Enhancing Police Responses to Domestic Violence Incidents: Reports From Client Advocates in New South Wales

Jane Goodman-Delahunty¹ and Anna Corbo Crehan²

Abstract
In an online survey about experiences with the police complaint system, 239 client advocates described a recent incident in which a client with grounds to lodge a complaint declined to do so. Almost one third of those incidents involved domestic violence. Thematic analysis of case descriptions revealed that many police did not take domestic violence reports seriously. A typology of problematic police conduct was developed. Many officers failed to observe current procedures and appeared to lack knowledge of relevant laws. Citizens feared retaliatory victimization by police and/or perceived that complaining was futile. Implications of these findings are reviewed in light of procedural justice theory.

Keywords
domestic violence, police practice, procedural justice, complaints, apprehended violence order

In a survey about experiences with the New South Wales Police Force (NSWPF), client advocates who work at the nexus between citizens and police described the most recent incident for which a client with adequate grounds to protest unsatisfactory police responses declined to complain. One third of the client advocates who completed the survey described a domestic violence (DV) incident. Analyses of these incidents

¹Charles Sturt University (Manly Campus), New South Wales, Australia
²Charles Sturt University (Goulburn), New South Wales, Australia

Corresponding Author:
Jane Goodman-Delahunty, Charles Sturt University Manly Campus, P.O. Box 168, Manly, New South Wales 1655, Australia.
Email: jdelahunty@csu.edu.au
using procedural justice theory identified topics for potential improvements in police–citizen relations in DV cases.

**Domestic Violence (DV) and Policing**

DV is a crime that consumes extensive police time, both time spent responding to specific incidents and the number of incidents attended. In the 12 months prior to June 2014, a total of 28,982 reports/incidents of DV-related assault were recorded by NSW Police (an increase of 2.7% over the previous 60 months) and 13,065 breaches of Apprehended Violence Orders (AVOs), mostly issued in DV cases (NSW Bureau of Crime Statistics and Research, 2014). Domestic and family violence assaults comprise around 40% of all assaults reported to police, although only one third of all interpersonal violence is reported to police (Audit Office of New South Wales, 2011). However, DV is an aspect of police work that officers find difficult:

> Some feel hopeless and powerless to effect real change to the lives of domestic violence victims, and are often disappointed when victims fail to provide a statement or attend court, making it difficult or impossible to prove an assault or breach of an Apprehended Violence Order. Police also find the administrative and legislative requirements associated with responding to domestic violence onerous. (Police Association New South Wales, 2011, p. 10)

Yet the police role is pivotal for victims. The “unique role of police in providing victims of domestic violence with protection and access to justice” was acknowledged by the New South Wales Ombudsman (2011, p. 1) who further emphasized that

> to instill [sic] confidence in victims, to communicate a strong message to offenders that their behavior is unacceptable, and to facilitate access to justice and support, it is vitally important that police officers carry out their duties effectively when responding to domestic violence. (New South Wales Ombudsman, 2006, p. 7)

When police officers fail to perform their duties effectively (or are perceived not to), one accountability mechanism is the police complaints system, intended as the most readily accessible avenue of redress. The importance of these complaint procedures to resolve police–citizen disputes has been recognized by the NSWPF (2012a) and the NSW Police Integrity Commission, an independent oversight body (Dinning & Barnett, 2014).

**Procedural Justice Theory and Policing**

Recently, procedural justice theory has been applied to police–citizen interactions. A robust finding in multiple international tests of the theory is that the fairness of the process by which authorities achieve outcomes is more important than the favorability of the outcomes themselves (Elliott, Thomas, & Ogloff, 2011; Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013a), a phenomenon known as “the fair process effect.” This
view contrasts with another fundamentally instrumental view according to which fair procedures are valued because participants perceive that they have an opportunity to influence the outcomes they produce (Heuer & Penrod, 1986; Tyler, Rasinski, & Spodick, 1985).

From a noninstrumental perspective, “procedures matter as they convey important information to individuals about their value and status in society” (Elliott et al., 2011, pp. 592-594). Fair procedures manifest in four components or values: “trustworthiness, respectful treatment, neutrality, and voice” (Goodman-Delahunty, 2010, p. 404; Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013b).

Whatever the mechanism, the application of procedural justice theory to policing results in a “process-based model [that] calls attention to procedural factors that may have significant impacts on citizens’ behavior during encounters with police” (Dai, Frank, & Sun, 2011, p. 159). Social psychologists demonstrated that police work was legitimized in the eyes of the public when conducted fairly and this increased the likelihood that people would “cooperate with policing efforts” (Sunshine & Tyler, 2003, p. 514). While the latter claim may seem most relevant to persons identified as non-compliant suspects, the importance of procedural fairness in police interactions with all citizens, including victims (Elliott et al., 2011) and in terms of police customer service more generally, has also been demonstrated (Goodman-Delahunty, Verbrugge, Sowemimo-Coker, Kingsford, & Taitz, 2013; Goodman-Delahunty, Verbrugge, & Taitz, 2013; Mazerolle et al., 2013a).

In NSW, Australia, victim avoidance of police intervention in DV cases is the norm: The proportion of DV victims seeking help from DV services who chose not to report their most recent incident of violence to the police exceeded 50% (Birdsey & Snowball, 2013). The primary barrier was a perception that police either lacked understanding or were not sufficiently proactive in handling DV. The three main reasons given for avoiding a police report were fear of revenge/further violence, embarrassment/shame, or feeling that the incident was unimportant.

**Procedural Justice in the Policing of Domestic Violence**

Procedural justice theory suggests a “legitimacy gap” in the policing of DV, over and above issues arising from the behavior of particular police officers in their treatment of the citizens involved. If victims and/or offenders are not convinced that police can assist in redressing DV, it is unlikely that any of the antecedents of procedural justice will play a positive role in the resultant police–citizen interactions. And if the police themselves have a compromised view of their role in DV situations, then the importance of those antecedents is unlikely to be recognized by them, and the corresponding behaviors unlikely to be used in interactions with victims and offenders.

Most procedural justice research with DV victims has examined how they are treated in court proceedings (Bell, Perez, Goodman, & Dutton, 2011; Gover, Brank, & MacDonald, 2007); little research has explored the treatment they receive from police at the time of the incident. One study of DV victims in Dade County, Florida, tested whether victims who received procedural or distributive justice from the police were
more or less likely to report to the police again following subsequent victimization (Hickman & Simpson, 2003). Contrary to what was anticipated based on procedural justice theory, victims who received their preferred outcome in the past were more likely to call the police when revictimized than those who did not, and the procedural justice scores for those who chose not to report were higher than those who did report; that is, victims who felt unfairly treated by police on the first occasion were more likely to call them in the future compared with victims who felt fairly treated. Further investigation of procedural justice variables was recommended:

Continued empirical examination is vital to the understanding of how police may influence the reporting behavior of domestic violence victims and whether such influences may account for counter-theoretical findings in other domestic violence research. (Hickman & Simpson, 2003, p. 631)

This study examines these issues in relation to (a) treatment by police at the time of the DV incident and (b) willingness to complain following unfavorable treatment and outcomes. Protest in the form of a complaint against police is an exercise of voice, one of the four components of procedural fairness (Goodman-Delahunty, 2010).

Aims of the Study

Two key temporal points of police–citizen contact are relevant to procedural justice in the context of police complaints: (a) the point in time when the unsatisfactory police behavior occurred, and (b) the point in time when the complaint is addressed. Anecdotal reports from client advocates and legal practitioners in NSW indicated that their disadvantaged or marginalized clients often declined to make a complaint against police, even when allegations of severe police misconduct were implicated (Goodman-Delahunty, Beckley, & Martin, 2014). These reports raised serious concerns about the integrity of policing in NSW and the human rights of citizens, particularly vulnerable victims, in encounters with the police, but no scientifically robust evidence supported or refuted these claims. This study examined antecedents to those reports by focusing on the point in time when the unsatisfactory police behavior occurred and subsequent client willingness to protest.

Method

Materials

The first author developed an online survey in collaboration with Community Legal Centres, Inc., NSW (CLCNSW) to gather empirical evidence from client advocates and legal practitioners about their experiences with and perceptions of the NSWPF complaints system in relation to their nonpolice clients (Goodman-Delahunty et al., 2014). The survey was designed to test the veracity of the anecdotal claims referred to above.
Procedures

Participants were recruited via their employers at CLCNSW, Aboriginal Legal Services (ACT/NSW), Legal Aid NSW, and the NSW Council for Social Services. In addition, the Law Society of NSW distributed the survey to its members. Participation was voluntary, and no incentives were provided. Completion of the survey took approximately 20 minutes.

Study sample. Survey participants were 493 community advocates (41%), other practitioners (32%), and legal professionals (27%) dispersed across metropolitan and rural locations in NSW (Goodman-Delahunty et al., 2014). On average, participants had 10 years of professional work experience. Most participants were women (73%). One half of the participants (52%) had personal experience submitting one or more written complaints against NSWPF in the past 24 months.

A total of 59% (n = 289) of the participants reported experience in this time frame with a client who had declined to file a complaint against the police. These participants then responded to two open-ended follow-up questions about the nature of the unsatisfactory incident: (a) “Briefly describe the incident of concern” and reasons for the client’s decision to avoid a complaint; and (b) “Why did your client decline to complain?” Of those responses, 83% (n = 239) were codable (contained sufficient unambiguous information for analysis).

Analysis of free-text responses. All natural language responses to the open-ended questions were de-identified and downloaded verbatim for analysis. The second author read responses multiple times to facilitate immersion. Analysis was conducted in two stages. First, she applied a systematic, thematic qualitative analysis (Hayes, 2000). Based on the steps outlined by Braun and Clarke (2006), an inductive approach was used, permitting novel themes to emerge. Notes were made in the margins of individual transcripts to code at the level of idea (phrase, sentence, or paragraph). Tentative themes were assigned to codes and refined after reviewing further responses. Responses to all questions were read as a unit, and themes for each participant were systematically tabulated. This analysis disclosed that a substantial proportion of the content pertained to DV incidents (30% of the 239 codable responses; n = 72). These responses were extracted for further analysis.

Analysis of responses about DV incidents. In the second phase of analysis, within the 72 responses about DV incidents, a total of 113 mentions of discrete problems in police–citizen interactions were distinguished (some responses specified more than one type of problematic police conduct). Initially, 10 themes were identified, and with further analysis, these were grouped within two overarching manifest (surface) themes or categories: (a) unprofessional and/or illegal conduct by police, and (b) police inaction in circumstances where action could justifiably be expected.

These themes were not mutually exclusive but were chosen to best illuminate the information conveyed in the responses. For example, harassment may sometimes be
an instance of illegal police behavior, but to have used the latter, more general terminology to capture the former occurrence would have obscured important aspects of the police conduct. No phrase or word was coded twice (e.g., a mention of harassment was not coded for “harassment” and “illegal behavior” even if the former met the threshold of the latter). Where some detailed responses included specific mentions of two themes (e.g., both harassment and some other instance of illegal behavior by police), both themes were applied. Illustrative quotations exemplifying participants’ comments by theme are reported below.

A random selection of 16% of the responses was independently coded by a second rater blind to other survey responses. To ensure interrater reliability of the coding, the degree of consensus was statistically tested, yielding Cohen’s kappa (κ) in an acceptable range between .72 (Question a) and 1.0 (Question b).

In the second stage of data analysis, we used a deductive approach (Hayes, 2000) to examine the responses in light of procedural justice theory. Moving toward a theoretical analysis (Braun & Clarke, 2006), we classified the reported conduct as violations of one or more of the four central principles of procedural justice (respectful treatment, trustworthiness, neutrality, and voice). In the section “General Discussion,” we report the results of this analysis.

Results and Discussion

Types of Problematic Police Behavior

Problematic behavior reported about police responses to DV incidents was almost evenly divided between that attributable to police action (50%; \( n = 56 \)), specifically unprofessional and/or illegal action, and police inaction (47%; \( n = 53 \)), specifically where action could justifiably have been expected. In a small number of cases (3%; \( n = 4 \)), the details provided were too sparse to code the incidents into one of these categories.

Unprofessional and/or illegal action by police. Of the DV-related responses reporting unprofessional and/or illegal actions by police, details of specific types of unprofessional and/or illegal police conduct were provided in 72% of the cases, permitting further classification into four subcategories: (a) illegal or incorrect actions, (b) disrespectful, (c) coercive, and (d) discriminatory treatment of DV victims. In a fifth subcategory, the nature of the unprofessional or unlawful actions was unspecified (28%). These results are displayed in Table 1.

Illegal or incorrect police actions. Incidents demonstrating clearly illegal or unprofessional police conduct accounted for 27% of the police actions in DV cases. The following examples illustrate the breadth of conduct encompassed in this subcategory.

One response noted that the police placed the client at further risk by “disclosing address or the fact that the person is in a refuge” (Client Advocate 60). Another reported that incorrect police practice prevented a victim from securing court protection:
AVO incident, police typed on the Interim AVO—“No fears held for her safety,” yet she was terrified when he tried to bash down to door saying he would kill her and police told her later that a gun was found in his home (he had a security licence). I got a family violence service to send a worker to the police station with her to request it be changed before the scheduled court case and police officer would not alter it and said it will be okay on the day. The magistrate (female) was rude to her and said why are you here if you have no fears for your safety and he got off. (Client Advocate 4)

A similar issue was raised by police “failing to bring a person before a court appropriately and exceeding investigation times” (Client Advocate 184).

Other instances of illegal or incorrect police action revealed poor police knowledge, at best, and at worst, examples of lazy practice. For example,

Client attending the Police Station has a statement taken, told there are not enough grounds for an ADVO. Referring this woman to the DVLO who finds grounds, applies and is successful in obtaining an exclusion. Provisional Order within six hours and within twelve hours removing the offender from the family home for the partner and children’s safety. (Client Advocate 154)

This same advocate also described a “16 y.o. female wanting protection, told by Police to go to courthouse, when only Police can take out orders for juveniles.” A further example of an unsatisfactory outcome did not arise from police lack of knowledge but from poor service: “The management of a DV file, events, ADVO application and subsequent breaches . . . was certainly in breach of NSW Police customer service standards” (Client Advocate 215). Together, these examples revealed the need for multifaceted training to redress the inappropriate police actions regarding these DV incidents.
Disrespectful treatment of victims. Disrespectful treatment of DV victims accounted for 18% of the unprofessional and/or illegal police responses. In several instances, the police behavior was simply documented as “rude” without further detail. Specific examples of police belittling victims by, for example, minimizing their concerns or mocking them were identified. Comments coded as belittling were those that did not refer to an element of threat or fear. For example, Client Advocate 3 reported that a “Police officer belittled client’s concerns about domestic violence and blamed victim.” In another situation, a victim “was treated with contempt and ignored by a police officer when she reported a breach of standing AVO; client was then assaulted by the previous perpetrator” (Client Advocate 42).

In a more detailed response about an incident where the initial victim retaliated against her ex-partner after he assaulted both her and their 13-year old son, “The police officer said he was disgusted in both of their behavior and they acted like baboons” (Client Advocate 111). Disrespectful treatment was also manifest in the treatment of victims like offenders: “DVLO at the local court interrogated a victim of domestic violence as though she was a perpetrator” (Client Advocate 177).

Coercion of victims. Although none of the client advocates reported excessive use of force by the police in responding to DV incidents, reports of police displays of aggression, intimidation, and provocation accounted for 16% of the overt unprofessional conduct, coded as threatening or coercive behaviors.

In some responses, police coercion was prominent, arguably applied to benefit the police who were in a hurry:

Client coerced by attending officers to give her 7-week old baby to her partner when she was seeking assistance to leave due to DV. She was fearful her partner would suicide if she did not give him the baby (police were aware of this) and the police told her to hurry up and make a decision as they did not have time to wait, and that the baby was “better off with him, because he has support” even though she was with staff in a women’s health centre at the time. (Client Advocate 81)

A similar situation was mentioned by Client Advocate 62: “Police person coercing client to make a retracting statement about ongoing safety concerns after directly liaising with the perpetrator to drop another matter” (emphasis added).

Intimidating police actions demonstrated a profound misunderstanding of the dynamics of DV:

A police officer attended the Refuge stating he needed to do a welfare check on a child that had been accommodated with her mother. On arrival he said to the mother, “I have just spoken to . . . and you need to go home and sort things out with him.” I intervened and told him he had no right to try and intimidate a woman into going home to her husband, and asked him to leave. (Client Advocate 6)

Further examples of behaviors in this subcategory included police aggression toward DV victims. One response noted that “[the] DVLO got extremely aggressive towards
the victim at the court” (Client Advocate 177); another commented that the police action evoked “feelings of fear and bullying” in the DV victim (Client Advocate 205).

As in cases of disrespect, police threats and aggression did not indicate that police considered the best interest of victims. As a consequence, their rights and safety were compromised, and they were discouraged from reliance on police intervention.

**Discrimination against DV victims.** Unprofessional and/or illegal conduct by police in the form of racial- and/or gender-based discriminatory action or harassment by police accounted for approximately 1 in every 10 responses in this category (11%). An example of discriminatory police action was “Not using an interpreter when taking a statement” (Client Advocates 60 and 141).

Gender-based insensitivity was evident in police failure to recognize a client’s need to speak to a female officer about a sexual assault (Client Advocate 161). Another advocate reported that the “Police officer informed client that he ‘would not be assisting taking another bloke to court.’ My client just wanted advice re: seeking an AVO” (Client Advocate 26).

Sexual harassment of a DV victim was reported:

A young woman . . . was “hit on” by a male police officer when she rang him regarding violence at the hands of her partner. She said to him, “My husband thinks I’m sleeping with all the street” and officer said “Lucky street” . . . He [the officer] then continued to visit her house to check up on her. (Client Advocate 67)

Further discrimination took the form of gender role stereotyping. For instance, rather than demonstrate sympathy toward a male victim of DV and intervene to protect him, the victim “was advised to ‘man up’ and sort the situation out himself” (Client Advocate 156).

Although the foregoing examples of unprofessional and unlawful discriminatory conduct disclosed sufficient grounds to sustain a complaint against the police, the vulnerable DV victims were concerned with securing assistance, not ancillary claims against the police.

**Unspecified inappropriate police action.** Miscellaneous unspecified unprofessional or inappropriate behavior by police was identified in the remaining 28% of the responses reporting unsatisfactory police action. Indicators of conduct in this sub-category were typically succinct descriptions, such as “. . . treated inappropriately—the way she was treated was unnecessarily harsh and invasive” (Client Advocate 36) and “received poor responses from police” (Client Advocate 104). In one response, the DV Liaison Officer was specifically identified as the perpetrator of “inappropriate treatment” (Client Advocate 59). A further example of a lack of professionalism was demonstrated in a report that a police officer made “inappropriate comments about the DV behavior experienced by the woman while he was obtaining information for a statement” (Client Advocate 49).

The counter-productive police actions documented above are always a matter of concern (practically, legally, and morally), given police officers’ significant and
wide-ranging authority and their sworn oath to uphold the law. In the context of DV, special concern is warranted because of the vulnerability of victims and the systemic nature of the violence they face.

**Police inaction in response to domestic violence incidents.** As noted above, responses describing police inaction where action was reasonably expected accounted for approximately one half of all reported DV-related incidents. Of these, descriptions of two fifths of the police responses (43%) lacked sufficient detail for further classification; however, details in a majority of DV incidents where police failed to take action (57%) led to designation of the police conduct in three subcategories: (a) misunderstanding of DV law and procedures, (b) negative attitudes to DV victims, and (c) inappropriate exercise of police discretion. Table 1 displays these results. Examples of each type are provided below.

**Police inaction due to misunderstanding of or failure to follow law.** Almost one third (31%) of the cases of police failure to act reported circumstances where police demonstrated either a misunderstanding of relevant DV law and procedures or simply failed to follow the applicable laws and procedures. In a substantial proportion of cases in this category, police justified their refusal to take action in general or in relation to an AVO because the client had no visible physical injuries. For example, one advocate described a client who was refused police assistance with an AVO “because she wasn’t bruised and battered” and was then told that “more threats had to be recorded and ongoing” before an AVO could be sought (Client Advocate 149). This stance was particularly disconcerting, as the officer not only failed to prevent harm to the victim but appeared to insist upon proof that preventable harm had already occurred as a prerequisite for police intervention.

However, even when physical injuries were perceptible and physical assault had occurred, some police were dismissive. For example, one participant described an incident where police failed to take any action “even though the client was visibly physically assaulted and was covered in bruises” (Client Advocate 29).

In a situation where there was a dispute as to who counted as the offender and who as the victim, the police “resolved” the incident by claiming that “the new DV laws gave [them] a ‘first in, best-dressed’ opportunity” (Client Advocate 36).

In relation to AVO issues resulting in police inaction, a number of responses described situations where police invoked the idea of a “technical breach” as a reason for inaction. For example, “numerous ADVO breaches not considered or fobbed off as ‘technical breaches’” (Client Advocate 62) and “Would not look into breach of ADVO stating it was a ‘technical one’—too many times to count with too many different officers” (Client Advocate 101).

The finding that police inaction arose from either misunderstandings of or failures to adhere to relevant laws and procedures implied an unmet training need and, perhaps, poor supervision and oversight.

**Police inaction due to negative attitudes toward domestic violence victims.** In a smaller proportion of cases of police inaction (15%), the respective police officers’ negative
attitudes toward a client were implicated. One advocate referred to police attitudes to a victim’s distress: “Not taking statements from witnesses if woman is distressed or emotional. They tend to believe the articulate person’s version of events” (Client Advocate 60). Another reported that police essentially blamed the victim for the situation by telling “this victim [to] stop pushing the perpetrator’s buttons” (Client Advocate 197).

Other examples of incidents where police attitudes to victims led to a decision to do nothing included “Police were dismissive of a domestic violence incident, citing the ‘intelligence’ of both parties as a reason why they should be able to resolve the issue. The DV aspect was not taken into account at all” (Client Advocate 209); “A police officer who attended the client’s home on more than one occasion had told the client that he was not willing to take any action in assisting her as she was ‘silly’ enough to be with her husband” (Client Advocate 205); and “The client felt that the officer did not believe her and looked down on her. The officer told the client that he feels she was claiming domestic violence in order to gain her permanent residency” (Client Advocate 161).

Negative attitudes by police officers are likely to compound the feelings of shame and embarrassment that are so often implicated in victims’ decisions not to seek help. Research conducted in the United States underscored the importance of the link between police views of DV and their actions: Police officers who favored unconditional law enforcement (i.e., a preference to press charges regardless of the willingness of a victim) were more empathetic toward others, less sexist, and viewed DV as a more serious issue than did other police in their cohort (Gracia, Gracia, & Lila, 2010).

**Police inaction due to inappropriate exercise of police discretion in domestic violence cases.** In approximately 1 in 10 responses (11%), police inaction occurred because the police exercised their discretion by declining assistance to DV victims. These included three particularly disconcerting responses. In one, “we don’t have enough patrols” was the reply to a woman who lived 150 km from the nearest police station who had previously called to report DV incidents. She was refused police attendance after being “severely bashed” and requiring ambulance transportation to hospital (Client Advocate 55). In another response,

The police did not take a client seriously who said she had been raped. The police officer rudely stated that the police were dealing with so much DV that night that she would probably have to wait way too long to see someone. In turn she tried to send the client to the youth centre, when really she needed to be with the police giving a statement, then taken to the hospital. (Client Advocate 171)

Especially disquieting was the report that described police saying “we tried to help you in the past and you f****** us around, so why should we help you now?” (Client Advocate 382). Possibly further reflecting common misunderstandings by police of the dynamics of DV relationships, this comment was made in the context of a woman returning to a violent relationship after previous police assistance. It may also reveal a more fundamental mismatch between police and victims’ views of the police role in
responding to a situation of DV, a topic documented previously in other international communities. For example, Canadian researchers observed,

What is obvious from the results of procedural and outcome evaluations is that most employ indicators of success from the perspective of the criminal justice system, such as case processing and re-arrest rates. Most have failed to investigate “what matters” to victims of intimate partner violence. (Johnson & Fraser, 2011, p. 9)

In canvassing findings about “what matters” to DV victims, these researchers referred to, among other things, securing an “immediate stop to a particular incident of violence” (emphasis added) rather than “long-term involvement with the criminal justice system” and, more generally, the strategic use of specific resources, including police, from a range of resources (p. 9).

**Police Responses to Incidents Involving Apprehended Violence Orders**

The unsatisfactory police responses documented by the client advocates were further analyzed to distinguish instances involving AVOs. References to AVOs (of which there were 39 instances) were sorted into one of the three categories based on whether the police (a) ignored a breach of an AVO or failed to enforce an AVO, (b) failed to obtain or extend an AVO for a victim, or (c) made errors in an AVO application. Of these three overarching themes containing references to AVOs, the two most prevalent issues were ignoring breaches of or failing to enforce AVOs (46%; \( n = 18 \)) and failing to obtain or extend AVOs for victims (46%; \( n = 18 \)), as shown in Table 2.

<table>
<thead>
<tr>
<th>Police inaction where action reasonably expected</th>
<th>Failed to enforce</th>
<th>Failed to obtain or extend</th>
<th>Errors in application</th>
</tr>
</thead>
<tbody>
<tr>
<td>No reason specified</td>
<td>20.5 (8)</td>
<td>17.9 (7)</td>
<td>—</td>
</tr>
<tr>
<td>Misunderstanding of or failure to follow law or procedures</td>
<td>15.4 (6)</td>
<td>15.4 (6)</td>
<td>—</td>
</tr>
<tr>
<td>Negative attitude to client</td>
<td>—</td>
<td>7.7 (3)</td>
<td>—</td>
</tr>
<tr>
<td>Other reason</td>
<td>2.6 (1)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Unprofessional and/or illegal conduct by police</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illegal or incorrect action</td>
<td>2.6 (1)</td>
<td>5.1 (2)</td>
<td>7.7 (3)</td>
</tr>
<tr>
<td>Disrespectful (belittling, blaming victim)</td>
<td>5.1 (2)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Total</td>
<td>46.2 (18)</td>
<td>46.2 (18)</td>
<td>7.7 (3)</td>
</tr>
</tbody>
</table>

**Client Protest of Police Misconduct in Domestic Violence Cases**

No client advocates reported that they had advised a client *not* to pursue a complaint against the police. However, about one in every two advocates with DV-related
responses (54%) included written reasons outlining why the client had declined to make a complaint after a negative or unsatisfactory experience with police. Of these, two advocates provided more than one reason, bringing the total number of reasons specified to 39. As shown in Table 3, 87% of the client advocates specified reasons why their clients did not lodge a formal complaint against the NSWPF. Six subcategories were distinguished: (a) fear of future (negative) repercussions from police, (b) futility of complaining, (c) client too scared, stressed or overwhelmed, (d) issue resolved without a complaint, (e) victim believed their situation was not serious enough, and (f) other reasons. The sixth category contained responses in which no clear reason was expressed. Of these categories, (a), (b) and (d) are particularly noteworthy.

**Fear of future (negative) repercussions from police.** Fear of receiving further negative attention from police, or of not receiving needed support from police was the most prevalent reason cited for client decisions not to protest the police behavior with which they were dissatisfied. Examples of the extent to which fear of police reprisal deterred complaints is shown in reports that a client was “scared to complain—if she needed to call police again they’

<table>
<thead>
<tr>
<th>Reason for Avoiding a Complaint</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fear future repercussions (did not want to draw further attention from police, experienced such in past, fear of police reprisals, would make things worse, and lack of future police support)</td>
<td>30.8</td>
</tr>
<tr>
<td>Futile (issues would not be considered important by police, would not make any difference, waste of time, and no faith in police)</td>
<td>25.6</td>
</tr>
<tr>
<td>Too scared/overwhelmed/stressed</td>
<td>20.5</td>
</tr>
<tr>
<td>Issue resolved without a complaint</td>
<td>5.0</td>
</tr>
<tr>
<td>Situation not bad enough</td>
<td>2.6</td>
</tr>
<tr>
<td>Other</td>
<td>2.6</td>
</tr>
<tr>
<td>No clear reason expressed</td>
<td>12.9</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

*Note. n = 39 reasons.*

Five further responses in this category described DV victims residing in country locations. Three of these responses referred to the perceived higher risk of police reprisal in small communities: “Small community, risk of non support in future by Police” (Client Advocate 25); “having to return to small community where everyone knows everyone and being subjected to further harassment from police” (Client Advocate 215).
105); and “Small town, my client decided she would be punished by the police” (Client Advocate 54). While Client Advocate 25 was relatively circumspect with a reference to “non support in future by police,” Client Advocate 54 referred to her client’s fear that “she would be punished by the police” (emphasis added), while Client Advocate 104 said, “Clients in rural areas are especially concerned about any potential backlashes” (emphasis added). The dimensions of the issue for complainants from rural areas was explained more fully in this way:

Especially in Country NSW, this dismissive, downgrading attitude from Police Officers puts victims at a higher risk because they do not have as many community resources to seek support from and there are only limited police officers in rural stations so it is hard to seek protection from alternative, more appropriate officers. (Client Advocate 111)

One response included reference to past experiences of increased negative attention received from police after lodging a complaint:

It is well known by local residents of this suburb that if you make a complaint against some of the local officers that they will give you a hard time e.g., pull you over if they see you driving down the street, etc. (Client Advocate 203)

The foregoing responses illustrated concerns that police will engage in corrupt and unlawful behavior in retaliation against complainants. The extent to which citizens who complained were in fact subjected to heightened police scrutiny was reported previously (Goodman-Delahunt et al., 2014).

**Perceived futility of complaints against police.** The perception by the clients that a complaint was futile was significant in deterring formal protest about police responses to DV incidents. Examples of comments reflective of this viewpoint included, “She said she felt it would not make much difference to the behavior of police,” “Clients often feel it is a waste of time,” and “Victim of family violence felt that a complaint would not be acted on nor change anything” (Client Advocates 49, 104, and 183, respectively). The source of a client’s sense of futility was sometimes rooted in past experience, as is illustrated by the following two comments: “Efforts to talk with other police led her to believe they would close ranks and she would not succeed” (Client Advocate 80) and “Client felt that because she had made two approaches to Police it was a waste of time to pursue a third” (Client Advocate 95).

In general, these responses were consistent with those previously identified as possible explanations for the relatively low number of complaints about DV made to NSWPF:

Many service providers in the domestic violence sector have told us that victims are often reluctant to complain when they feel they have not received appropriate service from police because they may: (a) lack confidence that police will respond appropriately and effectively to a complaint; (b) fear that any complaint may influence whether police are willing to assist them in the future should the need arise; (c) lack the time or motivation to complain during a period of their life that may be chaotic and traumatic due to DV and
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its consequences; (d) wish to avoid further contact with police. (New South Wales
Ombudsman, 2011, p. 8)

**Resolution of the issue without a complaint.** One explanation proffered by the Ombuds-
man for low levels of DV-related complaints to the police is that the victim advocates
had successfully engaged in informal dispute resolution with the police. Results shown
in Table 3 indicate that this reason for failing to lodge a formal written complaint
accounts for only 5% of the cases, suggesting that this is not a plausible explanation
for the low number of complaints about police responses in DV cases. Analyses of the
proportion of client representatives in the larger set of survey responses who success-
fully resolved complaints informally confirmed that this practice accounted for fewer
than 2% of all reported cases (Goodman-Delahunty et al., 2014).

The two most prevalent reasons cited for declining to make a complaint demonstrated
a view by users of the police complaint system that contradicted that expressed by
police administrators about their complaint handling procedures. The NSWPF (2012a)
believes that its process deals with complaints “openly, efficiently and fairly” (p. 1).

**General Discussion**

**Procedural Justice Violations in Policing Domestic Violence Incidents**

The foregoing review of reported police responses to DV incidents in light of pro-
cedural justice theory showed that much police conduct conveyed a message to
DV victims that they were not valued and had little or no “social standing in the
community” (Goodman-Delahunty, 2010, p. 405).

**Absence of respectful treatment and low trust in police.** All four types of police inade-
quacy in responding to DV incidents documented in Table 1 reflected perceptions
that police demonstrated little sincere interest in DV victims or their well-being, did
not take their rights seriously, or engage genuinely with their concerns (Goodman-
Delahunty, 2010). Violations of the trustworthiness and respectful treatment compo-
nents of procedural justice were the most prevalent. Expressed fear of retaliatory nega-
tive attention from police should a complaint be made demonstrated a denial of voice.
Perceptions that complaining would not redress the issue were also violations of the
principles of trustworthiness, respectful treatment, and neutrality in the form of unlaw-
ful victimization of DV complainants. Results of this study corroborated and elabo-
rated those of the NSW Bureau of Crime Statistics and Research survey of DV victims
in NSW (Birdsey & Snowball, 2013) by showing that police lack of understanding and
inaction in DV cases resulted in unsatisfactory outcomes that caused victims to avoid
rather than seek police intervention and to avoid complaining about their treatment.

**Absence of neutrality toward domestic violence victims.** Violations in terms of police bias
or lack of neutrality, the third facet of procedural justice, were less obvious. Poor treat-
ment of victims and inadequate responses to AVOs do not per se demonstrate a bias
against DV victims or DV incidents, but some instances were prompted by bias
(e.g., a bias in thinking “real victims” must exhibit physical injuries, a bias against victims who make DV allegations against police officers, and a bias against taking out AVOs because some victims nonetheless return to their relationship with the offender). Unsurprisingly, relatively few responses (12%) reported explicit discriminatory treatment in the form of overt comments about a client’s gender, race, or ethnicity. The few racially motivated comments referred to the non-Australian status of their clients (police were dismissive of a person from a war-torn country and police declined the complaint as they viewed it as a ploy to get permanent residence in Australia).

Denial of voice to DV victims. The procedural justice component of lack of voice was manifest in examples of poor treatment of victims and inadequate responses to AVOs involving police failure to enforce an AVO or inaction following a breach. Unlike the participants in the study by Hickman and Simpson (2003) who received unfavorable treatment, DV victims in this study who felt unfairly treated by police were not subsequently motivated to protest by voicing their complaints. Previously, Platow et al. (2013) reported that when in-group authorities provided noninstrumental voice (citizens had no influence over outcomes), this diminished their support for protest. The results of this study are consistent with that research: All reasons summarized in Table 3 reflected denial of voice, as all were reasons that a potential complaint was effectively silenced. Unfortunately, the police misconstrue an absence of complaints from DV victims as a measure of their success rather than a signal of failure of trust that the police authorities will act in the best interests of this vulnerable group.

Strengths and Limitations of the Study

A strength of this study is its ability to test applications of procedural justice theory in the field in DV cases and in particular to increase our understanding of the causal relationship between negative experiences with the police, future reliance on police, and willingness to protest unsatisfactory police responses via formal complaints against the police. The study further advanced procedural justice research by documenting that DV victims, whose voice was noninstrumental, experienced diminished motivation to complain about unfair treatment from in-group authorities.

As in all studies, some research limitations must be taken into account. We relied on reports by client advocates of their own work and their own professional experiences in representing their clients as a proxy for direct reports from the clients themselves. The advocates were not asked to second guess what their clients wanted, but to describe events arising in their own practice. In advising their clients whether to file a formal complaint against the police, they had access to official police records, and faced penalties for inaccurate or frivolous legal actions or complaints against police, thus their views were formed in a context subject to some reliability constraints. This indirect measure was used because direct research access to a sample of vulnerable victims with unresolved DV issues is difficult, and persons who decline to complain about authorities remain part of an invisible “iceberg.” Future researchers who can secure direct reports about police–citizen contact in DV cases are encouraged to validate and amplify these results.
Conclusions and Recommendations

Many police appear to believe that their DV-related responsibilities are matters of discretion rather than obligation, yet police failure to investigate/inadequate investigation was the second most common form of misconduct identified in the 2011 audit by the New South Wales Ombudsman (2011) of complaints to the NSWPF. These failures stand in stark contrast to the aspirations in the NSWPF (2012b) Domestic and Family Violence Policy that “domestic and family violence requires a high standard of professional investigation” (p. 9).

Many responses aggregated in Tables 1-3 reflected compromised views held by police of their role in relation to policing DV. These views also affected police responses to DV incidents where clients sought to obtain or enforce an AVO against their abuser. Recommendations in light of the present findings are for police training to incorporate a more nuanced view of the role of police among the various resources on which DV victims rely and, more importantly, their reasons for relying on one resource rather than another at any given time.

Australian authorities are testing integrated responses to DV incidents that entail placement of specialists within police stations to assist in distinguishing low-, medium-, and high-risk victims (Meyer, 2014). This strategy may address some of the frustrations police have with the volume of DV work they undertake and, in particular, with incidents that require multiple police interventions. However, the results of this study and of contemporary international research indicate that incorporation of these strategies along with policing interventions designed explicitly to incorporate aspects of procedural justice will foster more effective, respectful, and unbiased treatment of DV victims. For instance, in the United Kingdom, the impact of training Manchester police officers to apply procedural justice components in their communications with DV victims yielded higher ratings by victims of the quality of interactions with police who had completed this training as opposed to those who had not (Wheller, Quinton, Fildes, & Mills, 2013). In Connecticut, in the United States, an intervention in the form of a home visit to victims by a police officer/advocate following a reported domestic dispute led to increased satisfaction with the police and also increased the likelihood that a nonphysical domestic dispute would be reported in the future (Stover, Berkman, Desai, & Marans, 2010). Policing interventions for victims that integrate procedural justice components can enhance police–citizen relations at the time of the critical DV incident and establish a basis for greater reliance on the police in the future.

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Author Biographies

Jane Goodman-Delahunt, J.D., Ph.D., is a research professor at Charles Sturt University and member of the NSW Civil and Administrative Tribunal. An author of over 150 scholarly publications, she is a fellow of the American Psychological Association, and a Past-President of the American Psychology-Law Society and the Australian and New Zealand Association of Psychiatry, Psychology and Law.

Anna Corbo Crehan, Ph.D., is a lecturer at Charles Sturt University. She teaches and researches on various topics in police and professional ethics, and supervises doctoral students across a range of policing-related topics and international policing contexts. Anna is the deputy president of the CSU Human Research Ethics Committee, and a member of the Centre for Applied Philosophy and Public Ethics at CSU.