EFFECTIVE INTERVENTIONS & COERCIVE CONTROL

Free webinar series for child & DFSV practitioners

Technology Assisted Coercive Control: What Practitioners Need to Know

KAREN BEVAN
Full Stop Australia

DR BRIDGET HARRIS
Monash University

SARAH BIORDI
WESNET

NATHAN COSSTICK
NSW Police

ROSE MACDONALD
Nansen Digital Forensic

An initiative of

NSW GOVERNMENT

ACWA Association of Children's Welfare Agencies

CCWT Centre for Community Welfare Training

acwa.asn.au/coercive-control/

An initiative of
NSW GOVERNMENT

Acknowledgement of Country

We acknowledge the Traditional Custodians of the various lands on which we work today and the Aboriginal and Torres Strait Islander people participating in this webinar.

We pay our respects to Elders past, present and emerging, and recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

We also acknowledge all victim survivors of domestic and family violence, including any attending today, and the variety of ways that victim survivors resist violence in overt and covert ways.

We recognise the lives taken laws, choices to use violence and the need for systems to make profound changes to uphold the safety and dignity of women and children.

We acknowledge the victim survivors who have led and advocated for the criminalisation of coercive control. We note that some people may have worries about these new laws, and we will have a chance to explore these together.

An initiative of
NSW GOVERNMENT

Speaker: A/Prof Bridget Harris

Technology Assisted Coercive Control: What Practitioners Need to Know

Monash Gender and
Family Violence
Prevention Centre

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

NSW Coercive Control Legislation

Crimes Legislation Amendment (Coercive Control) Act 2022 No.65

- From 1 July 2024, coercive control is a criminal offence in NSW when a person uses **abusive behaviours** towards a **current or former intimate partner** with the intention to coerce or control them – Section 54D *Crimes Act 1900 NSW*
- The criminal offence captures repeated patterns of physical and non-physical abuse used to hurt, scare, intimidate, threaten or control someone.
- The law only applies to abusive behaviour that happens after 1 July 2024
- Behaviour prior to commencement can be used to provide background and context to a relationship.
- Maximum penalty imprisonment for 7 years.

Meaning of 'Abusive Behaviour'

Crimes Act s54F(2) contains a non-exhaustive list of "Abusive behaviours". This includes engaging in or threatening to engage in:

- Behaviour that shames, degrades or humiliates
- Behaviour that directly or indirectly harasses a person, or monitors or tracks a person's activities, communications or movements, whether by physically following the person, **using technology** or in another way
- Behaviour that deprives a person of liberty, restricts a person's liberty or otherwise unreasonably controls or regulates a person's day-to-day activities.

Crimes (Domestic and Personal Violence) (CDPV) Act 2007 No 80

- The meaning of 'Domestic Violence Offence' in the CDPV Act includes an offence under section 54D(1)
- Section 16 - Court may make Apprehended Domestic Violence Order allows an ADVO to be obtained if the court is satisfied on the balance of probabilities that a person who has or has had a domestic relationship with another person has reasonable grounds to fear and in fact fears the commission by the other person of a domestic violence offence [s54D coercive control offence] against the person.

Expanded Stalking Definition

- Section 8 - On 1 December the definition of 'stalking' was expanded to expressly include the monitoring and tracking of a person's activities, communications or movements **through the use of technology**, such as using GPS trackers or monitoring the victim's online accounts.

An initiative of
NSW GOVERNMENT

Implications for Frontline Domestic and Family Violence Workers

Understanding New Legislation

Frontline domestic and family violence workers should familarise themselves with the coercive control legislation and information on the NSW Government coercive control website which includes information on where to seek legal advice.

Effective Victim Support

Knowledge of legal implications allows workers to offer informed advice and advocate for victims' rights effectively.

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

Pros and cons to definitions?

Benefits to defining / categorising

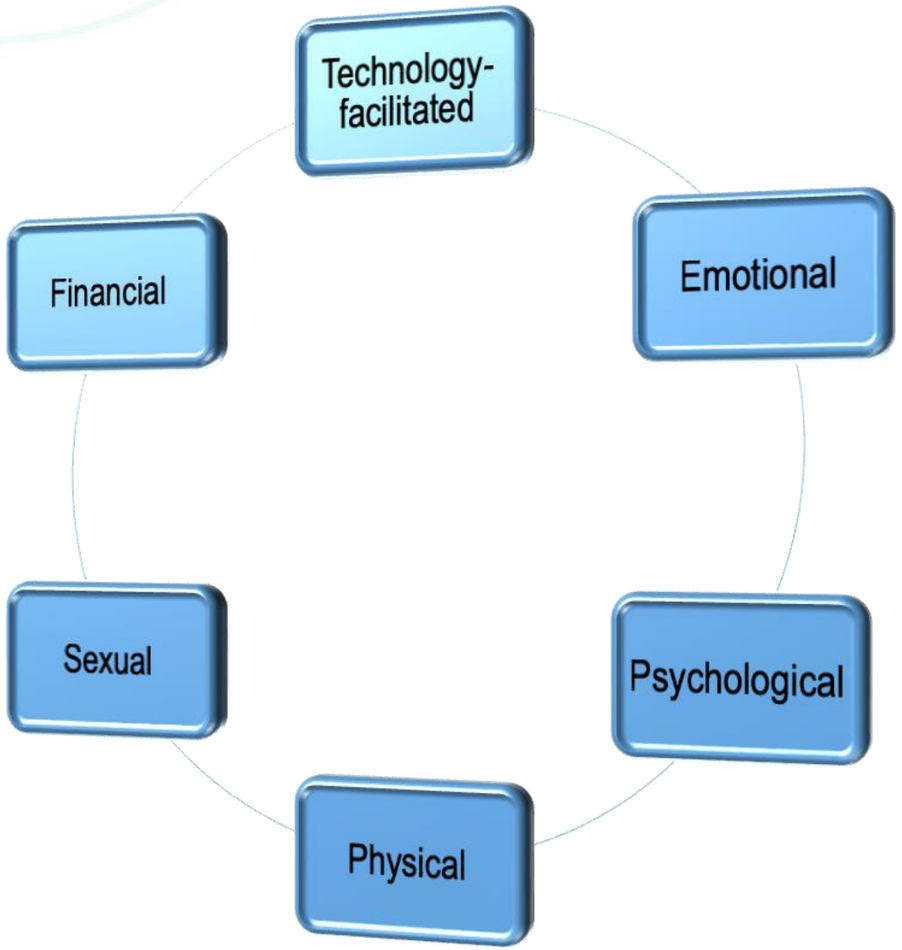
- Aid identification and training
- Enhance prevention efforts
- Locating different tools to be used

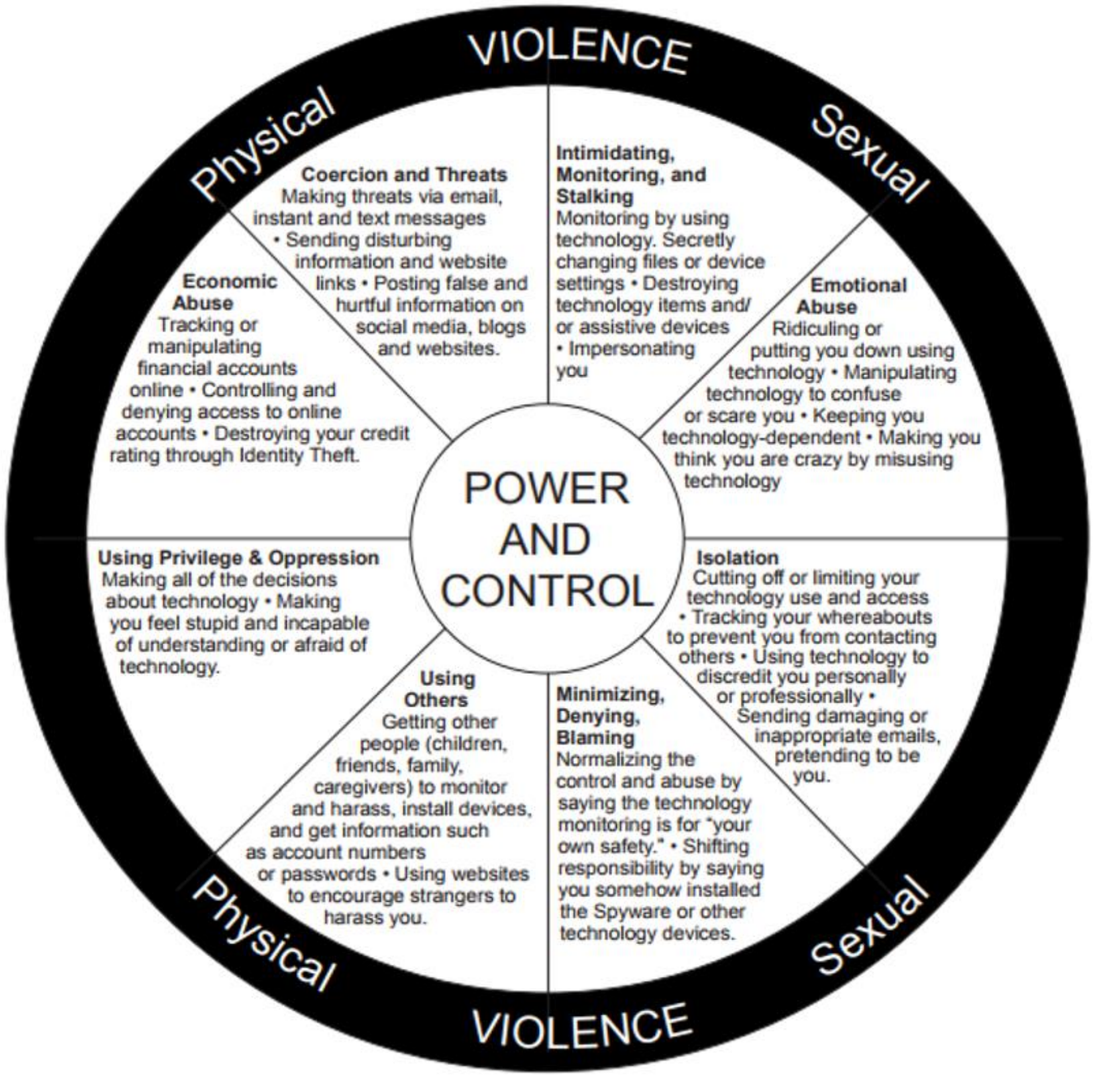
This is an evolving field

Definitions are not absolute OR unchanging

Effective Interventions & Coercive Control Webinar Series

An initiative of





Power and Control Wheel

An initiative of
NSW GOVERNMENT

Technology Assisted Coercive Control: Common Forms

Use of technology to **enact other forms of abuse and 'traditional' stalking**
Stalking
The **sending or posting of abusive acts or communications** using technology intended to harass or defame
Causing **an unauthorised function or impairing an authorised function** on a device owned by a victim/survivor
Access or denial of access to technologies / **destroying technology**
IB(S)A and technology-facilitated sexual violence
Doxing
Impersonation

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

(Digital) Coercive control

- **Broader than** (though can include) **‘forms’ of abuse**
- **Dynamics** and **context**
- Creates an **architecture of control**
- Occurs against a backdrop of **inequalities and oppression**
- **‘Liberty crime’**; entraps and restricts ‘space for action’

An initiative of NSW GOVERNMENT

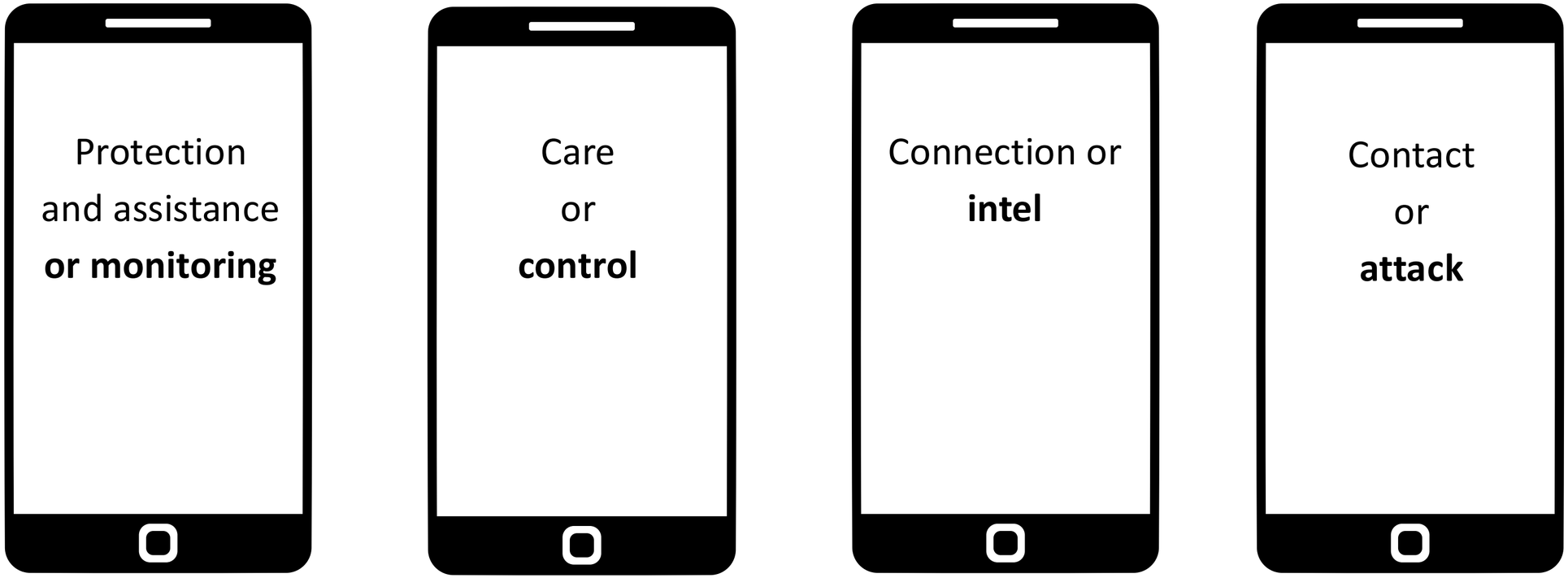
(Digital) Coercive control

The use of tech / devices and digital media to stalk, harass, threaten & abuse partners, children, third parties

Method (digital), Intent (coercive behaviour) and Impact (control)

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

Context (normal, benign *outside*) and individualised



An initiative of
NSW GOVERNMENT

Tech-facilitated sexual violence and consent

Continuum of coercion
encompassing range of behaviours that **remove an individual's ability to control intimate contact**
(Kelly 1987; Munro, 2010)

Physical violence is not 'required' to 'obtain' sex or image/video

Survival techniques *and 'survival consent'*
(Pearce, 2013)

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

Pornography consumption and sexual practices

- **Trends in pornography and increases in pornography in DFV**
- **Prevalence of 'choking'** (breath-play, erotic asphyxiation, sexual asphyxia) in pornography watching and sexual practices (recent studies)
- **Normalisation**
- **Recognised as an emerging health issue**
- **Terminology**
- **Not *only*** application of hands around a person's neck; may involve other limbs (e.g. forearm) or ligatures (e.g. bondage rope, scarves)

Recognising children as victim-survivors in their own right

- Emerging research* on the **crossover between CSAM and patterns of DFV and coercive control**
- All forms of **abuse** and **coercive and controlling children**
- Children as a ‘channel’ to **stalk and gain intel**
- **Commissioning** children
- During **contact** with children
- **Controlling** children

*(Jones, Salter & Woodlock, 2022)

An initiative of
NSW GOVERNMENT

Impacts

Technology becomes a **weapon**	Threatens **freedom, rights, engagement**	**Trauma** triggers	**Health** and **wellbeing**	Feeling '**crazy**' and '**paranoid**'
Fear and **sense of security**	**Inescapable**	**Powerlessness**	**Self-harm**	**'Safety work'**

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

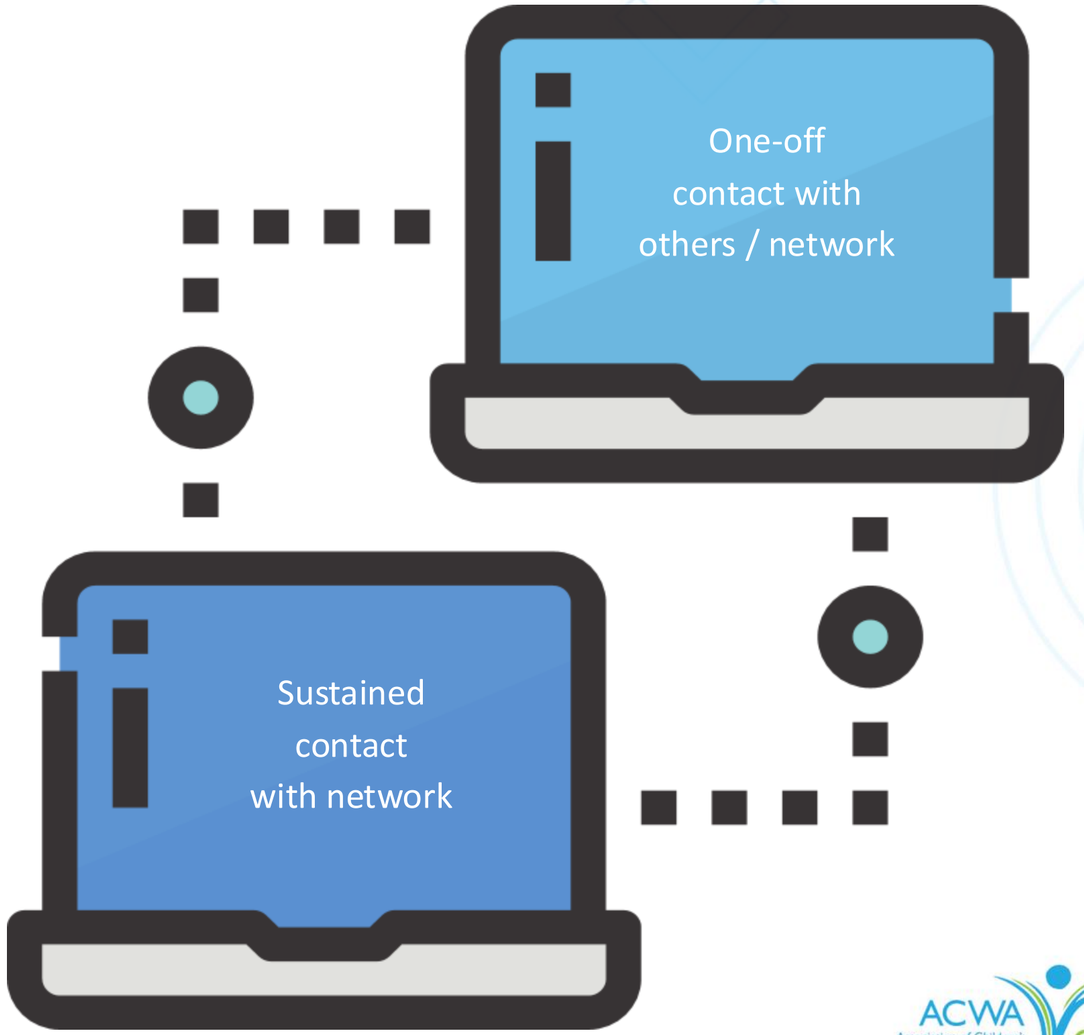
Intel into risk

- **Coercive control**
- **Obsessive behaviours**
- **Death threats**
- **Monitoring** and **stalking**
- Non-fatal **strangulation**
- **Separation**
- *Note: risks associated with disengagement*

An initiative of
NSW GOVERNMENT

Low or high-tech?

- **Uptake** of technology is increasing
- **Costs** of technology is decreasing
- **Perpetrator information-sharing**



ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

An initiative of NSW GOVERNMENT

Emotions and motives as reported by perpetrators

Abusive behaviours and negative emotions

A loss of trust and a desire to control

Note: **coercive control in context of DFV**

Consider: abuser narratives and coercive control

- Deny
- Minimise
- Justify
- Excuse

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

An initiative of
NSW GOVERNMENT

Inhibitors of abusive behaviour

FOSTERING ALTERNATIVE RESPONSES

OPPORTUNITIES FOR INTERRUPTION OR INTERVENTION

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

Brief tech safety tips (see eSafety and WESNET)

- Tech as part of **safety plan**
- **Log out** of accounts and apps
- Using **strong password** (online guides)
- **Review privacy settings** on devices, accounts and apps
- **Limit information sharing and location sharing**
- Check for and limit **linked accounts**
- **Private browsing**
- **More than one email addresses for different functions**

An initiative of
NSW GOVERNMENT

Intimate Threat Model

DOMESTIC SETTING

RELATIONAL DYNAMICS

POWER

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

An initiative of
NSW GOVERNMENT

Responding to digital coercive control

SURVIVOR **SUSPICIONS** AND **INSTINCT**

VALIDATION

SAFETY PLANNING / WORK

WHAT HAS BEEN **DOCUMENTED** / **REPORTED** AND TO WHO?

RISKS

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

Seeking intel and investigating

Discussions about discomfort, unease, displeasure: *behaviours that made you uneasy, uncomfortable*

Context and the notion of consent: *recognising lived reality of coercive control*

Considering **normalisation and shifting norms**

Recognising perpetrator intent: *recognising settings, dynamics, concern*

Trauma-informed and acknowledging impact: *across domains of victim-survivor lives and support*

An initiative of
NSW GOVERNMENT

Consider:

- Holistic view
- Multi-agency
- Position as DCC, consider how survivors frame
- Recognise perpetrator intent and narratives (ITM)
- Overt / covert
- Access
- Tech-capabilities
- How does the survivor want to use technology?
- Engaging safely / disengagement risks

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

To gain insight, aid support (question examples)

- What technologies are you / they using / are in the house?
- What technologies did they set-up?
- Do you share any devices or accounts?
- Does anyone know how to unlock your phone / access devices or pressure you to do this?
- Can you use devices / accounts freely / when and how you want / without supervision
- What technologies are the children using?
- What behaviours make you uneasy / uncomfortable / fearful / upset?

An initiative of NSW GOVERNMENT

Opportunities moving forward

EXTENSION OF TRAINING, RESOURCES AND REFERRALS INCLUDING FOR DIFFERENT COHORTS

POTENTIAL SECURITY / PRIVACY EXTENSION

WORKING PROTECTIVELY MODEL FOR YOUR WORKFORCE

BANKING MODEL OF COLLABORATION

NOTING **COERCIVE CONTROL LEGISLATION** AND TECH AND **OTHER LEGAL AVENUES**

RESOURCES, CREDIT, DEVICES, HARDSHIP ASSISTANCE PLANS (AND HIGH-VISIBILITY PROMOTIONS)

VICTIM-SURVIVOR MEASURES OF SUCCESS

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training

An initiative of
NSW GOVERNMENT

Bridget's Contact details:

Bridget.Harris@monash.edu

ACWA Association of Children's Welfare Agencies
CCWT Centre for Community Welfare Training