Risk Assessment – Imminent Risk

Fiona and Tony were married and lived together for 25 years. Fiona was an early teenager when they met; Tony a number of years older. Fiona had not finished high school when she became pregnant with their first child. They now have two adult children: both of whom are employed and live independently; for some time after the separation one of the children lived with Tony and was estranged from Fiona. Tony has a criminal history relating to property crime. Tony was previously employed in a trade, and operated a related business using equipment jointly owned with Fiona. The business ceased operation some years ago, and Tony hasn’t worked since. Tony has been a regular illicit drug user since a teenager. On leaving school, and when the children were young, Fiona acquired vocational qualifications and was employed in a well-respected, though modestly remunerated position, which she held throughout the relationship and continues in now.

From the start of the relationship, Tony was violent and abusive towards Fiona. He would accuse Fiona of showing interest in other boys, and struck and verbally abused her as punishment. Fiona recalls over many years being routinely smacked across the nose and face, punched in the stomach, and pushed into walls; and having her hair pulled and fingers bent back. Today, Fiona has a crooked nose and fingers. Tony would repeatedly tell Fiona that: she was a “fat, ugly, dumb slut”; she should cover herself up because fat people should never be seen in public; she was no good and would never do any better than him; and he needed to take drugs to cope with her. If she didn’t rub his back in bed, she was forced to sleep elsewhere. Sex occurred when Tony demanded it, and would often follow time spent in the outdoor shed where Tony watched pornography and bestiality videos alone. Fiona describes their sexual relations as non-consensual; she complied with Tony’s demands to avoid the prospect of anything worse. For a long time, Fiona never alerted family, friends, or police to the habitual violence she was subjected to during the relationship. She dressed so as to cover her bruises (and because she had been made to feel so ashamed of her body); and when that wasn’t possible, she gave another explanation for her injuries. She made sure that her outward demeanour did not betray her suffering; however she believes that a couple of people close to her probably knew or suspected.

Fiona says that, while the violence and abuse were a constant, it was Tony’s relentless control of her—and attempts to control her—that characterised his behaviour towards her throughout the relationship, and during and after separation, to the present. If his clothes weren’t folded or his lunch wasn’t made, he would refuse to go to work, and Fiona would be made to call his workplace and explain his absence. If he was driving the car and had an accident or got a speeding ticket, it was Fiona’s fault. If Fiona went out with friends, he would ring her repeatedly demanding to know where she was and when she’d be home. At times, he would make her come home and do a job around the house that he refused to do. At night, he would turn up the volume on the stereo so she couldn’t sleep. Tony made no effort to help with child rearing, cooking, washing, cleaning, or mowing, and took no interest in the children’s sporting or other activities. Fiona took care of all of these things while being employed full time. Tony was jealous of Fiona’s good relationship with her work colleagues, and installed equipment in her car to record her conversations with a colleague she drove to and from work. He threatened to come to Fiona’s workplace and tell people what she was ‘really like’; he never did. On her birthday once, Tony deflated her car tyres.

In the early years, Tony would contribute a weekly amount to the mortgage repayments and household expenses, however over time he stopped these payments, and Fiona took on all joint financial responsibilities funding them from her wage. She never went on a holiday. When Tony stopped working, Fiona never knew what he did or where he went. She would come home from work and often find him in bed, and then he would leave the house late at night, refusing to tell her where he was going, saying he needed to get money, notwithstanding that she regularly gave him money. When their business ceased operation, Tony sold the equipment and other assets and took the money without accounting to Fiona; she believes that her share was in the order of tens of thousands of dollars. Their marital property was damaged and they received an insurance payout. Tony spent the funds without reference to Fiona, and the damage was never repaired.

While they were together, Fiona believed she had no choice other than to acquiesce to Tony’s behaviour and demands, or risk further and more serious violence and abuse. She felt it was better to ‘cop it’ and get on with things than have situations deteriorate. The children were frequently exposed to Tony’s treatment of Fiona; she feels it became somewhat normal for them, especially for her older child who often shielded the younger one.

One evening Fiona found she could no longer tolerate the violence and abuse. Tony had locked her out of the house, and she was forced to sleep at the neighbour’s house. Neighbours were supportive of her, but knew little of her circumstances because she had not disclosed. One of the neighbour’s family members, who she considers a friend, told her that she had to do something to address the situation. Fiona felt this was a turning point for her, giving her the strength and resolve to act. Fiona applied for a protection order, however after assurances from Tony that he had changed, she agreed to withdraw it. His behaviour immediately escalated; they separated, and continued living under the one roof. During this time, Tony would not allow her to lock her bedroom door, and she discovered that he’d set up hidden cameras in the bedroom that he monitored via equipment secretly installed underneath the house. Fiona successfully reapplied for an order, including a condition excluding him from the home. Her lawyer advised her to start keeping a record of Tony’s behaviour, which she has diligently maintained since.

Initially Fiona obtained a temporary protection order (including the exclusion condition) against Tony, which was served on him, and he was aware of the conditions. In response both Tony and their adult child who lived with him at that stage brought applications for protection orders against Fiona based on, what Fiona describes as, gross, disgusting and untruthful claims; both applications were dismissed by the court.

Tony was charged and bailed on charges relating to breaking and entering the marital property, and stealing items. Fiona believes that the adult child was complicit. These charges did not go ahead.

Police advised Fiona that the final hearing of her protection order application had to be deferred so that other criminal allegations against Tony could be finalised. Those allegations related to Tony stalking Fiona based on his parking and waiting in the car near her workplace and home (neighbours and work colleagues are witnesses); following her on the roads; sending her repeated offensive texts; and tracking her on a dating website using false personas.

In the interim Fiona reported to police multiple breaches by Tony of the temporary protection order, some of which involved the behaviour already described, others involved Tony coming onto the marital property and stealing further items, and humiliating and denigrating Fiona on Facebook.

The police ultimately charged Tony with stalking. He pleaded guilty and in sentencing him the court ordered that Tony be placed on a five year restraining order. A final protection order was also made for two years.

The marital property was sold, subject to Family Court orders. Fiona moved out of the property some time ago as she was too terrified to continue living there; it is in an isolated location. Fiona has a new partner with whom she now lives. They have installed a security system on their property, and whenever she is alone, she stays inside and locks the doors. She doesn’t believe Tony is aware of the property’s location. She is constantly vigilant about changing the routes she takes to work and the shops, and she avoids going to places she knows Tony frequents. She knows that Tony watches her and the new partner when they are in town together. In the past, Tony threatened to cut the brake lines on her car, burn the house down, kill her and leave her body in a barrel. She suspects that Tony had previously accessed her car and installed a GPS; she is having it investigated. Fiona believes that her fears are well justified; she is also scared for her new partner’s safety.

Fiona engaged a lawyer for the protection order and property matters. The legal fees have been very costly, and continue to accrue while these matters remain unresolved. Tony’s vexatious cross applications and deliberate delays in agreeing to property arrangements significantly increased Fiona’s legal fees. Despite Fiona’s disproportionate contributions and the violence and abuse she has experienced, Fiona and Tony were each entitled to 50% of the proceeds of sale of the marital property. Fiona’s share was almost entirely consumed by legal fees. Following the property orders, the Federal Circuit Court Magistrate had allowed Tony to enter the property and remove the items he was entitled to; he took the opportunity to steal other items as well. When Fiona lodged a complaint with police, they told her it was a civil matter, and they couldn’t assist. While Fiona believes that her lawyer is a good person and supportive of her case, she feels that he could have fought harder in seeking the legal redress and protection she needed as a result of Tony’s prolonged violence and abuse.

Fiona has often felt frustrated by her involvement with police. She describes their responses as variable: at times, alert, supportive and effective; other times, uninterested, even irritated by her repeated complaints. On one occasion when Fiona had reported a breach, they told her it would be 24 hours before officers could attend the property. She suspects that she doesn’t fit the usual victim stereotype of feeble, frightened, and crying, and that police and magistrates may have regarded her differently as a consequence. Fiona has dealt with multiple police officers at a number of different police stations. She feels that with complicated matters like hers, victims/complainants should be assigned a single responsible officer who coordinates the police responses, rather than having to recount the facts and circumstances over and again. On one occasion a well-intentioned officer told Fiona she should move interstate and start a new life. Fiona feels adamant that she should not have to be the one who disrupts her life, work and relationships and is further punished for Tony’s violence and abuse.