



# Non-fatal strangulation: Section 315A review

'I just want to be heard':  
The voices of strangulation victim-survivors

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Research report 1

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Postal address: PO Box 13312, George Street Post Shop, Brisbane, QLD 4003

Telephone: (07) 3564 7777

Email: [LawReform.Commission@justice.qld.gov.au](mailto:LawReform.Commission@justice.qld.gov.au)

Website: [www.qlrc.qld.gov.au](http://www qlrc.qld.gov.au)

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## Content warning

This report contains material that can be confronting. Sometimes words and lived experiences of others can cause sadness or distress, or trigger traumatic memories for people, particularly those who have experienced violence and abuse. For some people, this can feel overwhelming. If you need to talk to someone, please reach out to your own support network or contact any of the following support services:

**Red Rose Foundation:** (07) 3065 9043

**1800RESPECT:** 1800 737 732

**DV Connect:**

**Women's line:** 1800 811 811

**Men's line:** 1300 789 978

**13YARN:** 13 92 76

**Lifeline:** 13 11 14

**Beyond Blue:** 1300 224 636

**Rainbow SDFV Helpline:** 1800 497 212

## Acknowledgements

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### Research participants

We acknowledge those who gave their time to speak to us or to respond to our survey. This report is written for you, to provide a platform for your voices to be heard and to inform our law reform recommendations. We thank you for sharing your stories and views with us.

# Glossary

Term	What it means
adjournment	A court matter that is postponed and heard at a later date. There may be several adjournments over the course of a court matter.
assault	Application of force to another person without their consent. An assault can include touching, pushing, hitting or sometimes even a threat.
assault occasioning bodily harm	As assault that results in an injury amounting to bodily harm (but not the more serious kind of grievous bodily harm).
bail	A written promise to return to court after being released from custody while waiting for criminal charges to be dealt with. People on bail must follow bail conditions or rules, and not break the law, otherwise they can be arrested and may be sent to prison.
barrister	A type of lawyer who specialises in arguing in court, usually higher courts.
common assault	An assault that does not result in bodily harm.
cross-examination	Questioning of a witness in court by the opposing party. The aim of cross-examination is to challenge and test the witness' evidence.
Domestic Violence Order ('DVO')	A civil order issued by a court to stop threats or acts of domestic violence. It contains rules that the perpetrator must follow.
mention	A short discussion of a matter in court to determine its progress.
Police Protection Notice ('PPN')	A notice that police issue against a perpetrator of domestic and family violence ('DFV') to protect the victim-survivor. It contains rules that the perpetrator must follow. It is temporary and remains in force until the court makes a decision about a DVO.
prosecutor	The person who appears in court to prove the perpetrator's guilt. Prosecutors in magistrates courts are usually from the Police Prosecution Corps. They can be police or lawyers. Once a matter goes to a higher court, prosecutors will be lawyers from the Office of the Director of Public Prosecutions.
remand (held on remand/remanded in custody)	An order to be kept in prison while waiting for criminal charges to be dealt with.
victim impact statement	A written or spoken statement that allows victim-survivors to tell the court about how the crime affected them.

# Contents

<b>Contents</b>	<b>5</b>
Introduction	6
Our review	6
Guiding principles	6
Language used in this report	7
Method	8
Limitations	8
We need to listen	8
The self-advocacy of victim-survivors	10
Findings	11
'They let me down': Most victim-survivors had negative experiences with police	11
'They ensured I was safe': The victim-survivors had better experiences with medical and support services	16
'The system does it to you all over again': The criminal justice process re-victimised the victim-survivors	18
'They don't tell me anything': The victim-survivors were not given sufficient information	21
'Why can't there be a better system?': The victim-survivors think the system could respond better	24
Discussion and conclusion	26
Appendix A: Method	28
Limitations	29
<b>References</b>	<b>30</b>

# Introduction

1. This report presents the results of research with strangulation victim-survivors conducted for our non-fatal strangulation review.
2. The report provides a platform for victim-survivors to voice their lived experiences of the criminal justice process following strangulation and express their views on what could be done to improve system responses. By understanding victim-survivor's perspectives, we can improve the law, practice and procedure. The information in this report assisted the Queensland Law Reform Commission ('QLRC') to formulate the proposals and questions in our upcoming consultation paper.
3. We distilled five key themes from our research:
  - 'They let me down': Most victim-survivors had negative experiences with police.
  - 'They ensured I was safe': The victim-survivors had better experiences with medical and support services.
  - 'The system does it to you all over again': The criminal justice system re-victimised the victim-survivors.
  - 'They don't tell me anything': The victim-survivors were not given sufficient information.
  - 'Why can't there be a better system?': The victim-survivors think the system could respond better.
4. We discuss each of these themes below.

## Our review

5. The former Attorney-General Yvette D'Ath asked us to examine and make recommendations about the offence of 'Choking, suffocation or strangulation in a domestic setting' in section 315A of the Criminal Code (the 'non-fatal strangulation offence'), and applicable rules and practices. Our terms of reference ask us to have regard to the experiences of victims, survivors and their families in the criminal justice system.<sup>1</sup>
6. A [background paper](#) and supporting resources are available on our website. These publications explain the current law, the background to the review, our terms of reference and our review process.
7. We will release a Consultation paper in mid-April 2025. Submissions are welcome until 6 June 2025.
8. Two additional research reports will be available in mid-2025. They will examine:
  - the experiences of police and lawyers who have investigated, prosecuted or defended non-fatal strangulation charges in Queensland
  - court data.

## Guiding principles

9. Five principles guide our review. They will help us to develop recommendations for reform of the law, practice and procedure. We discuss these guiding principles in detail in our [background paper](#).

Figure 1: Our guiding principles



10. This report shares what victim-survivors told us. It supports our second principle — providing evidence, including expert knowledge and lived experience, to inform our review of the non-fatal strangulation offence.

## Language used in this report

11. We understand the importance of language and acknowledge that the ‘right language’ will sometimes be contested.
12. We use the term **victim-survivor** to describe those who took part in this research and shared their experiences and views with us, regardless of any conviction or other court-adjudicated outcome. Not all participants identify as victims or survivors. However, we chose to use this language because it acknowledges the harm strangulation causes and victim-survivors’ efforts to protect themselves from violence.
13. We use the term **perpetrator** to describe the person who used violence (strangulation) against victim-survivors, regardless of whether that person was charged or convicted.
14. In this report, we use the term **strangulation** or **non-fatal strangulation** to describe strangulation, choking and suffocation. Medically, each of these terms means something different. However, we have chosen to use the term strangulation throughout this report because this is the language many victim-survivors used. When quoting victim-survivors, however, we have used the terms they used to describe their experience.

# Method

15. We used two research methods — semi-structured interviews and a survey. We asked victim-survivors about their experience of the criminal justice process following the strangulation event and their thoughts on what would have been a better response.
16. Members of the review team and a representative from the Red Rose Foundation conducted semi-structured interviews with nine victim-survivors of strangulation in Queensland. All nine were women.
17. Interviews took place over Microsoft Teams from November 2024 to January 2025. Each interview lasted approximately one hour and was audio-visually recorded.
18. We also created an anonymous online survey. The Red Rose Foundation invited 66 strangulation victim-survivors to take part in the survey, which was open from 1 to 31 January 2025. We received 24 responses (a response rate of 36%).

## Limitations

19. The limitations of our research include:
  - our small interview and survey size
  - responses were geographically limited
  - some strangulation events happened several years ago and those victim-survivors may not have experienced recent changes in system processes
  - the online survey could only be completed with a mobile phone or computer device and internet connection
  - the online survey did not collect key demographic information
  - our interviews and survey required participants to self-report.
20. Despite these limitations, the victim-survivors' direct experiences and views provide useful insights that will inform our review. These experiences are largely consistent with findings from other research, including the Commission of Inquiry into Police Responses to Domestic and Family Violence<sup>2</sup> and the Women's Safety and Justice Taskforce.<sup>3</sup>
21. To address some of the limitations of this research, we will be conducting further research.
22. **Appendix A** contains more detailed information about the method we used to conduct this research.

## We need to listen

23. We asked those who had been strangled in Queensland to tell us about their experiences with the criminal justice system and their views on what could be improved.
24. Their hope for change has driven them to advocate for improving the criminal justice response to strangulation.
25. Their experiences demonstrate shortcomings of the criminal justice response and eloquently outline what needs to be done better.

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**'If it helps save  
someone else, it's well  
and truly worth it'**

Victim-survivor 4

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26. Not all victim-survivors are the same and different aspects of a victim-survivor's identity, such as their gender, sexual orientation, culture, ability and age, may intersect to expose them to overlapping forms of discrimination or marginalisation. Aboriginal people and Torres Strait Islander people and communities face unique challenges in the criminal justice system.
27. Victim-survivor 1 explained the importance of understanding the bigger picture for Aboriginal women:

Our experience of police and of the criminal justice system as individuals and as families and as a community, as Aboriginal people, impact how we respond in crisis. But it's also important that we consider, when we do this kind of research, that these things don't happen in silos for women, in particular for Aboriginal women. They happen in conjunction, at the same time. Legal matters are always made more complex, particularly when there's kids involved. We were really lucky there [were] no kids involved, but all of those systems tend to wrap us up at the same time. And so my experience of this has been made much more complex by the fact that there was so much happening at the same time.

## Case study

### Victim-survivor 3 — 'I felt so alone, I just had myself.'

In 2021, victim-survivor 3 was assaulted and strangled. Although she reported this to police, she felt that they did not adequately assist. Victim-survivor 3 questioned whether this was because of her ethnicity:

I actually made comments back then like, 'If I was white, would you be coming out and helping me?' I'm standing in the police station crying. No one's really listening ... I even asked, 'is there an Aboriginal liaison officer?' because it's serious and I want to leave, and I can't. Not even a referral to a DV [domestic violence] service. I just linked myself up with the counsellor at the Aboriginal Medical Centre.

Victim-survivor 3 collated her own evidence to present to police:

I had to type my own statement and I sent it via email. No one asked me specific questions, no one referred me to go and get checked ... Why didn't they take photos of my bruising, there and then?

Victim-survivor 3 contacted multiple agencies for legal advice and social support, but found none of them to be helpful:

People were just palming me off to one legal service to another legal service to another legal service, back to the police. It was ridiculous. I think I minimised the seriousness of what happened to me because other people around me weren't taking me seriously. So I kept thinking that it's not that bad, it mustn't be that bad. Until I think, I could have died. I could have died multiple times.

Following the strangulation, she sought medical attention. However, the doctor did not record her allegation of strangulation:

I went to the doctor. They didn't record it. They just noted I had a bruise, a punch in the face. They didn't say anything really about [the strangulation]. She just checked my throat. She also said, 'oh, you don't have any marks?'

After the first police report, victim-survivor 3 followed up with police on multiple occasions but was told time and again that they were busy and they would try to get someone to call her. No charges were laid.

To escape the violence, victim-survivor 3 fled interstate. The perpetrator followed her and continued to use violence against her for a further two years. Eventually, after victim-survivor 3 reported to police in her new location, the perpetrator was arrested for strangulation, among other charges. Those charges were successfully prosecuted and the perpetrator is now incarcerated interstate.

Following prosecution of those charges, victim-survivor 3 returned to Queensland and again followed up with police about the 2021 allegations. This time her allegations were investigated and charges were laid — although these were for other offences, not strangulation. The perpetrator is to be returned to Queensland to face these charges at the conclusion of his imprisonment interstate.

Reflecting on her experience, victim-survivor 3 told us:

I was angry — why couldn't anyone do this a couple of years ago? No one, no one sat me down and wrote the statement properly. I expressed my anger that if something was done in Queensland, a lot of this — the last couple of years — could have been avoided because he wouldn't have followed me [interstate] ... I shouldn't have to be so strong and assertive. I am using all my energy on this, and I can't grieve.

## The self-advocacy of victim-survivors

28. Like victim-survivor 3, those who took part in this research were strong self-advocates through all steps of the criminal justice process. Victim-survivor 6 advocated for herself to find out what was happening with the case:

I'm continuously following up with the charges. They told me that they would tell me every time he got charged with the breach [of the Domestic Violence Order ('DVO')], but they never did ... It's me following up every single time. It's me having to go to the police station ... It's still in the court system now, and if I don't go to court myself, they don't tell me anything.

29. Similarly, victim-survivor 22 was an advocate for herself during the court process:

I had no support from the victim liaison officers and had to advocate for myself when I had to go to court and be cross-examined. I had to ask for a separate entry to the court, so I didn't have to wait with the person who assaulted me. I had to ask for a screen to be placed in the court room. If I did not [know] about these special victim provisions because of my work, I would not have been able to ask for them.

30. Self-advocacy trickles through every experience.
31. We are grateful for the contributions of the research participants. We must now listen to what they, and other victim-survivors, have said as we develop our reform recommendations.

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**'I have never felt so  
alone in the fight  
for the right thing'**

Victim-survivor 19

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# Findings

## 'They let me down': Most victim-survivors had negative experiences with police

32. Many of the victim-survivors who took part in this research told us they did not have positive experiences with police following strangulation. However, a small number did.<sup>4</sup> This is consistent with other research findings on non-fatal strangulation and DFV victim-survivors.<sup>5</sup>
33. Participants who had positive experiences with police told us that they felt heard, respected and safe. Victim-survivor 12, for example, said:
- The police have been amazing and supportive and have made me feel believed and safe. I have had numerous interactions with different police officers and always have felt heard and could see how much they cared and took myself seriously. The police were very respectful and specific in why they were asking the questions and were reassuring in my right to feel safe and be respected.
34. Similarly, victim-survivor 16 told us that:
- Police were very supportive, thorough and took the strangulation assault seriously. I felt supported and heard for the duration of being there.
35. Victim-survivor 20 had a similar experience:
- They were trauma-informed and validated my experience. I was given care and time. Police went out of their way to check on me multiple times.
36. Victim-survivors who engaged with the Vulnerable Person's Unit ('VPU') in particular had positive experiences.<sup>6</sup> The VPU was established in 2021 to respond to and investigate DFV and harm to vulnerable persons.<sup>7</sup> Victim-survivor 21 explained that the VPU officer who contacted her provided her with useful information:
- I also received contact from an officer from the Vulnerable Person's Unit which was very valuable. He provided information, answered all questions I had and gained my consent to make referrals to support services.
37. While some victim-survivors had positive experiences with police following strangulation, most had negative experiences with police at all stages, from reporting, throughout investigation of the strangulation, to the decision to charge or not.

## Reporting to police

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### **'That's the first time I ever thought he would kill me'**

Victim-survivor 6

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38. Strangulation can be an extremely traumatic experience for victim-survivors. It has been likened to water boarding and torture, with many victim-survivors feeling like they were going to die.<sup>8</sup> Some of the victim-survivors who spoke to us felt this way. This was the reason they chose to contact police.<sup>9</sup> Victim-survivor 5, for example, told us:
- My absolute belief in that moment was that he was going to kill me, then kill my children in their beds, and then I thought he would kill himself. It was based on that, that prompted my decision to say, 'you are in serious trouble, you need the police'.

39. Victim-survivor 1 also explained:

I had been pretty severely abused in a really intense amount of time. And at the strangulation point, I thought, 'this is the third time it's happened, I'm probably going to die. I don't know that I'm going to get out of the next one'.

40. Victim-survivor perception of risk of intimate partner violence is a strong predictor of future violence and a key lethality indicator.<sup>10</sup>

41. Despite the seriousness of this kind of conduct, many victim-survivors had negative experiences when they reported — or tried to report — to police.<sup>11</sup> Some victim-survivors could not report the strangulation at all because police stations were unattended or police officers were not available.<sup>12</sup>

I was living in an isolated community. I did go to the local police office, but it was unattended. I phoned the number written on the door, but there was a recorded message saying the one police officer for the area was on leave and to call another number. By this time, I was overwhelmed and felt defeated. (Victim-survivor 33)

I had several time-stamped pictures of the days following [the strangulation] and tried to get them to the police. On one call I made to the police, I was told not to come down as there may not be anyone available to take my statement and [I] could be waiting for hours. (Victim-survivor 19)

42. Victim-survivor 5 drove to the local police station with her children straight after the incident. A police officer smoking a cigarette outside the station told her that she could not come inside because the station was closed.

43. Responses like these from police can detrimentally affect victim-survivors and their decisions to engage with the criminal justice system. After being told to return to the police station to make a complaint later, victim-survivor 15 decided not to come back:

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**“Please can you help me? I need help...”**  
**“No, we’re shut”**

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Victim-survivor 5

[A] few days after the event I attended [the] police station to make a report for strangulation. I asked to speak to [the] Constable that attended my residential address and took out [a] DVO for [a] different incident [a] few months earlier. I was told that he is unavailable (busy), so I asked to speak to any other police officer to give a statement for strangulation. I was told that nobody at that police station was available to see me and that I should return in a few hours. I replied that I will not be able to come back because I have to pick up children from school. I also said that I finally found courage to come to [the] police station and that I am unsure if I will be able to come back because I am putting myself [at] risk if [I am] seen walking to [the] police station. I never went back to the police station.

44. Victim-survivors who were able to report the strangulation felt that police responses were often deficient and sometimes police did not appear to take strangulation seriously or understand its impact.<sup>13</sup> For example, sometimes police did not appear to understand that there are often no or minimal visible injuries following strangulation. They also did not understand that victim-survivors may have a heightened emotional or behavioural response following the event or when questioned later.

45. Some victim-survivors' complaints were minimised at the front counter of a police station. Victim-survivor 1 explained:

I was quite flustered. I obviously was not really able to articulate what I was saying and twice she tried to send me away from the counter to say, 'you can make an online complaint. You can talk to somebody, or we can have somebody call you back.' ... She didn't believe me. She was

completely diminishing what I was saying. I said, 'no, actually I think I need to talk to somebody today'.

46. Other victim-survivors felt General Duties officers taking their complaint treated them poorly. Victim-survivor 18 described their experience as 'humiliating':

It was a totally humiliating experience at the police station. I don't think he wanted the paperwork. He was very neutral in tone which is fine but the fact he made no notes for the first 40 plus minutes made me feel I was wasting his time. Maybe because I'm a retired pensioner he wasn't sympathetic. Maybe because I didn't have visible injuries.

47. When victim-survivor 9 reported to police, attending officers told her that it's 'kind of a he said, she said scenario'. She felt her allegation of strangulation was not believed:

On the night, they thought it was nothing more than a domestic dispute. I was disbelieved. They shone a torch on my neck and said, 'there's no visible signs of any injury.' And I said, 'well, that doesn't mean he didn't do it'. Then basically they just said, 'look, there's not a lot we can do'.

48. While victim-survivors 9 and 18 did not have any visible injuries, victim-survivor 7 did. Despite this, she also felt disbelieved and unheard. The police issued a police protection notice against her instead of her husband:

I think it's around one or two hours after everything, I still have red marks around my neck. And at that time, nearly at the end of the conversation, they [the police] took photos of the red marks around my neck. And they didn't call the ambulance or anything for me. They recorded everything I said, but they also told me [that] my husband said things very different from me. And they chose to believe him. So they gave me a police notice (PPN) ... not my husband. I think a big part of my trauma is I didn't get listened to. He [the police officer] didn't listen to me. He interrupted me all the time, and I don't really think he noted down all the information I told him.

49. Victim-survivor 7, along with victim-survivor 3, felt that they experienced discriminatory treatment from police when they reported strangulation. Victim-survivor 7 told us that:

They also told me — I'm not from Australia — 'oh, maybe you don't understand very well about the legal system in Australia. Maybe it's just different from the legal system in China'. And I was like, 'if that is a language problem, if you really think there is like [a] language barrier between us, you can get an interpreter'.

50. Victim-survivor 7 asked for an interpreter or a female police officer every time she went to the police station, but her requests were never addressed.

51. Victim-survivor 1, an Aboriginal woman who was strangled by a non-Indigenous man, explained that she did not trust police enough to call them initially following the strangulation:

I knew as a black woman that if I called erratic and there was a white man standing there, quite composed and calm, that immediately this script was going to be flipped and I was not going to be believed.

52. Not only can strangulation be an extremely traumatic event, but it can also affect victim-survivors' cognitive and neurological capacities, even with brief or partial restriction of breathing and/or blood flow.<sup>14</sup> As such, strangulation victim-survivors may appear erratic following the event or may not be able to clearly communicate what happened. Other victim-survivors may not remember the event clearly, in chronological order or with consistency, or may appear intoxicated.<sup>15</sup> Victim-survivor 2 told us:

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**'I thought they were  
supposed to help me.  
They let me down'**

Victim-survivor 7

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I can't actually remember [what happened on the night], but I will tell you that on the night I was in a really big state of panic and fear. The night is a bit of a blur.

53. Similarly, victim-survivor 30 said:

At the time, I was too disoriented, physically injured, and terrified to fully understand what was happening, and I felt completely vulnerable.

54. We heard similar accounts from a number of other victim-survivors.<sup>16</sup> As victim-survivor 1 explained, these kinds of — very natural — responses from victim-survivors can influence whether or not the police believe them.

55. Many of the victim-survivors who took part in this research did not have a good experience when reporting to police. In victim-survivor 30's words:

The police didn't offer any comfort or clear support, leaving me feeling completely ignored and abandoned while waiting for medical assistance ... The inadequate police response to my situation, especially when I explicitly stated that my partner had grabbed my neck, was deeply concerning.

## Investigation and evidence collection

56. In addition to their experiences of the first response from police, some victim-survivors reported what they felt were negative experiences with police during the investigation.

57. Some said they were not asked specific questions about the strangulation event nor the elements of the offence.<sup>17</sup> When they were asked specific questions about strangulation, the questions were generally about:

- whether their breath was stopped or restricted and, if so, for how long
- whether they consented to being strangled
- how the strangulation occurred (for example, with one or both hands) and/or
- what kind of relationship they were in with the perpetrator.

58. While police often took a witness statement from the victim-survivor, they did not always collect other evidence, such as photographs and medical reports. When there were visible injuries, police were more likely to collect more evidence, such as photographs of the injuries.

59. Some victim-survivors said they experienced serious physical and psychological injuries following strangulation, including seizures, loss of vision and complex post-traumatic stress disorder.<sup>18</sup> These kinds of injuries, which are not necessarily visible, have been reported in the literature.<sup>19</sup>

60. Police officers referred some victim-survivors for medical assessment and treatment, contacting the ambulance service or taking or offering to take victim-survivors to hospital.<sup>20</sup> While some victim-survivors declined to go to hospital, this was something that, in hindsight, they wish they had done:

To be honest, my memories of the night are a bit vague. I don't remember them asking this question — apparently, they asked me if I wanted to go to hospital. And I said no, apparently. I don't remember that. I believe an ambulance should be in attendance in any domestic violence scenario because they need to be the ones that take you to hospital, not police. And they need to encourage you to go to hospital. I was in shock. I was, I probably still wasn't even mentally cognizant enough to think, 'maybe I should go'. I just immediately thought, 'I just want all of this [to be] over'. You know, that was my fight or flight type response. (Victim-survivor 9)

I would say maybe that was where the case fell down, because of the weakness of it. Because if they had taken me to the hospital — I wasn't in a state to make that decision — if they had taken me to the hospital, the bruises did materialise the next day and the day after. And if the

police had taken me, I'm sure that there would have been medical evidence to support my claim. (Victim-survivor 5)

61. Research from the United States of America has found that prosecuting non-fatal strangulation can be challenging if victim-survivors choose not to seek medical attention.<sup>21</sup>
62. If the victim-survivors who participated in this research did not get medical attention in the police response to the event, some took themselves to their general practitioner or local hospital some time later.<sup>22</sup>
63. General practitioners usually only conducted a physical assessment of the throat region. If victim-survivors went to a hospital, scans and magnetic resonance imaging ('MRIs') were sometimes done.<sup>23</sup>
64. Proving that strangulation occurred may be difficult because only about half of all strangulations result in visible injuries.<sup>24</sup> This is consistent with what we heard from the victim-survivors who took part in our research — many only had minor marks or bruises on their necks following strangulation, and some did not have any external injuries.<sup>25</sup>
65. Some victim-survivors felt that police did not do enough to collect evidence.<sup>26</sup> Victim-survivor 5 had to encourage police to take photographs because they did not do this when she gave her statement. Victim-survivor 10 gathered her own evidence:

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### **'Shouldn't you be taking photos?'**

Victim-survivor 5

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I ended up putting my own book together with dates, times and photos for police as evidence. I did all their work for them.

66. Victim-survivor 9 also collected her own evidence, but the prosecutor told her that she should not have done so:

I decided I was going to put together a spreadsheet of all my social media, all my photographs, my diary notes ... I did an Excel spreadsheet that documented everything and our relationship because they were claiming we weren't in a relationship under the legislation. I sent it to prosecutions only to get a phone call from them telling me, 'oh, you really shouldn't have done that. Now we have to disclose this to the other side'. And I went, 'for God's sake, is there anything I can do to defend myself?' I just felt like a sitting duck at everybody else's beck and call.
67. Victim-survivor 1 sought medical attention. When police refused to obtain a report, she acquired the report and gave it to police:

I went to ATSICHS [Aboriginal and Torres Strait Islander Community Health Service] and had an exceptional GP there who did a physical and made all the referrals. The police refused to get that report from her, in terms of the evidence. So at the last minute, it was probably a month or two out from the first listed trial date (which was delayed a few times), I went to ATSICHS and said, 'this is very unusual. I need a copy of my medical records'. And I delivered it to the police and said, 'if you're not going to do this, here you go. Here is the evidence to say that I was strangled'.

## **Charging strangulation**

68. Some of the victim-survivors had negative experiences of police decision-making about whether to charge the perpetrator for strangulation.
69. Some victim-survivors told us that the perpetrator was not charged for the strangulation event.<sup>27</sup> When charges were laid, the most frequent charges were non-fatal strangulation under section 315A (sometimes with accompanying charges such as common assault) or assault occasioning bodily harm.



70. Victim-survivors told us of a number of reasons why charges were not laid. Sometimes that was because victim-survivors did not report the strangulation to police. Victim-survivor 1 said she initially did not contact police because she 'didn't trust the police would come and protect' her. Victim-survivor 5 said she felt the same way the first time she was strangled.
71. Other victim-survivors chose not to contact police because they were fearful of ramifications from the perpetrator.<sup>28</sup> Victim-survivor 4 told us that:
- I was going to die pretty much. I was going to die if I reported it to the police.
72. Some victim-survivors told us that they were not aware that strangulation was reportable behaviour.<sup>29</sup>
73. Victim-survivor 5 contacted the police but later decided not to pursue charges. This was because she did not want to endure the lengthy court process and cross-examination for a second time. At the time of our interview with her, victim-survivor 5 was weighing up what justice meant for her:
- The last time I went through this [the criminal trial process], it took three years to get to a point where they were ready to go to trial ... I finally am at a place in my life where I feel at peace. I feel safe. I feel that I've thrown those shackles off me. If I choose to go ahead, what does that mean if it only goes to trial in two years or in three years? And what will I remember of the incident? Do I want to re-live it or do I want to rehash it all? His team, if he has a team that defends him, will be putting me on trial and I'd be having to defend myself, as if I'm the one who did wrong.
74. Sometimes victim-survivors wanted to pursue charges, but the police decided not to charge.<sup>30</sup> The reason that police most often gave was that there would be difficulties proving the offence.
75. Victim-survivor 22 was strangled on multiple occasions. On the first occasion, police told her that charges would not be laid for a chokehold because it would be 'very difficult to prove since it happened without any witnesses especially since some were in a sexual context.' However, the perpetrator has since been charged for another strangulation event and is currently awaiting trial.
76. Similarly, the police told victim-survivor 7 that they did not have 'sufficient evidence to charge [the perpetrator] with strangulation' and so, instead, police took out a DVO.
77. Victim-survivor 10's strangulation was photographed, but police told her that this was not sufficient:
- He had tied me up, put a rope around my neck, hung it from a butcher's hook and strangled me. Police couldn't [charge] him because the photo he took of me did not have him in it.

## 'They ensured I was safe': The victim-survivors had better experiences with medical and support services

78. The victim-survivors who participated in this research tended to have better experiences with medical professionals and support services.
79. A number of victim-survivors told us they had a positive experience with ambulance officers, general practitioners and/or hospital staff.<sup>31</sup> These victim-survivors reported that they were



treated kindly and that medical staff conducted thorough assessments and referred victim-survivors for appropriate scans. Victim-survivor 5 explained:

I can't fault anything [with] the way the ambulance dealt with me and my children. The two ambulance ladies who picked us up and took us to hospital, they stayed with us through the whole process ... When I got to the hospital, there [were] people standing outside waiting for us, and a man came towards me to the stretcher that I was on, helped them take me off the ambulance, [introduced himself] and said, 'I'll stay with you'. And so the chief of staff, or whatever they call themselves, stayed with me through the whole checking in process and took me to the room where they put me, and he kept coming in and checking on me and the children all through the night. The two ambulance ladies went away and got other people that they had to go and pick up and bring to hospital, but after every pickup they would come back to me and check in on me.

80. When victim-survivors were referred to support services, such as the Red Rose Foundation, they generally felt supported, especially if they had access to specific Aboriginal or Torres Strait Islander services or LGBTIQ+ services.<sup>32</sup>

81. Victim-survivor 8 told us about how important it was for her that she had access to an LGBTIQ+ liaison officer. She explained the challenges she faced as a victim-survivor of DFV in a same sex relationship:

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**'I was really lucky I had the support, the village that I did have. Otherwise, I'm not sure I would have gone through with it'**

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Victim-survivor 1

It made a huge difference. It did, absolutely, in terms of having a community ally. Somebody from the community in my corner who I could speak with. As I said, it was hard to get any information as it was. And then I'd call up and I'd go 'DV' and they'd start using male pronouns, and I'd be like, 'oh actually, [the] perpetrator's a woman'.

I always feel bad because everyone's talking about men and men's violence ... the last thing I want is for the men's rights movement to adopt and co-opt. I don't want my voice to be added to them because I'm not with them. I don't side with them.

82. The limited research on DFV in the LGBTIQ+ community shows this community experiences DFV at the same rate as the broader community, if not higher.<sup>33</sup> Other research shows that trans and gender diverse people are more likely than cisgender people to engage in sexual strangulation.<sup>34</sup>

83. In most instances when victim-survivors attended hospital, they were connected with social workers. Victim-survivors generally found these social workers to be helpful.<sup>35</sup> Victim-survivor 22 told us:

I had a great response at PA hospital with a social worker and a doctor following seizures from strangulation. They ensured I was safe and did a safety plan with me, did a CT scan and provided me [with] information about all impacts of strangulation and why they needed to do specific tests.

84. Not all victim-survivors had positive experiences with medical professionals. Some medical professionals did not appear to be aware of the serious consequences of strangulation. Victim-survivor 15 told us:

I mentioned that I am aware of possible strangulation consequences that can occur later on. The doctor said he has never heard of such a thing.

85. Other medical professionals did not make any records of the strangulation. Victim-survivor 3 explained:

Every time I went to a doctor it was, 'is your throat sore? Can I touch it? Does it feel sore? OK, you're fine'. No one thought to do scans even though I kept saying my symptoms. They didn't record it [the strangulation].

86. Like victim-survivor 3, victim-survivor 22 was not referred for scans until a social worker advocated for her:

I had to have a hospital social worker advocate with doctors for them to want to give me an MRI following a rape and strangulation.

## 'The system does it to you all over again': The criminal justice process re-victimised the victim-survivors

### Case study

**Victim-survivor 9 — 'If I knew then what I know now, I would never have put myself through it.'**

Victim-survivor 9's case took three years to get to trial after a series of adjournments. Even with a legal background and an understanding of the court process, she described the process of getting to trial as a 'nightmare'. The trial itself was worse. After four days of cross-examination, the perpetrator was found not guilty. Here is her story in her own words:

The very first time I turned up at the very first hearing at the Magistrates Court, I got out of the lift and he was standing there staring at me ...

That is something they don't tell you anything about — the adjournments. At one point his lawyer had the case hijacked to [another location]. No one could give me any explanation as to how that happened. And I actually made a point of going up to [the location], paying for accommodation, so that I could be at the court at nine o'clock for the first hearing. And I was sitting at the front of the court and I heard his lawyer walk in, and another guy approached him and said, 'Oh hey, how are you going? What are you here for?' And [his lawyer] laughed and said, 'Oh, just another adjournment'. And I remember it so vividly — my heart sank. And I was just like, 'What the hell? How did it even get to [another location] in the first place? Let alone, why is it being adjourned and treated as a joke by his lawyer?' It was just an endless, adjournment after adjournment after adjournment as, you know, by the time I got to trial it was nearly three years ... It was a nightmare the entire way.

What they don't tell you is you're a witness for the state. You've got no rights. Everybody kept saying to me, 'What's your lawyer say about this? What's your lawyer doing about this?' And I said, 'What lawyer? **I'm a witness. I've got no rights whatsoever**' ... I was lucky if I could get to talk to the prosecutor at any point — it was impossible, you know, you just felt like you were a name on a file.

**You're supposedly a 'victim' or a 'survivor' and yet the system does it to you all over again.** The biggest thing to me that is just so unfathomably unfair is that I got hammered in that court for four days and made out to be anything you could imagine, and yet he didn't utter a word, nor was his evidence in any way tested. **How can that possibly be fair?** These laws have been in since time immemorial — isn't it time we looked at it and reframed it and said, 'If it's going to be a fair trial, then both sides have to give evidence and both sides have to be tested?'

After the not guilty verdict I went to pieces and as I went to walk out, I collapsed in the court. The prosecutor walked out with us and said, 'Oh, we're just going to an interview room [to] have a bit of a debrief.' And we got into the interview room, and she said, 'Well, that wasn't expected. We all know, all of us here in this room, know he's guilty, but sometimes it just happens like that'.

The whole way through the court, she did not utter one word in defence of me when his barrister was hammering me. She did not interject. She didn't in any way defend me. I remember being in that interview room and being so livid. And the way she spoke, it was so dismissive ... She was so disorganised. I just thought, 'What hope have you got?' It doesn't instil faith. At the end of the day, it made me feel like she walked out of there and went, 'Well, I tried. Another day in the job'. Whereas for me, it was three and a half years of my life, for that.'

87. Victim-survivor 9's experience of the criminal justice system is similar to the experiences of other victim-survivors of crime more broadly. In the common law adversarial system, the criminal trial starts from the presumption of innocence and ensuring the defendant's fair trial rights are upheld, and focuses on whether the prosecution can prove its case beyond reasonable doubt.<sup>36</sup> Victim-survivors are witnesses in the prosecution's case, with no formal 'rights' beyond those specified in victims' rights legislation (such as Queensland's Charter of Victims' Rights).<sup>37</sup> Some have suggested that those rights, however, do not guarantee fair treatment of victims during the trial.<sup>38</sup>
88. Some of the victim-survivors who took part in this research felt that the criminal justice system was unjustly protecting perpetrators. Victim-survivor 4 emphasised:

I am the victim here. He's not the victim. He's not the one that needs protecting. It's me.

89. Similarly, victim-survivor 18 told us:

The system has enshrined him and thrown me away like a piece of garbage.

90. Victim-survivor 1, whose perpetrator negotiated the strangulation charge to assault occasioning bodily harm just before the strangulation charge went to trial, expressed her disappointment in a system that she thought does not adequately protect victims:

I was disappointed in the system, and probably less disappointed in the outcome because I knew the system, and I knew that it was pretty stacked against us from the start.

91. In strangulation cases, the victim-survivor's testimony is usually crucial to the case.<sup>39</sup> The defence often challenges the victim-survivor's credibility to create doubt about the prosecution's case.<sup>40</sup> Research suggests that, in doing so, defence lawyers exploit the realities of non-fatal strangulation, such as inconsistencies in victim-survivors' accounts, their lack of clear memories about the event, their emotional responses to strangulation, and/or their lack of visible injuries.<sup>41</sup> Victim-survivor 9's account above illustrates how this can lead to victim-survivor re-victimisation during the court process, especially during cross-examination. Victim-survivor 22 told us:

The barrister who cross-examined me made me feel like I was to blame because I had not had a conversation before being strangled saying I don't want that to occur.

92. Sometimes, prosecutors may predict such attacks on victims' credibility by the defence and choose to withdraw charges prior to trial. This was something that victim-survivor 1 experienced, after waiting two years for her case to be heard in the District Court:

There was a barrister who called the day before or two days before trial who said, 'hi, this is my name. Quick question, can you give me a quick rundown about what happened?' And I said, 'oh, okay. This is what I remember about the night. I haven't got my statement on me, but this is what I remember'. I rattled off five or six things that had happened that day and he said, 'look, you can't get them in the right order so we're not going to encourage you to go to trial

because you can't remember clearly enough what happened. He's willing to plead to a lesser charge'. And I said, 'I've done a lot of therapy to forget what happened. So that is understandable [that I couldn't remember what happened that day clearly]'.

I probably wouldn't have taken anything in once that barrister had said to me, 'you're not a credible witness'. At that point, I just thought, 'well \*\*\*\*, I've done the last two years trying so hard just to hang on and now it's been for nothing'.

93. The victim-survivors who chose to pursue criminal charges did so to seek justice for the violence perpetrated against them and to hold the perpetrator to account.<sup>42</sup> Victim-survivor 4 emphasised that she wanted the perpetrator 'to know what he [did was] wrong'.
94. While the criminal justice system is supposed to achieve 'justice', many victim-survivors felt let down.<sup>43</sup> Victim-survivor 30 described her experience of the criminal justice system as 'injustice upon injustice'. Similarly, victim-survivor 16 told us:

I was very shocked with the decision, disappointed and felt let down with the court system.

95. Research shows that around 50% of charges laid under section 315A result in a finding of guilt.<sup>44</sup> Of our participants, we were told that one case had been to trial and the perpetrator was found not guilty.<sup>45</sup> In another case, the perpetrator pleaded guilty under section 315A and was sentenced to five years' imprisonment.<sup>46</sup> He was released after being remanded in custody for 12 months. A different perpetrator pleaded guilty to an alternative charge,<sup>47</sup> while another was found guilty of assault occasioning bodily harm.<sup>48</sup> Some victim-survivors told us that they were awaiting trial,<sup>49</sup> while other cases were still with police and awaiting finalisation.<sup>50</sup>

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**'It just didn't even  
enter my head  
that he would get  
away with it'**

Victim-survivor 9

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96. In some instances, police issued a DVO — a civil order — against the perpetrator as well as or as an alternative to criminal charges.<sup>51</sup> Where police did not make an application for a DVO, some victim-survivors made their own.<sup>52</sup> However, some victim-survivors expressed little confidence that an order would keep them safe:

A DVO to me is nothing, like it's a piece of paper. It's not going to stop someone who's had previous DVOs and has breached every single one of them. It does absolutely nothing. (Victim-survivor 4)

97. Some victim-survivors experienced several breaches of DVOs without any consequences for the perpetrator.<sup>53</sup> In responding to reports of breaches, sometimes police dismissed victim-survivors' reports or the police response was delayed or non-existent:

My ex breached the DV order by contacting [me] by phone. I walked straight to Roma Street police station and reported the breach. The police officer responded saying, 'ah yes, when a woman wants to get rid of a man, she talks about domestic violence'. (Victim-survivor 31)

After the person was held in [the] watchhouse overnight and appeared before court in the morning for breaching [the] DVO, he was fitted with [a] GPS tracker [for the] first time and released. He immediately came to my house to collect his car, although he was aware that he [was] not allowed to go to that address. [The] GPS tracker alerted police and it took nine hours for [the] response from police to come and follow up. (Victim-survivor 15)

He has a 10-year restraining order on him but as far as [he's] concern[ed] it's only a piece of paper. He has come for me three other times. I've recently had a death threat where I was told by DV services to ring police. I rang police, they said they'd be out to talk to me, they didn't turn up. (Victim-survivor 10)

98. Some victim-survivors said that they had no faith in the criminal justice system to protect them from their perpetrator.<sup>54</sup> Victim-survivor 10 told us, 'he will still come for me. He said he would hunt me down and kill me.' Similarly, victim-survivor 19 said, 'a month in jail has just pissed him off and the fear of revenge is real every day.' Previous research has found that some strangulation victim-survivors live in constant fear that the perpetrator could reappear or reoffend.<sup>55</sup>
99. All but three victim-survivors who participated in this research were dissatisfied with the length of time it took to resolve their case. Victim-survivor 9 waited about three years for her case to reach trial. Victim-survivor 4's case was pending trial for charges of strangulation and other violent offences for an event that occurred in October 2023. She was told to expect a trial date in August 2025.
100. Some victim-survivors told us that they were unable to move on during the lengthy court process.<sup>56</sup> Victim-survivor 7 explained:
- I don't really think I've got the time to recover from everything at all, because all the time this year I was just spending in the court proceeding or in dealing with the police. I don't really think I've got any time to move on to, to start a new life or anything like that.
101. Similarly, victim-survivor 6 told us she 'can't live' while waiting for the court process to be finalised.
102. Other victim-survivors felt like the delay contributed to their re-victimisation.<sup>57</sup> Victim-survivor 9 emphasised that the three year wait for her case to reach trial:
- ... was just torturous. It was like being assaulted all over again.

## 'They don't tell me anything': The victim-survivors were not given sufficient information

103. The victim-survivors who participated in this research consistently told us that they did not receive enough information, including medical information about strangulation, information about the progress of the matter, and information about the court process.
104. Supplying information to victim-survivors is crucial to ensure the criminal justice process is trauma-informed. Information can make the process more transparent.<sup>58</sup>

### Medical information

105. Some victim-survivors were provided with medical information about strangulation after receiving medical care.<sup>59</sup> Victim-survivor 1 told us:
- She probably spent two and a half hours with me, doing referrals, and talking, and full physical, and was satisfied that there had been no damage significant enough to the throat region that it was going to impact breathing. But then [she] said, 'you know, here are the X, Y and Z signs to look out for. If you experience any of those, either go to the hospital or come back and we'll get you some scans.' But at that point, I also didn't want scans. I just wanted to tell someone what happened and get out of there.
106. Others only received medical information after attending support services (such as the Red Rose Foundation).

107. However, the majority of victim-survivors did not receive any medical information from medical professionals, police or others about strangulation, its consequences, signs and symptoms, and how to look after themselves following strangulation. Victim-survivor 8 told us that she received information from the hospital about being hit on the head, but not strangulation:

All I got was the old head knock pamphlet, about if you experience vomiting and that kind of thing ... I didn't get anything specific to strangulation.

## Information from police

108. Some victim-survivors told us that police supplied information about the investigative process and available support services.<sup>60</sup> However, many victim-survivors told us that they received minimal communication or information from police.
109. Some victim-survivors said that police did not give them information about what to do following strangulation.<sup>61</sup> Victim-survivor 5 explained that police did not tell her she should seek medical attention:

They didn't even insist that I go to a doctor and it was now well after hours. So where was I going to go? The only place for me was home or [the] emergency department. But they never told me go to the emergency department. They said, 'just go home'. You know, I was so without information, there was just no information available.

110. Victim-survivor 9 told us that police did not provide information until she emailed them:

The police gave me nothing until I actually sent them an email saying, 'look, I'm completely at a loss. I don't know where to go or what to do'.

111. Other victim-survivors told us that police did not keep them informed about court dates and the outcomes of bail hearings so they could keep themselves safe.<sup>62</sup> Victim-survivor 8 said that police did not tell her when the perpetrator was released on bail:

When I rang to say, 'hey, so what's happened?' And they said to me, 'oh, yeah, no, she's been bailed about half an hour ago'. I just froze, like absolutely froze. 'Half an hour ago, she's going to be here'. And he's like, 'oh, no, no, don't worry. I'll read you out the bail conditions'. A piece of paper didn't save me before ... 'Oh my God, I'm dead'.

112. Victim-survivor 1 expressed frustration at not receiving any updates from police about upcoming court dates:

The things that I really remember were feeling completely frustrated that I never heard anything from police. They didn't give me any updates about when there were court dates coming up. I have worked in domestic violence before. I know that the risk period for women increases in the 24 hours before and after a court date. I had no idea when they were. I was having to try and Google to see what was happening with things, you know court lists and that kind of stuff.

113. A number of victim-survivors were confused about criminal justice processes as they did not receive any information from police.<sup>63</sup> Victim-survivor 5 said that the police did not tell her anything about the system, including what to expect if the perpetrator received bail:

When they arrested him, I didn't get told that he would be going to court the next day for bail. I didn't know the system. They didn't tell me. No one told me. All I was told is that I couldn't stay at the house at night. No one told me what would happen to me if he got bail.

114. Victim-survivor 7 also felt police did not give her sufficient information which made the entire process confusing. She said that talking to the police was re-traumatising in itself:

I just feel I'm always confused, even to that point I'm confused. What is happening in the police station system? How did they do with my case? It's the total confusion for me. I just feel from



the beginning to the end, they didn't make me feel that I was even a part of it, that they probably need[ed] to notify me, or maybe give me more information.

That is the part that I didn't feel respected and I feel for the whole process, when I thought I was supposed to get a bit of support from them, I didn't. I feel I got something really opposite from that. It's like every time I talk to them, I actually need more time to recover from the trauma I received just by talking to them.

## Information about court processes

115. The confusion victim-survivors experienced extended to court processes and safety options at court. They were given no (or minimal) information about those processes.

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**'I was told I don't need to know about court because it doesn't involve me'**

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116. Victim-survivor 5 explained that she had to research the court process herself:

Victim-survivor 6

I felt that I was the dung beetle pushing the \*\*\*\* up the hill myself. In my first instance, where I didn't know anything, I had no access to information. I had no access to resources. I had to do all the research by myself.

117. Some victim-survivors wished that they had been kept abreast of the outcomes of court hearings.<sup>64</sup> Victim-survivor 6 attended each court date so that she could find out what happened:

If I don't go to court myself, they don't tell me anything ... So that's why myself or my brother chooses to go to each court, because otherwise we don't know what's going on. No one tells us anything. And I said I feel like the system is more in his favour, because he gets to find out everything. I only get told the snippets that I hear by going to court.

118. Victim-survivor 8 said that getting information about court was a 'nightmare' until the Office of the Director of Public Prosecutions took over the case:

That has been something I wanted to probably comment on too, is that lack of communication. So up until the point that the Office of Public Prosecutions sort of really got involved and I had a liaison officer ... getting any information was an absolute nightmare.

119. Victim-survivor 1 told us that no one provided her with information about safety options at court:

There was nobody who told me that there would be security that I would have to get through. There was nobody who told me there would be a safe room so that we don't walk in together. There was nobody who said we can take you in a side exit if you're not feeling comfortable about walking through the door, just in case it's at the same time that he walks in.

120. Not having enough information about court processes often left victim-survivors feeling unsafe and without the means to make choices about their involvement in court proceedings.

## 'Why can't there be a better system?': The victim-survivors think the system could respond better

121. Victim-survivors are well placed to tell us how systems could be improved. The victim-survivors who took part in this research had some practical and insightful ideas to improve system responses and the experiences of victim-survivors.

### The police response

122. Victim-survivors recounted negative experiences with police, which can significantly affect victim-survivors and their decision to engage with the criminal justice process. The Domestic and Family Violence Death Review and Advisory Board ('DFVDRAB') annual reports have recommended comprehensive and appropriate training for police about the signs of, and appropriate responses to, strangulation.<sup>65</sup> The Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence similarly recommended DFV training for police officers.<sup>66</sup> The victim-survivors recommendations align with the recommendations in those reports.

### Training on trauma-informed policing

123. A number of victim-survivors told us that police need to be better trained in trauma-informed practice and responding to strangulation and DFV victim-survivors. Victim-survivor 7 said:
- I just felt they should be a bit more trauma-informed because from what I experienced they are not trauma-informed enough.
124. Similarly, victim-survivor 2 told us that police needed:
- More training around the fear, but also the control and conditioning, that victims will have experienced.
125. Some victim-survivors suggested police should receive training that victim-survivors may not have a clear or coherent memory of the events following strangulation.<sup>67</sup> Some suggested that victim-survivors should be taken into a private room to give a statement as soon as possible when they report at the front counter of a police station.<sup>68</sup> Other victim-survivors noted the importance of being believed at first instance, or at least not showing outright disbelief.<sup>69</sup> Victim-survivor 9 explained:
- To tell somebody who just told them that they'd been strangled by their partner that it's a 'he said she said' type case — you can only imagine how that impacted me on the night. Just things in learning how to manage that. I think whether the police officers believe you or not, it shouldn't be apparent to the victim.

### Keeping victim-survivors updated

126. Victim-survivors told us that they wanted to be kept informed about how the case was progressing and, in particular, the outcomes of any bail hearings so that they are not caught off guard if the perpetrator is released.<sup>70</sup> Victim-survivor 19 explained:
- I think it's important that we know when they have been released. If we are filled in with the process we can at least be prepared, help keep them away from us, give us a chance to get through it.



## Referring for medical assessment

127. Some victim-survivors thought that police should inform them about the importance of obtaining medical treatment following strangulation, and either call an ambulance to attend or refer victim-survivors to hospital.<sup>71</sup> Victim-survivor 6 told us:

I went to a GP, but I wish I knew back then that it would have helped with the case if I would have gone and got properly checked out. I think if the police would have said, 'it would be in your benefit, for your health and also for the case, if you get properly checked out in hospital' then I definitely would have gone.

128. The DFVDRAB has also highlighted the need for increased awareness that medical treatment should be sought following strangulation.<sup>72</sup>

## Appropriately charging strangulation

129. Sometimes police charge strangulation as common assault or assault occasioning bodily harm. Victim-survivor 19 expressed her anger about this approach because common assault does not reflect the seriousness of having your life held in another person's hands:

The fact they are getting away with common assault is not enough. Common assault happens at a pub or when someone ha[s] a fight. We live our whole life in fear. We are made [to] feel like we are alone and lie so we are safe. We lose friends and can [be] alone with these monsters. I want the police and prosecution to get the whole story — strangulation is not common assault. I was strangled until I urinated, I thought I was going to die not once but twice. I want us to matter, not wait until we are dead before something changes. Men are physically stronger than women and even trying to fight back, most of the time it makes it worse, and they go harder.

## The medical and support service response

130. A number of victim-survivors wished they had received more specialist medical attention once they had seen their GP or attended at the hospital, such as being referred for appropriate scans.<sup>73</sup>
131. In addition to being referred for scans, victim-survivor 8 thought it was crucial for medical professionals to give victim-survivors information about the signs and symptoms of strangulation so they know what to look out for and what to do should they appear.
132. Some victim-survivors said proper counselling services need to be more available.<sup>74</sup> One victim-survivor was waitlisted almost five months before she could access counselling.<sup>75</sup>

## Information about court processes

133. Many of the victim-survivors who took part in this research wanted to be informed about court processes from the beginning.<sup>76</sup> In particular, victim-survivors wanted information on potential timeframes so that they could have some control in the process. They also wanted information about what hearings to expect, the purpose of those hearings, and their outcomes. Additionally, some victim-survivors said that they should be given information about what to expect when they attend court and safety planning for court, so that they could prepare for the day.

## Case study

### **Victim-survivor 1 — 'It's not the big things on the day that have the most impact. It's all the little things that we don't think about.'**

Victim-survivor 1's case was set to go to trial for strangulation, however, the perpetrator pleaded guilty to a lesser charge of assault occasioning bodily harm. At sentencing, she gave a victim impact statement.

Victim-survivor 1 told us about some of the information she would have liked to have received going through the process:

I think for me, it would have been helpful to say there are going to be a series of mentions that he will appear at. He will be attending court. We can provide you with the court dates, if that feels like it's safe for you, and for me to have been given an option to know or not. So if I had known court dates and I had known where those court dates were going to be and what the court dates were for, I think for me and maybe for my personality type, would have made the whole process feel much more empowering. Because not knowing, and not knowing who to call to find out, and not knowing whether or not I was allowed to know, was always in the back of my mind. And part of the process that makes this scary for victims is that the system really allows perpetrators to hide behind a veil in so many ways.

I think in terms of experiences for victims there needs to be more choice about how much you want to engage or disengage with the process, and there also needs to be more information provided, regardless of whether or not you think a victim needs it, about what happens on the day. There was nobody who told me that there would be security that I would have to get through. There was nobody who told me there would be a safe room so that we don't walk in together. There was nobody who said we can take you in a side exit if you're not feeling comfortable about walking through the door, just in case it's at the same time that he walks in.

We could do a much better job of getting victims, particularly of domestic violence crimes, to and from court safely. It's not the big things on the day that have the most impact for victims, it's all the little things that we don't think about. It's having to walk through security. It's having to navigate up the lifts being frightened when the doors open who might be in there. It's all these things that can be mitigated ...

There is no reason we can't provide a taxi voucher, so she doesn't have to drive around in her car with her rego. There is no reason we can't offer to have security meet her somewhere just away from the building to take her in a side exit, straight up to a safe room. There's no reason we can't tell her there is a safe room on the day if you don't feel safe standing in a foyer where he could be anywhere. There's nothing to say we suggest you turn up at eight o'clock, not nine o'clock, because that's likely when he's going to walk in. There's nothing in terms of the information I was given to say who would be there to support me on the day and why. Will the prosecutor be there? Is there going to be a barrister there? Is there going to be a support officer there? Is the same person that I've been talking to, who's been emailing me as a victim liaison officer, the same person who's going to be in court on the day?

**The things that mattered to me were things that could have been prevented, that weren't.**

## Discussion and conclusion

134. In 2022, the Queensland Centre for Domestic and Family Violence Research ('QCDFVR') published results of its study into the experiences of women who survived strangulation.<sup>77</sup> The QCDFVR, in collaboration with the Red Rose Foundation, interviewed 16 women about their experiences and the impacts of non-fatal strangulation, and the responses they received from

the service system. Although they did not specifically ask questions about the legal response, some participants spoke about their experiences with the legal system.

135. Our research built on the QCDFVR's study and specifically asked victim-survivors about their experiences of the criminal justice process in Queensland following strangulation, and their thoughts on what could be done better. The research allows strangulation victim-survivors to share their experiences and views which, along with the findings from our other original research projects, will inform the recommendations made in the review.

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**'Don't wait for someone to die before they matter.  
We matter now'**

Victim-survivor 19

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136. The victim-survivors who took part in this research paint a grim picture of the criminal justice process. Many victim-survivors did not have a good experience with police. Some were unable to report strangulation to police because stations were unattended or officers were too busy. This had significant impacts on some victim-survivors, who ultimately decided not to return to report the conduct to police.
137. For the victim-survivors who did report the strangulation to police, complaints were sometimes minimised, dismissed or disbelieved. Some victim-survivors felt that police treated them differently because they are Aboriginal or came from a culturally and linguistically diverse background.
138. Victim-survivors also told us that police did not always do enough to collect evidence or refer victim-survivors on for medical treatment, and some victim-survivors ended up collecting their own evidence or seeking their own medical care. In some instances, police chose not to charge the perpetrator for strangulation because there was insufficient evidence.
139. While victim-survivors had better experiences with medical professionals and support services, some noted that medical professionals did not always adequately understand strangulation and its effects or keep accurate records.
140. Victim-survivors felt disempowered and disappointed that the system appeared to protect the perpetrator instead of them. Some victim-survivors were told that they were not a credible witness. For those perpetrators charged with strangulation, we were told that there were limited convictions. Almost all victim-survivors were dissatisfied with the length of time it took to resolve their case. They felt the criminal justice process re-victimised them.
141. Victim-survivors often told us that they did not receive enough information throughout the process. This included information from police and medical professionals about what to do following strangulation as well as information about criminal justice and court processes, court dates, outcomes of hearings and what to expect at court. This left victim-survivors feeling confused and unsafe, and made it difficult for them to make decisions about their involvement in the case.
142. Some victim-survivors had positive experiences at various stages of the criminal justice process. Most did not. The system must respond better. The victim-survivors who took part in this research told us how they think responses could be improved. Most of their recommendations are not new. They ask that we now listen.

# Appendix A: Method

1. Our research used two methods — semi-structured interviews and a survey.
2. Members of the review team and a representative from the Red Rose Foundation conducted semi-structured interviews with nine victim-survivors of strangulation in Queensland. The Red Rose Foundation, a Queensland-based not-for-profit organisation that provides counselling and advocacy for women who have experienced strangulation, recruited eight of the interviewees. The ninth interviewee contacted the QLRC directly. Each interviewee consented to take part after being given a participant information sheet and participant consent form explaining the research, its risks and benefits, and consent procedures.
3. All nine of the victim-survivors interviewed were women. This is consistent with the literature which shows that strangulation is a gendered crime, with the majority of victims being female and most perpetrators being male.<sup>78</sup> Two women identified as Aboriginal, three women were from culturally and/or linguistically diverse backgrounds, and one woman identified as a member of the LGBTIQ+ community. Most interviewees were from South-East Queensland.
4. Interviews took place over Microsoft Teams from November 2024 to January 2025. The interviewers used an interview guidebook to ensure consistency in approach. Each interview lasted approximately one hour and was audio-visually recorded.
5. Following each interview, we transcribed the recordings, de-identified the transcripts and then deleted the recordings. We gave victim-survivors the opportunity to review their transcript and any direct quotes used in this report.
6. We created our anonymous, online survey using Qualtrics. The Red Rose Foundation invited 66 strangulation victim-survivors to take part in the survey, which was open from 1 to 31 January 2025.
7. The invitation included a link to the survey, which included the participant information sheet and participant consent form. Those interested in participating were invited to complete the survey at a suitable time, date and location. A follow-up email was sent one week before the survey closed. We received 24 survey responses (a response rate of 36%).
8. Recruitment for both the interviews and survey was trauma-informed. Red Rose Foundation counsellors carefully selected clients to invite to take part in the research.
9. Victim-survivors were asked about their experience of the criminal justice process following the strangulation event. Topics included their experience with police, prosecutors and the court system, information they were provided about the criminal justice process, and how their case was resolved. We also asked victim-survivors about their thought processes if they chose not to report the strangulation to police or to withdraw their support for the case. Victim-survivors were asked what they thought would have been a better response from first responders (including police), medical professionals, lawyers and the court system following strangulation.
10. We coded and qualitatively analysed the interview transcripts and survey data using reflexive thematic analysis.<sup>79</sup> To do this we used NVivo qualitative analysis software. We conducted the analysis using a deductive approach with the review's key research questions providing an organising framework for thematic coding.<sup>80</sup> Codes were clustered into themes which, after careful reading and re-reading of the data, were refined to generate five final themes.

## Limitations

11. Our research has a number of limitations.
12. First, while our interviews and survey allowed us to obtain an in-depth understanding of participants' experiences and views, we cannot generalise their experiences and views to all strangulation victim-survivors. Our interview and survey sample size was small and (with the exception of one interviewee) restricted to clients of the Red Rose Foundation. We restricted the majority of our sample to Red Rose Foundation clients to ensure the research was aligned with trauma-informed principles, with appropriate supports available for those who decided to participate.
13. However, this approach means we did not hear from the full spectrum of strangulation victim-survivors, such as those who sought support from services other than the Red Rose Foundation or those who did not seek support from any services.
14. Second, responses were geographically limited. Although the Red Rose Foundation is a national not-for-profit charity, its presence is greatest in South-East Queensland. This meant participants were predominantly located within South-East Queensland.
15. Third, we only had information about when the offending conduct occurred for some participants. Of those who provided this information to us, some events happened several years ago. This means recent changes may have been made (for example, to police processes) that may not have been experienced by those victim-survivors.
16. Fourth, the online survey could only be completed with a mobile phone or computer device and internet connection. Some people may not have had access to or felt confident using this equipment which may have affected who could participate.
17. We acknowledge these limitations mean that we have not captured the experiences of victim-survivors outside South-East Queensland and in remote areas.
18. Fifth, the online survey did not collect key demographic information, such as information about gender, cultural and linguistic background, and sexuality. This was because we needed to ask some screening questions about the nature of the strangulation event and wanted to keep the survey as short as possible.
19. Last, our interviews and survey required participants to report their experiences to us. There are limitations to self-report research, including the potential for social desirability bias (participants might answer questions in a way that will be viewed favourably by society) or inaccurate recall of events.
20. We consider the direct experiences and views expressed by victim-survivors provide useful insights that will inform our review. These experiences are largely consistent with findings from other research.<sup>81</sup>
21. To address some of the limitations of this research, we will be conducting further research, including interviews with police, prosecutors and defence lawyers, and analysis of court data.

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**Queensland Law Reform Commission**  
Level 30, 400 George Street, Brisbane QLD 4000  
PO Box 13312, George Street Post Shop, Brisbane QLD 4003  
P: (07) 3564 7777 | E: [LawReform.Commission@justice.qld.gov.au](mailto:LawReform.Commission@justice.qld.gov.au)  
[www.qlrc.qld.gov.au](http://www.qlrc.qld.gov.au)

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