involvement (see section 4.7 below). Meanwhile, ‘parental absence / issues with parental contact’ includes a range of situations in which there are barriers to parental contact, including when a parent (mother or father) is in hospital or custody, or when Child Protection cannot contact them. As such, it does not necessary reflect an intentional decision by parents to be out of contact, and interviews included examples of children being removed from their parent’s custody in such situations without the parent being contacted. We also heard across interviews how hard it was for external people (support staff and parents) to make contact with Child Protection workers generally.

“I rang around all afternoon trying to get onto this worker at Child Protection, I mean, this went, this went all day ... Literally transferred to every different DHS [Department of Human Services] location in Victoria, almost ... And I didn’t get a call from Child Protection until two days later ... it was 6 days after my kids got taken off me, was when she decided to meet up with me.” (INT1)

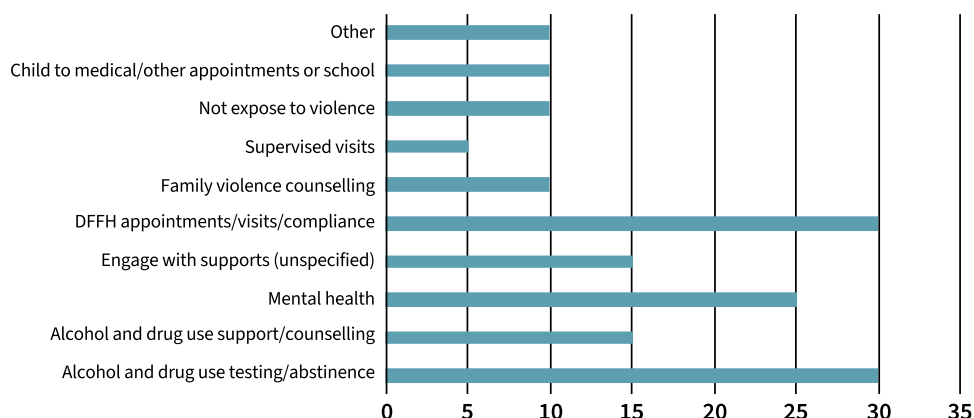
Despite the high rate of child removal in the file reviews, relatively few protective concerns related to direct physical, sexual or emotional or psychological harm to children. This reflects interviewees’ experiences of having their children removed due to crisis, circumstances or disadvantage.

4.2.3 Women at the system intersection receive a punitive response to their and their children’s needs

As well as showing an overlap between women’s support needs and listed protective concerns, the LACW file review also revealed an overlap between these needs and concerns and the compliance conditions of the Children’s Court order that were listed on client files. Compliance activities were recorded for around 80% of clients. The number of conditions that each client had to comply with ranged from 1-7 conditions, with around 50% having 3-4 conditions. This aligns with our interviews in which interviewees spoke about having to manage multiple compliance conditions (see 4.7 below).

Mirroring women’s key support needs, the most common compliance requirement related to alcohol and drug testing and abstinence, which was even more prominent if combined with the category of alcohol and drug support/counselling. The next most common compliance condition was mental health treatment and counselling. Family violence counselling was perhaps less common than expected, given the prevalence of family violence as a support need. This may suggest that women are not receiving adequate *support* in relation to the violence they experience or there is need for them to be taken to immediate safety rather than engaging in counselling. At the same time, they may be facing compliance-focused (even punitive) responses to coping behaviours, such as substance use (see discussion later in this section). Moreover, compliance obligations related to family violence may also be captured within other categories, such as ‘no exposure to violence’. In contrast, the third most common compliance requirement was ‘DFFH/visits/compliance’, again demonstrating how child protection system interventions are often focussed on the monitoring and control of parental behaviour.

Table 4: Compliance Obligations (Rounded)



This reframing of support needs into child protection risks and then into compliance obligations reflects a punitive response to women’s unmet support needs. This places the burden on women to ‘fix’ their own support needs – such as mental health challenges, substance use and family violence – through mandated actions in order to maintain or regain custody of their children. Instead of receiving care and support, they are subjected to monitoring and control.

Interviewees told us about the blaming and stigmatising response they received from systems to their support needs:

“Everyone’s just like going at me, punishing me, treating me like the worst parent in the world... it’s like I’ve chosen drugs over my kids and all those kinds of statements. I think that’s really hard too, all that stigmatising and blaming instead of actually looking at what the actual reasons are and like, that was my only coping strategy... But to be abandoned and neglected and constantly, like so many punitive actions and consequences.” (INT4)

“They made me out to be this horrible person and a horrible parent.” (INT1)

Stigma was seen to be multi-layered, with stigma associated with criminal legal contact, mental health challenges and then drug use as cumulative.

Interviews and other data also demonstrate how experiences of family violence specifically were either ignored or used against women by the child protection and the criminal legal systems. Interviewees reported that their children were removed not because of any direct harm to the children, but because they were unable to leave an abusive relationship quickly enough or were unable to find adequate housing – which are systemic failures not parental failures.

“the father was abusive and kept coming around to the house and we went to court with Child Protection and the judge said they would give me three weeks to find new accommodation but there was no assistance so I obviously couldn’t find accommodation in that time and I lost my daughter temporarily until I could.” (FD1)

Women described feeling blamed for experiencing family violence, and described being punished through child removal, surveillance and criminalisation, rather than supported to escape violence or keep their families safe. As one woman asked:

“If they can remove my kids because they’re in a domestic violence [situation]... why didn’t they take me too?” (INT1)

The purported failure of these women to protect their children from violence was treated as a risk to the children’s wellbeing, without them receiving support for their experiences of family violence.

Interviewees highlight the particular stigma and blame associated with drug use – even though several interviewees described such use as a coping mechanism to deal with their own experiences of trauma and unmet support needs. Multiple interviewees even said that if they had not used drugs they would not have survived. However, as with help-seeking attempts, interviewees described their efforts to survive trauma through substance use as being met with a punitive response:

“You know, you might have an order for three months and within that three months you throw a dirty and then then the next order’s extended to six months. And then within that six months again you throw a dirty. And it just keeps increasing and increasing. And at no point does anybody consider why it is that you’re using substances or supporting you through the substance use.” (RT-FM1)

As well as blaming women for their coping strategies, this punitive approach is ‘all or nothing’ – ‘risk’ is evaluated in absolute terms as either present or absent, rather than being able to celebrate recovery over time and acknowledge the common occurrence of relapse in this journey.

Reframing support needs as compliance obligations individualises women’s support needs, placing the burden of meeting these needs on women themselves:

“Like you know, trying to comply with all of these different appointments. And you know with all of these tick box things that have placed on your court order in order to get your children back and all of those things communicating and information sharing.” Yet the reality is that “They’re using because they don’t know how else to stop. It’s not because they don’t want their children.” (INT4)

“Drug use is very much linked to poverty as a lot of child protection matters are - for example the rich don’t have their children removed from using illegal drugs.” (RT-FM1)

The Yoorrook Justice Commission discussed how the child protection system's focus on individualised risk ignores the structural causes of poverty, violence and trauma, which ultimately leads to a cycle of removal and harm.⁷⁴ This reflects a systemic failure to recognise trauma, poverty, substance use and so on as occurring due to health, wellbeing or social issues. Instead, systems frame them as individual failings, justifying child removal and other interventions, working to entrench intergenerational trauma. This reframing of support needs into individualised risk has also been established and criticised in relation to women's experiences of the criminal legal system – specifically in relation to assessments of risk as they relate to bail and remand processes.⁷⁵

4.3 System interventions can also cause further harm

4.3.1 System interventions as increasing risk

Interviewees also told us that child protection interventions can actually increase the risks to them and their children. For example, it can undermine their own strategies to keep their children safe in family violence situations, or even place children with the parent who had been using violence:

“When Child Protection got involved and my child was removed... all [my risk management strategies and planning] was stripped from underneath me... the violence actually escalated.” (RT-FM1)

4.3.2 System interventions as causing psychological and emotional harm

Across the interviews, women also described how child removal, criminalisation and system involvement caused lasting and intergenerational emotional and psychological harm. Child removal and prolonged separation from children in particular were described as profoundly traumatic events:

“the most traumatising thing that I’ve ever experienced in my whole entire life is the removal of my child... when somebody’s already struggling so hard to survive, if you then remove their child, that’s pretty much their lifeline.” (RT-FM1)

“So once the kids were taken from me, it just made me feel like there’s no point in even trying.” (INT4)

This pain of child loss is exacerbated when mothers are in prison by their inability to easily contact their children. Permanent care orders were also described as particularly devastating. Although even when child protection system contact is short-term and withdrawn, such contact causes permanent harm and disruption to women's and children's lives.

Many interviewees also described feelings of internalised shame and a breakdown in their sense of identity, particularly as mothers. They expressed how they had internalised the messages received through contact with the criminal legal and child protection systems – namely that they were ‘bad mums’ or had ‘failed their children’, even when they were actively seeking help or working to improve their situations. Moreover, this did not just cause distress at the time of intervention; rather, the emotional harms were still felt long after reunification with their children or recovery from substance use. This long-term emotional harm was often compounded by isolation, lack of support and the absence of pathways to heal or rebuild relationships with their children and families. Interviewees also described how the emotional distress caused by child removal was later used by child protection agencies as evidence of their supposed instability and unfitness to parent, continuing the cycle of system intervention. Instead of protecting women and children escaping family violence, interviewees described system interventions as exposing them to further trauma and punishing them for surviving abuse.

4.3.3 System interventions causing enduring stigma and surveillance

Many interviewees described feeling permanently marked by their past involvement with the child protection and the criminal legal systems. Even after their circumstances had changed (such as completing rehabilitation programs, finding permanent housing, being reunified with their children), their histories were still captured on system records. The permanency of system files was described by interviewees as creating ongoing worry that they would never be seen as trustworthy or capable parents again.

“That is always gonna be there... and it’s always gonna be able to be pulled up in any second.” (INT3)

“You never get to wipe the slate clean. You’re always under the microscope.” (INT4)

Interviewees described how these records acted as a form of ongoing punishment, which limited their access to employment, support services or being able to care for children in the future. Interviewees shared specific examples of how child protection reports and criminal records, even ones that contained inaccurate information, could influence their ability to complete employment and parental-related screening many years later. As discussed above, the LACW file data revealed that ‘parental criminal legal contact’ was commonly noted as a protective concern by child protection agencies, supporting interviewee's sense that they

74 Yoorrook Justice Commission, “Yoorrook for Justice,” see section D and also 128.

75 Russell et al., “A Constellation of Circumstances,” 5, 45.

are permanently flagged by these systems, even after their circumstances have changed. In this way, past interactions with the child protection system or police remain ‘on file’ and can be cited as justification for ongoing intervention, regardless of current circumstances.

Information sharing between agencies, especially between support services and Child Protection, was also highlighted as enabling this ongoing surveillance. Women’s records functioned as sources of ongoing stigma, meaning that their pasts remained their defining identity and they were always seen as a risk:

“Like you can never feel safe going and asking for help for a service that is prescribed under MARAM [Multi-Agency Risk Assessment and Management framework] or like just any service because of information sharing.” (RT-FM2)

Many interviewees also explained how the risks associated with information sharing led them not to seek help for their needs, especially from mainstream services, because they are ‘so fearful of the repercussions’ (RT-FM1). This limits women’s options, further exacerbating experiences of crisis in their lives. It again demonstrates again how help-seeking for women can become a liability (see Section 4.2.2).

In this way, state records cause their own harms, functioning as tools of control and exclusion. Past harm, trauma and mistakes become evidence of future risk. Women become essentially trapped in systems that cannot recognise changes in circumstance, development or rehabilitation. As one interviewee noted, the services do not share information on all the ways in which women have healed and recovered. Criminal legal and child protection records cause harm by constructing risk as a permanent condition, and foreclosing the possibility – and reality – of change and healing. We also heard about the harms caused by publicly available digital information, for example details of women’s criminal legal involvement being available through search engines which then impacts on their access to services like housing and rehabilitation.⁷⁶

4.3.4 There is no accountability for these system harms

The overlap between file review data and women’s lived experiences makes clear that state systems are not simply failing to provide support – they are actively contributing to harm. Broom et al describe this as the ‘administration of harm’, where damaging outcomes are not accidental, but a predictable and embedded feature of institutional design.⁷⁷ Despite their potential appearance as unintended consequences, the recurring nature of these harms shows they are systemic and are continued through policy and practice decisions that prioritise risk and compliance over person-centred care. Interviewees described having little recourse to challenge systemic harm, even when it was acknowledged and where serious errors were made. Additionally, navigating these

complex and inaccessible systems places a significant financial and emotional burden on women, with no guarantee of redress. That is, while women are held individually responsible for their experiences of trauma, violence and unmet support needs, the criminal legal and child protection systems are not accountable for the additional and serious harms they can cause.

4.4 Women at the system intersection experience a lack of access to legal information and legal representation

We heard that when the child protection system gets involved in their lives, women are not provided with information about their rights or support to find it. Instead, they have to work out by themselves what their rights are and where they can turn for support – which is almost impossible for women in custody. Rather, their contact with the child protection system is marked by a sense of ‘rights-lessness’:

“I didn’t know the first thing about how family courts were gonna work, I didn’t know how child protection worked, I had no, I never ever in a million years thought I would end up in that situation.” (INT1)

“A lot of the time if you don’t source this information out yourself, it’s not given to you, very rarely. And the information given out, anyway, is just minimal and this is a frustration that the women are having is they don’t know where to turn. They do not know where to turn, and the ongoing battle of trying to see their children or get their children back, can go on for years.” (INT2)

“I think that’s one of the things with a lot of the interactions I’ve had with the system, whether that is like the police or whatever. It’s, it’s really hard to get accurate, transparent, just like honest information.” (INT3)

“if you don’t know what you’re asking for, which you have to be the one asking for it. And not a lot of people have that voice.” (RT-FM3)

⁷⁶ Children affected by parental incarceration also indicate strong concerns around information sharing and consent, Flynn and Gor, “Living with a Parent,” 22, 35.

⁷⁷ Alex Broom et al., “The Administration of Harm: From Unintended Consequences to Harm by Design,” *Critical Social Policy* 43, no. 1 (2023): 55, <https://doi.org/10.1177/02610183221087333>.

For some women interviewed for this study, the interventions of child protection agencies led to permanent care orders or long-term removal of their children. Yet, when faced with complex state systems intervening forcibly in their families' lives, they bore the burden of both knowing their rights and working out how to advocate for them. These experiences led to feelings of powerlessness and abandonment, especially during times of crisis.

Interviewees did speak of benefitting from legal representation in relation to both child protection and criminal legal matters. They nevertheless described court proceedings and legal processes – especially child protection and family court – as inaccessible, non-transparent, traumatising and drawn out. Others faced barriers to legal support due to conflicts of interest or narrow eligibility criteria or had to represent themselves. It was noted that conflicts of interest can even be intentionally created by a partner contacting every legal service in the area to prevent the mother from accessing representation. Some interviewees reported receiving incorrect legal advice which had serious long-term consequences, for example leading to them being charged for breaching bail, signing legal agreements under pressure or being forced into legal processes they did not want to participate in. Other interviewees even spoke about being threatened, including by system workers, with escalating legal processes (for example, getting a court order, or starting proceedings in another jurisdiction) in order to pressure them into agreeing to decisions about their children's care. Legal orders and agreements can also be highly complex to understand, especially for women who experience challenges in relation to literacy.

4.5 Women at the system intersection are not included in decision-making or able to have their voices heard

Interviewees described being excluded from decision-making processes and court processes.

“I had a child protection plan made without my like input, completely without it. There was an investigation opened. Child Protection did not at any time actually manage to get in touch with me and have the conversation. They made a care plan.” (RT-FM2)

And in relation to separate court proceedings, they explained

“Nobody spoke in defence of me. My story was not, like, my side of the story was not shared at all.” (RT-FM2)

In this way, women's accounts of their own and their children's needs are silenced, without any clear plan for reunification.

In practice, women in prison can face further barriers to participation.

“a lot of the time you don't get notified if you have got a child protection meeting, it just comes over the speaker and you've got to run.” (RT-FM1)

We were told that women in prison may occasionally be notified of proceedings, but this often depended on the availability and capacity of individual workers. If women were not notified or were unable to attend Child Protection meetings due to being on remand or in custody, they were excluded from important Children's Court or Family Court proceedings. This may have serious consequences, including the permanent removal of their children from their care.

This lack of inclusion of women and their perspectives leads to them feeling erased or misrepresented in official documents and case files. Several women described how key documents, such as police reports, child protection files or court materials, failed to include their version of events. Even when they engaged with systems in good faith, their voices were either omitted or distorted.

“There is no police file that has records of my voice.” (INT3)

“They put words in your mouth... misinterpreted on purpose.” (INT4)

This reflects more than poor communication or administrative failure – it reveals a type of narrative control. Across the child protection and criminal legal systems, interviewees describe how professionals (such as child protection system, police or legal workers) constructed official accounts of events without their participation or consent. These accounts then informed interventions (including child removal, placement, contact conditions or criminal charges) in ways that interviewees felt powerless to challenge. Several interviewees spoke of their inability to contest misinformation or contextualise their situations. This exclusion also undermined women's ability to advocate for themselves or parent their children.

“Everything that was said about me... everything that had none of my voice is just gonna be brought up.” (INT3)

“You can't even have a voice to speak to that, because they're making out that that's what you're saying.” (INT4)

In this way, the interviewees seem to describe that they were not afforded a 'right of reply', even when they were portrayed in decontextualised or damaging ways.

Additionally, interviewees described the emotional toll of being unheard: feelings of invisibility, loss of agency and grief over decisions being made about them without their input. For them, it was associated with the stigma and blame they face as women and mothers:

"I don't think they even really try because like, we're 'bad people'." (RT-FM2)

"I couldn't find anybody to believe my story." (INT1)

The interviewees' stories demonstrate that child protection and criminal legal systems work to 'fix' women's identities through institutional narratives. Once created (as noted above in Section 4.3.3), these narratives follow women across systems and over time, and further compound harms they experience through child protection and criminal legal contact. The systemic exclusion of women's voices represents a form of institutional violence, where power is maintained through one-sided narratives and discretionary authority.

4.6 For women who have been in prison, more support is needed to have contact and reunify with children

Women at the system intersection indicate that more support is needed to be able to have contact with their children while they are in prison.⁷⁸ We heard of multiple barriers to women having contact with their children, such as the mismatch between child-friendly prison visiting times (Sundays) and Child Protection worker availability (work hours), existing mother and baby units not being used to capacity, long distances between where children live and women are incarcerated, a difficulty in accessing information needed, lockdown restrictions inside prison, or when women have multiple children living in different care situations to each other.

"So the cost of phone calls in DPFC [Dame Phyllis Frost Centre] are \$12.00 for 10 minutes and at Tarrengower is \$10.00 for 12 minutes. And your average income is \$45.00 a week. So it becomes very difficult to contact multiple children and keep that contact going because you just can't afford everything... There's a limited number of phone boxes in the prison. So I think at DPFC, there's something like 7 phone boxes for 600 people and at Tarrengower there's three, for 30 to 70 people." (FD1)

In practice, women at the system intersection may not be supported by child protection agencies to have their children visit. One interviewee said that there was '*probably only one case I'm aware of*' where that actually happened (INT2). This is very problematic given the importance of regular consensual contact to the mother-child relationship and also women's continued involvement in child protection processes.

Women also face separate barriers in terms of reunifying and reconnecting with their children on release from custody. Sometimes activities and programs undertaken in prison may not be adequately recognised by the child protection system in terms of supporting reunification with their children after they leave prison. Women also require practical and material assistance on release to satisfy Child Protection reunification requirements, including access to housing, support networks and engagement with needed service providers, or to participate in Family Court proceedings when they are still in custody. They also need wrap-around support on release generally. Trying to reconnect with children while also satisfying parole conditions in relation to alcohol and drug testing, curfews and geographical restrictions can also be challenging. There is also a need for programs that support women's parenting, relationship and communication skills. Spending time in prison can negatively impact on their parental identity and confidence, particularly if their children have grown and developed significantly during this time. Mothers and children need to be supported to remain close, including mothers who are incarcerated. Instead, women felt that systems fail to protect mothers and their relationship with their children.

4.7 Women have to navigate multiple, conflicting systems themselves without support

Across all interviews, women described having to navigate multiple systems simultaneously (such as child protection, the criminal legal system, family law courts, police, Centrelink, housing and health) without support, and with little recognition by services of this broader context of women's lives. Instead, these systems functioned in siloed, contradictory and often punitive ways that created confusion, deepened crisis, and left women isolated at the most vulnerable points in their lives.

"there wasn't one support service in Victoria that went un-called by me... not one." (INT1)

"I've seen it time and time again with the women I work with. You know, a lot of them are mentally unwell, so they lose all their rights.... it's actually really heartbreaking." (RT-FM3)

Services have long waitlists (which can mean that a person's children are removed from their care before they get support) or standard ways of working (such as sending people letters, even

⁷⁸ While not all women will want their children to visit them in a prison environment, the ability to have consensual contact with their children should be available to all women.

if they do not have a fixed address) that compromise the support they can provide. Meanwhile, child protection workers can change or go on leave without adequate handover. Generally, women reported that it was distressing to have to repeat their stories multiple times to different people without having a central contact person, especially given the lack of support and advocacy available to women experiencing the system intersection.

Efforts to comply with one system's requirements could clash with the expectations of another or meeting both could be practically impossible – for example, trying to attend court, maintain housing, comply with Child Protection reunification plans and undergo alcohol and drug testing, without transport or financial resources.⁷⁹ In other situations, accessing support from one system is dependent on receiving support from another, such as being able to have a release date to access housing but also needing housing to get reunification. Women felt particularly concerned about their lack of access to suitable housing, expressing a sense that services should be held accountable. Rather than working together to support women in crisis, these systems created unrealistic demands and then punished women for being unable to meet them. One interviewee summed this up clearly:

“Trying to navigate one [system] is hard enough... both is just rife.” (INT2)

However, while systems do not work together to support families, interviewees did feel as though the criminal legal and child protection systems collaborated in relation to their punitive impact on their lives: *‘they weaponise each other’* (RT-FM1).⁸⁰ In particular, the connection between criminal legal contact and child protection intervention was seen to be inevitable:

“it’s automatic, like as soon as you’re incarcerated, child protection are involved. There’s no circumstances where one isn’t linked to the other.” (RT-FM1)

“When I was due to be released from prison, [Child Protection] found out I was going back home so they got back involved and pretty much said I can’t live at home because of my charges ... as you’re getting out, they get involved no matter what.” (FD1)

The difficulty of navigating multiple systems was particularly evident in the stories of women who had survived family violence. The criminal legal system's misidentification of women as responsible for family violence can lead to serious charges and subsequent automatic involvement with the child protection system. Women may also be charged with offences linked to their survival of family violence, such as drug use or offences committed while fleeing violent relationships. As discussed above, the child protection system also imposes compliance obligations on women

experiencing family violence, effectively holding them responsible for the violence itself. In this context, family law court processes and child protection processes were often described as working in tandem in ways that disempowered women and led to the removal of their children. Generally, criminalised women felt that involvement with multiple systems was actually used ‘against them’, through information sharing and other experiences.

When interviewees did receive support to navigate these systems, they described this as chance or random: *‘always dependent upon who you get’* (INT4). Women spoke of positive experiences: a lawyer who listened to the whole story, a corrections officer who provided support and flexibility to help someone to rebuild their lives, a mental health worker who advocated for them and made them feel like they mattered. However, such positive experiences were attributed to individual workers rather than system design.

“It’s just such a luck of the draw... more often than not, you don’t have someone in your corner.” (RT-FM1)

“The only positive experience I had was at Tarrengower. There was a really good family engagement worker that helped me when they got back involved towards the end of my sentence.” (FD1)

The interviews demonstrate how institutional fragmentation is not simply a benign consequence of bureaucracy – it actively compounds trauma for women in crisis. These overwhelming and fragmented systems contributed directly to the feelings of hopelessness and failure described in other parts of this report.

4.8 System bias: Race, gender and socio-economic advantage

Some interviewees highlighted how their treatment within the child protection and criminal legal systems was shaped by discrimination. Some women's stories reflect the way in which racialised women are subjected to harsher judgments and not afforded the same credibility as their non-racialised partners. Although our interviews with Aboriginal and Torres Strait Islander-identifying women will be in Stage 2 of the project, other interviewees raised the disproportionate and discriminatory impact of the systems on Aboriginal women and families, the cultural biases built into assessment of risks to children and the continuities between the experiences of the Stolen Generations and current practices of child removal. As we noted above, the LACW file review also indicates that Aboriginal and Torres Strait Islander women are over-represented at the system intersection.

A common theme across interviews was the gendered double standards that shape women's treatment by the child protection and criminal legal systems. Many interviewees reported being held to stricter standards than fathers, and described how the

79 See also Stone, Liddell, and Martinovic, “Jumping Hurdles,” 16.

80 See also Stone, Liddell, and Martinovic, “Jumping Hurdles,” 15–16.

responsibility for family breakdown, violence or child protection involvement was solely attributed to them, even when it was someone else committing the family violence.

“there can be umpteen amount of violence that’s in place, but somehow, it’s up to the mother to be able to provide that protection over the child and to stop the violence from occurring where it’s completely out of your control and it’s, you know, at the hands of the person that’s using the violence.” (RT-FM1)

“for some stupid reason, society is like, no, mothers hold all of the responsibility and receive none of the support.” (RT-FM2)

As discussed above, women’s own experiences of violence are used to justify the removal of their children – including cases where children are placed with the parent who perpetrated the violence (see Section 4.3.1 above). In contrast, mothers may spend considerable time addressing their support needs in order to be reunified with their children, while the person using violence engages with little or no support to address their behaviour and is held to a lower standard. Others also spoke about barriers they faced to having contact with their child due to being in a same-sex relationship.

Socio-economic advantage also intersects with child protection system involvement in complex ways. Even though all families require social and economic support in order to thrive, some women and families have greater access to the financial and other material resources they need to meet their and their family’s needs.⁸¹ For example, women in this study were largely reliant on public supports, such as publicly funded drug and alcohol counselling, whereas others might be able to access these privately. Someone’s socio-economic advantage is also seen to influence assessments of risk – for example, affecting which forms of drug and alcohol use are more stigmatised.

4.9 Strength, love and care

Throughout this report, we have emphasised women’s unmet needs, experiences of harm and trauma and the structural barriers and inequities they faced. But another strong theme from our interviews was the strength, resilience and care demonstrated by all of the women who participated. Despite their experiences of harm and the lack of care they received from the systems that intervened in their lives, they spoke of the ways in which they tried to make the best decisions they could at the time for themselves and their children – reaching out for help, managing risks, and ensuring their children had the most nurturing care arrangements possible under the circumstances. Even after experiencing the devastation of losing custody, women remained committed to maintaining relationships with their children in whatever ways were available to them.

“I just want to be part of their lives.” (INT4)

Despite the lack of care and humanity in how they were sometimes treated, the transformative power of care was clear in what interviewees shared with us. They spoke about the strength found in solidarity, community connection and storytelling. Peer support, especially from other women who had experienced child protection and criminal legal system interventions, was described as validating, empowering and one of the only sources of consistent care:

“The only time I got real help was from someone who had actually been through it. She understood.” (INT3)

Interviewees highlighted the need for a ‘humanised’ system as one of their key ideas of what a better response to their situations could have been; one that can ‘nurture women back to being able to get that capability to be a parent again’ (RT-FM3).

Finally, the women who participated in the study illustrated their immense care for others. They emphasised the need to foreground the impact of the system intersection not just on them, but also on their children – that systems currently work in a way that remove children from their families and potentially place them in residential care, which can affect their children’s educational, social and relational opportunities and make them more at risk of criminal legal contact. Many said they were keen to help others in their situation, despite sometimes having limited resources or being in contact with the systems themselves and these systems creating barriers to supporting each other. Most interviewees also now devote considerable time in their lives to helping others (researchers, government departments, organisations) understand their experiences better and what is needed. They expressed being happy to participate in the study to try and make systems better in the future for others.

“Hopefully this helps bring change.” (INT4)

4.10 What a better response would look like

When they were asked ‘what a better outcome would have looked like and what supports were needed for this?’, interviewees identified a range of important shifts and initiatives. Collectively, they indicate that fundamental reforms are needed to transform how the child protection and criminal legal systems intersect and how they can better respond to women’s needs. All of these are reflected in our project recommendations.

Key shifts recommended by interviewees:

- Build up a range of alternative, community-based supports for women and their families and subsequently remove police and Child Protection practitioners as first responders to women’s and children’s unmet support needs.

⁸¹ See, for example, Brid Featherstone in “Poverty, Practice and Social Context”, <https://www.exchangewales.org/podcasts/>.

- ‘Housing, housing, housing’ - access to safe and affordable housing was highlighted as a key unmet need that often leads to women experiencing the system intersection.⁸²
- Generally, investing resources in responding to the underlying needs that affect women’s involvement with the child protection system and criminal legal system and their ability to reunify with their children.
- Non-judgemental and solution-focused responses to women, families and their needs. There is a need to work against discriminatory, stigmatising and blaming social attitudes and system responses, which cause further harm to women and children. Instead, solution-focused, strengths-based and supportive responses are needed to help women and families address their unmet non-legal needs in relation to drug and alcohol use, family violence, housing insecurity and mental health challenges. Social and legal attitudes and responses to drug use particularly need to change. Services should be held accountable if they are discriminatory to women on the basis of their criminal legal contact.
- Women need to be able to move on from the past, rather than having past behaviour and coping strategies continually held against them. This includes having their ‘digital histories’ deleted, so service providers and others cannot easily find information about their criminal records, including on public web searches.
- Early intervention holistic, wrap-around support focused on keeping families together, rather than later fragmented, punitive intervention that removes children at a time of crisis.
- Humanistic or humanised support. In contrast to the lack of care and punitive responses women currently experience, they called for more humane or humanised approaches that treat people as though they matter and are person-centred, supporting women in their diversity.
- Learn from and prioritise lived expertise and peer support. Lived expertise advocacy and leadership in practice, policy development and training was emphasised as crucial – including within the child protection system itself. Relatedly, peer support – informed by lived expertise – was transformative to the lives of women at the system intersection and showcased a best-practice non-judgmental, solution-focused, humanistic and strengths-based approach. Peer-led communities that support women, especially young mothers, to be the parents they know they can be.

These transformative changes reflect the long-term advocacy of community organisations and critical Indigenous and abolitionist scholars for holistic, community-led and explicitly non-punitive responses to disadvantage, which remove our reliance on punitive and carceral systems.⁸³

Interviewees were also able to highlight **discrete initiatives** that could contribute to the above shifts in practice:

- Independent advocates who work with women from their first contact with Child Protection to help them understand their rights and legal processes and walk alongside them during the process – extending a model similar to the important support provided by Grandmothers Against Removal to Aboriginal women and their families.⁸⁴ Generally, having support from workers and organisations that are independent to the child protection and criminal legal systems and better information on their rights was important.
- Better supports to enable women to maintain relationships with their family while in prison including:
 - free, untimed phone calls
 - greater support for children to visit their parents – including clear obligations on carers to support visits (with funding and assistance to do so), and coordination by an independent service outside of child protection and the criminal legal system
 - a Child Protection worker or workers in prison (see, for example, the successfully evaluated New South Wales co-located caseworker program).⁸⁵
- Better, early training for all workers and organisations who have contact with women at the system intersection and their families to understand the underlying reasons why women come into contact with the criminal legal and child protection systems and how they can best be supported in a humane, strengths-based and family-centred way. Trainings based on the information in and findings of this report, accompanied by lived expertise perspectives, should be developed. This training should happen early in people’s education or training to work in these roles, and should be required for people working in Child Protection, Corrections and Parole, community support services, family and criminal lawyers and support services that engage with criminalised women (such as those assisting people with alcohol and drug use, mental health challenges, housing insecurity, and family violence). Having this training delivered early in a worker’s professional development is needed to work against ‘cultural’ or ‘institutional’ knowledge at these organisations.
- Funding to meet need (and access to services, such as Family Support Packages) through the non-mainstream community organisations who women currently turn to and trust for help.

82 In fact, given the emphasis of interviewees on the significance of housing, it is notable that housing is not included as a right in the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

83 Veronica Gorrie, ed., *When Cops Are Criminals* (Brunswick, Victoria: Scribe, 2024); Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003); Watego, Chelsea “Who Are the Real Criminals? Making the Case for Abolishing Criminology”. *ArtsUnimelb*, November 29, 2021. <https://www.youtube.com/watch?v=B6uwQyIOyv4>; Latoya Aroha Rule, Lilly Brown, and Natalie Ironfield, “Incarceration Nation Exposes the Racist Foundations of Policing and Imprisonment in Australia, but at What Cost?,” *The Conversation*, August 30, 2021, <http://theconversation.com/incarceration-nation-exposes-the-racist-foundations-of-policing-and-imprisonment-in-australia-but-at-what-cost-165951>; Nayuka Gorrie, “Imagining A World Beyond Police And Prisons,” *GQ Australia*, October 28, 2020, <https://www.gq.com.au/success/opinions/imagining-a-world-beyond-police-and-prisons/image-gallery/648dc94fa2ab96abf61b488138c50d69>; Ironfield Natalie, Tabitha Lean, Latoya Aroha Rule, Amanda Porter, and Alison Whittaker, “Abolition on Indigenous Land: Alternative Futures and Criminology’s Role”. *ArtsUnimelb*, March 18, 2021. https://www.youtube.com/watch?v=peA6_WdlbtE; Dorothy Roberts, *Torn Apart: How the Child Welfare System Destroys Black Families--And How Abolition Can Build a Safer World* (New York: Basic Books, 2022); Austin, “Our Kids Belong with Family.”

84 “GMAR Victoria,” Woor-Dungin, accessed June 18, 2025, <https://www.woor-dungin.com.au/gmarvictoria>.

85 See Gibson et al., “Supporting Incarcerated Mothers”.

Conclusion

This project aimed to learn from women's experiences of the intersection between the child protection and criminal legal systems. The project findings and data demonstrate that fundamental reforms are needed to transform how the child protection and criminal legal systems intersect and how they can better respond to women's needs. Although interviewees did not frame their experiences in human rights terms, their accounts reveal systemic harms that appear inconsistent with the rights protected under the *Charter of Human Rights and Responsibilities Act 2006* (Vic). The stories of women in this report reveal that women at the intersection experience discrimination and stigma, and are routinely subject to decisions that undermine their rights to equality, family, privacy and humane treatment. These harms persist even though the public authorities that constitute the intersection are required to act compatibly with the Charter.

Emerging from the practice experience of community organisations supporting women at the intersection and their drive to understand women's experiences better, this project has brought together community organisations, academic researchers and lived experience experts and collectives. The project reveals the value of such collaborative work to address systemic injustice. Legal practice can support women experiencing the intersection by working with lived experience advocates and trusted community service providers.⁸⁶ Effective child protection practice could pursue Charter-based complaints and discrimination matters, and pursue strategic cases that expose systemic harm. Legal services must also reflect the holistic, human-centred support women said they need. Community legal centres should be funded to engage with women in early stages of child protection system intervention to offer non-judgemental, strengths-based advocacy focussed on keeping families together.

The project recommendations (on the following page and at the start of the report) outline key changes identified to support a better, supportive and rights-based system. These are recommendations that emerge directly from this project and the stories and advice of the women involved. However, they echo the recommendations of many significant reports and policy platforms,⁸⁷ underscoring the need for action.

⁸⁶ For a related recommendation, see also Campbell, Macmillan, and Caruana, "Women Transforming Justice," 10.

⁸⁷ See, for example, the Yoorrook Justice Commission, "Yoorrook for Justice,"; Legislative Council Legal and Social Issues Committee, "Inquiry into Children,"; Campbell, Macmillan, and Caruana, "Women Transforming Justice," and the Federation of Community Legal Centres Policy Platform (to be released).

Recommendations

Recommendation 1: Improve data collection

Better data collection is needed on the extent and nature of women's experiences of the system intersection. Future data collection initiatives and research should specifically examine in more detail: the over-representation of Aboriginal and Torres Strait Islander women at the system intersection; whether children of women at the system intersection may be placed in out-of-home care at a younger age than other Victorian children; and the overlap between women's own experiences of out-of-home care as children and their later contact with the child protection and criminal legal systems as mothers.

Recommendation 2: Fund community organisations

Fund, according to demand, the trusted community-based organisations that women at the system intersection turn to for help, to ensure they can provide the services needed.

Recommendation 3: Housing, housing, housing

Access to safe and affordable housing must be prioritised and funded to ensure women can keep their children safe and reunify with them after separation.

Recommendation 4: Fund and prioritise community-based and needs-based support

Prioritise and fund according to demand community-based, early intervention and wrap-around supports for women and their families that address their unmet support needs, particularly in relation to:

- alcohol and drug use;
- family violence;
- mental health challenges; and
- housing,

thereby removing the involvement of the child protection and criminal legal systems from women and children's lives.

Recommendation 5: Social and cultural training

Better early training for all workers and organisations who have contact with women and their families at the system intersection to understand:

- the underlying reasons and unmet support needs that have resulted in women coming into contact with the criminal legal and child protection systems
- how to respond in a non-judgemental, solution-focused, humane, family-centred and strengths-based way.

This training should:

- include lived expertise insights and participants;
- be required for people working in Child Protection, Corrections and Parole, community service providers, family and criminal lawyers and support services that engage with criminalised women (such as those assisting people with alcohol and drug use, mental health challenges, housing insecurity, and family violence);
- include Aboriginal and Torres Strait Islander expertise and lived experience;
- occur early in their education or training.

Recommendation 6: Broader societal change

Investigate and develop recommendations in relation to enabling changes in broader societal attitudes and approaches to women at the system intersection and the discrimination and bias they currently face.

Recommendation 7: Independent advocates

Link in women with independent advocates who work with them from their first contact with Child Protection to understand their rights and legal processes and walk alongside them during the process – extending a model similar to the important support provided by Grandmothers Against Removal to Aboriginal women and their families.

Recommendation 8: End discrimination on the basis of criminal record

Further investigate and develop recommendations to address the harm and bias in service provision experienced by women at the system intersection due to criminal records, or due to permanent, partial and incorrect state records, and because of information sharing and publicly available information sources (such as various internet sources and social media platforms).

Recommendation 9: Better supports to enable women to maintain relationships with families while in prison

As recognised by the Victorian parliamentary inquiry into children affected by parental incarceration, this necessarily includes:

- free, untimed phone calls;
- greater support for children to visit their parents – including funding support, obligations on and support for carers to facilitate visits, and support that is independent from both systems to facilitate visits;
- a Child Protection worker or workers in prison (see, for example, the successfully evaluated New South Wales co-located caseworker program).

Recommendation 10: Lived expertise and peer support

Learn from, prioritise and adequately fund:

- lived expertise leadership;
- peer support models;

in advocacy, practice, policy development and training.

Recommendation 11: Fund and evolve legal services to support women at the intersection

Provide dedicated funding to community legal centres and advocacy organisations to support women navigating both the child protection and criminal legal systems, including:

- representation in child protection matters, including decision reviews and reunification support;
- strategic litigation and complaints under the Charter of Human Rights and Responsibilities Act 2006 (Vic) and anti-discrimination legislation;
- advocacy to address structural discrimination and harm;
- person- and family-centred legal practice that embeds lived expertise and trauma-informed approaches;
- greater use of rights-based legal strategies and collaboration with trusted community organisations.

Legal services must be resourced to evolve their practice and play an active role in the various systemic changes called for by women.

Reference List

- Anthony, Thalia, and Gemma Sentance. "The System Doesn't Care about Our Aboriginal Children: First Nations Mothers in Prison." *Precedent (Sydney, N.S.W.)*, no. 159 (August 1, 2020): 22–27.
- Anthony, Thalia, Gemma Sentance, and Larissa Behrendt. "'We're Not Being Treated Like Mothers': Listening to the Stories of First Nations Mothers in Prison." *Laws* 10, no. 3 (September 13, 2021): 74. <https://doi.org/10.3390/laws10030074>.
- Austin, Sissy. "'Our Kids Belong With Family': A Look into Institutional Child Removal." *Indigenous X* (blog), February 16, 2022. <https://indigenoux.com.au/our-kids-belong-with-family-a-look-into-institutional-child-removal/>.
- Australian Bureau of Statistics. "Victoria - Aboriginal and Torres Strait Islander Population Summary." Australian Bureau of Statistics, January 7, 2022. <https://www.abs.gov.au/articles/victoria-aboriginal-and-torres-strait-islander-population-summary>.
- Australian Institute of Health and Welfare. "Child Protection Australia 2022–23, Supporting Children." Australian Institute of Health and Welfare, May 16, 2025. <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2022-23/contents/insights/supporting-children>.
- . "Data Tables: Child Protection Data Australia 2022-23." Australian Institute of Health and Welfare, May 16, 2025. <https://www.aihw.gov.au/reports-data/health-welfare-services/child-protection/data>.
- . "The Health and Welfare of Women in Australia's Prisons." Canberra: AIHW, 2020.
- Australia's National Research Organisation for Women's Safety. "Women's Imprisonment and Domestic, Family and Sexual Violence: Research Synthesis." ANROWS Insights. Sydney, NSW: Australia's National Research Organisation for Women's Safety Limited (ANROWS), March 2020. <https://www.anrows.org.au/publication/womens-imprisonment-and-domestic-family-and-sexual-violence/>.
- Baidawi, Susan, and Rosemary Sheehan. "'Crossover Kids': Offending by Child Protection-Involved Youth." Trends & Issues in Crime and Criminal Justice. Australian Institute of Criminology, December 2019. https://www.aic.gov.au/sites/default/files/2020-05/ti582_crossover_kids-v2.pdf.
- Behrendt, Larissa. "Stories and Words, Advocacy and Social Justice: Finding Voice for Aboriginal Women in Australia." *Australian Feminist Law Journal* 45, no. 2 (July 3, 2019): 191–205. <https://doi.org/10.1080/13200968.2020.1837538>.
- Braun, Virginia, and Victoria Clarke. *Thematic Analysis: A Practical Guide*. Los Angeles: Sage, 2022.
- Broom, Alex, Michelle Peterie, Katherine Kenny, Gaby Ramia, and Nadine Ehlers. "The Administration of Harm: From Unintended Consequences to Harm by Design." *Critical Social Policy* 43, no. 1 (April 7, 2023): 52–75. <https://doi.org/10.1177/02610183221087333>.
- Campbell, E, L Macmillan, and C Caruana. "Women Transforming Justice: Final Evaluation Report." Melbourne: Centre for Innovative Justice, RMIT University, 2020.
- Caruana, C, E Campbell, T Bissett, and K Ogilvie. "Leaving Custody Behind - Foundations for Safer Communities and Gender-Informed Criminal Justice Systems: Issues Paper." Melbourne: Centre for Innovative Justice, RMIT University, 2021.
- Cataldo, Morgan Lee, Sigrid Rynehart, Carolynne White, and Katie Larsen. "Remembering Radical Roots: Lived Experience Participation Movements and the Risks and Responsibilities of Co-Design in Community-Led Change." *Parity* 34, no. 6 (July 2021): 13–16.
- Charter of Human Rights and Responsibilities Act 2006* (Vic)
- Children, Youth and Families Act 2005* (Vic)
- Commission for Children and Young People. "Always Was, Always Will Be Koori Children: Systemic Inquiry into Services Provided to Aboriginal Children and Young People in Out-of-Home Care in Victoria." Melbourne: Commission for Children and Young People, 2016.
- . "'In Our Own Words': Systemic Inquiry into the Lived Experience of Children and Young People in the Victorian Out-of-Home Care System." Melbourne: Commission for Children and Young People, 2019.
- . "Keep Caring: Systemic Inquiry into Services for Young People Transitioning from Out-of-Home Care." Melbourne: Commission for Children and Young People, 2020.
- . "Let Us Learn: Systemic Inquiry into the Educational Experiences of Children and Young People in Out-of-Home Care." Melbourne: Commission for Children and Young People, 2023.
- . "Our Youth, Our Way: Inquiry into the Overrepresentation of Aboriginal Children and Young People in the Victorian Youth Justice System." Melbourne: Commission for Children and Young People, 2021.

- . “Out of Sight: Systemic Inquiry into Children and Young People Who Are Absent or Missing from Residential Care.” Melbourne: Commission for Children and Young People, 2021.
- Commonwealth of Australia, “Royal Commission into Aboriginal Deaths in Custody: National Report.” Vol. 1. Canberra: Australian Government Publishing Service, 1991.
- Davis, Angela Y. *Are Prisons Obsolete?* New York: Seven Stories Press, 2003.
- ExChange Wales. “Poverty, Practice and Social Context.” Accessed June 20, 2025. <https://www.exchangewales.org/podcasts/>.
- Flat Out Inc. “FIGJAM - Formerly Incarcerated Justice Advocates.” Accessed May 22, 2025. <https://www.flatout.org.au/figjam>.
- Flynn, Catherine, and Anna Eriksson. “Children of Prisoners.” In *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice*, edited by Antje Deckert and Rick Sarre, 437–48. Cham: Springer International Publishing, 2017. https://doi.org/10.1007/978-3-319-55747-2_29.
- Flynn, Catherine, and Kathryn Gor. “Living with a Parent in Prison: Learning from Young People.” Melbourne: Monash University, 2025. <https://doi.org/10.26180/28340528.v1>.
- Gibson, Althea, Marc Rémond, Peta MacGillivray, Eileen Baldry, and Elizabeth Sullivan. “Supporting Incarcerated Mothers: A Mixed Methods Evaluation of the NSW Co-Located Caseworker Program.” *Trends and Issues in Crime and Criminal Justice*. Canberra: Australian Institute of Criminology, January 2025. <https://doi.org/10.52922/ti77741>.
- Gorrie, Nayuka. “Imagining A World Beyond Police And Prisons.” *GQ Australia*, October 28, 2020. <https://www.gq.com.au/success/opinions/imagining-a-world-beyond-police-and-prisons/image-gallery/648dc94fa2ab96abf61b488138c50d69>.
- Gorrie, Veronica, ed. *When Cops Are Criminals*. Brunswick, Victoria: Scribe, 2024.
- Hart, Aaron, and Melanie Field-Pimm. “Whose Responsibility? Reexamining Victorian Justice System Responses to the Children and Families of Parents in Prison.” *Australian Journal of Social Issues* 57, no. 2 (2022): 274–88. <https://doi.org/10.1002/ajs4.192>.
- Ironfield Natalie, Tabitha Lean, Latoya Aroha Rule, Amanda Porter, and Alison Whittaker, “Abolition on Indigenous Land: Alternative Futures and Criminology’s Role”. *ArtsUnimelb*, March 18, 2021. https://www.youtube.com/watch?v=peA6_WdlbtE.
- Johns, Diana, Catherine Flynn, Maggie Hall, Claire Spivakovsky, and Shelley Turner. *Co-Production and Criminal Justice*. 1st ed. London: Routledge, 2022. <https://doi.org/10.4324/9780429328657>.
- Jones, Jocelyn, Mandy Wilson, Elizabeth Sullivan, Lynn Atkinson, Marisa Gilles, Paul L Simpson, Eileen Baldry, and Tony Butler. “Australian Aboriginal Women Prisoners’ Experiences of Being a Mother: A Review.” *International Journal of Prisoner Health* 14, no. 4 (2018): 221–31. <https://doi.org/10.1108/IJPH-12-2017-0059>.
- Koorie Youth Council. “Ngaga-Dji (Hear Me): Young Voices Creating Change for Justice.” Melbourne: Koori Youth Council, 2018.
- Law & Advocacy Centre for Women. “Inquiry into the Children of Imprisoned Parents.” Carlton, Victoria, April 29, 2022. <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-children-with-imprisoned-parents/submissions>.
- Legal and Social Issues Committee, Legislative Council. “Inquiry into Children Affected by Parental Incarceration.” Melbourne: Parliament of Victoria, August 2022.
- Libesman, Terri, Paul Gray, and Kirsten Gray. “The Shackles of Terra Nullius in Child Protection ‘Reforms.’” In *Legal Education Through an Indigenous Lens*, edited by Nicole Watson and Heather Douglas, 53–70, 1st ed. London: Routledge, 2024. <https://doi.org/10.4324/9781003473404-5>.
- Lobo, Jude, and Mark Howard. “Women in Prison: An Examination of the Support Needs of Women in Custody with Children.” *Correction Research Evaluation and Statistics*. Corrective Services NSW, March 2021. <https://correctiveservices.dcj.nsw.gov.au/documents/research-and-statistics/women-in-prison-research-brief.pdf>.
- McGrath, Joanne, Monique Lhussier, Stephen Crossley, and Natalie Forster. “‘They Tarred Me with the Same Brush’: Navigating Stigma in the Context of Child Removal.” *International Journal of Environmental Research and Public Health* 20, no. 12 (January 2023): 6162. <https://doi.org/10.3390/ijerph20126162>.
- Roberts, Dorothy. *Torn Apart: How the Child Welfare System Destroys Black Families--And How Abolition Can Build a Safer World*. New York: Basic Books, 2022.

- Rule, Latoya Aroha, Lilly Brown, and Natalie Ironfield. "Incarceration Nation Exposes the Racist Foundations of Policing and Imprisonment in Australia, but at What Cost?" *The Conversation*, August 30, 2021. <http://theconversation.com/incarceration-nation-exposes-the-racist-foundations-of-policing-and-imprisonment-in-australia-but-at-what-cost-165951>.
- Russell, Emma, Bree Carlton, Danielle Tyson, Hui Zhou, Megan Pearce, and Jill Faulkner. "A Constellation of Circumstances: The Drivers of Women's Increasing Rates of Remand in Victoria." Melbourne: Fitzroy Legal Service and the La Trobe Centre for Health, Law and Society, 2020.
- Segal, Leonie, Sharon Dawe, Ha Nguyen, Susan Dennison, Emmanuel S. Gnanamanickam, Megan Bell, Matthew Spittal, Stuart Kinner, and David B. Preen. "Child Protection System Involvement in Children of Incarcerated Mothers: A Linked Data Study." *Child Abuse & Neglect* 139 (May 1, 2023): 106126. <https://doi.org/10.1016/j.chiabu.2023.106126>.
- Segrave, Marie, and Bree Carlton. "Women, Trauma, Criminalisation and Imprisonment." *Current Issues in Criminal Justice* 22, no. 2 (November 2010): 287–305. <https://doi.org/10.1080/10345329.2010.12035887>.
- Sentencing Advisory Council. "Rethinking Sentencing for Young Adult Offenders." Melbourne: Sentencing Advisory Council, 2019.
- Sheehan, Rosemary, and Gregory Levine. "Parents as Prisoners: Maintaining the Parent-Child Relationship," Report CRC 19/05-06. Canberra: Criminology Research Council, 2007. <https://search.informit.org/doi/10.3316/cinch.277226>.
- Sherwood, Juanita, and Sacha Kendall. "Reframing Spaces by Building Relationships: Community Collaborative Participatory Action Research with Aboriginal Mothers in Prison." *Contemporary Nurse* 46, no. 1 (December 1, 2013): 83–94. <https://doi.org/10.5172/conu.2013.46.1.83>.
- Stone, Una, Marg Liddell, and Marietta Martinovic. "Incarcerated Mothers: Issues and Barriers for Regaining Custody of Children." *The Prison Journal* 97, no. 3 (2017): 296–317. <https://doi.org/10.1177/0032885517703957>.
- . "Jumping Hurdles: The Myriad of Issues and Barriers for Incarcerated Mothers to Regain Custody of Children." *Justice Policy Journal* 12, no. 1 (March 1, 2015): 1–23.
- Victorian Aboriginal Child Care Agency, "Response to the Inquiry into Children of Imprisoned Parents." Melbourne, April, 2022. <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-children-with-imprisoned-parents/>.
- Victorian Aboriginal Legal Service. "A Plan for Aboriginal Justice in Victoria: Empowerment, Identity, Culture." Melbourne: Victorian Aboriginal Legal Service, 2022.
- Watego, Chelsea "Who Are the Real Criminals? Making the Case for Abolishing Criminology". *ArtsUnimelb*, November 29, 2021. <https://www.youtube.com/watch?v=B6uwQyIOyv4>.
- Wilson, Jacqueline Z., Philip Mendes, and Frank Golding. "Hope Street: From Voice to Agency for Care-Leavers in Higher Education." *Life Writing* 15, no. 4 (October 2, 2018): 597–609. <https://doi.org/10.1080/14484528.2018.1427420>.
- Women and Mentoring. "Speaking from Experience: A Framework to Drive Change." Melbourne: Women and Mentoring, 2025.
- Woor-Dungin. "GMAR Victoria." Accessed June 18, 2025. <https://www.woor-dungin.com.au/gmarvictoria>.
- Yoorrook Justice Commission. "Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems." Melbourne: Yoorrook Justice Commission, 2023.

