

# Battered mum sues cops

EXCLUSIVE  
VANDA CARSON

## DV victim says police should have protected her

A BATTERED single mum has launched a landmark lawsuit against Queensland Police that could open the floodgates for other lawsuits by domestic violence victims who feel police failed to protect them.

Emma Jane Dewhurst, 35, a stay-at-home mother-of-three from Alderley in Brisbane's northern suburbs, alleges police dismissed her pleas for help over the phone by telling her she needed to put her "big girl pants on" and come down to the station.

She filed her lawsuit last month claiming officers were

negligent because her partner hurt her and left her with mental scars after police "repeatedly" failed to protect her from him over three years until April 28.

Ms Dewhurst is suing the state of Queensland, which is responsible for Queensland Police, in the District Court, seeking up to \$750,000.

If she succeeds, the case could set an important legal precedent in proving police owe a duty of care to victims of domestic violence, and that they are liable to pay damages to victims who are injured by

aggressive partners if complaints fall on deaf ears.

Ms Dewhurst says she told police she feared for her life and made at least 10 assault complaints between 2017 and 2019 at stations in Stafford in Brisbane's northern suburbs and Calamvale in Brisbane's south, but police failed to act on her concerns until it was too late.

In one phone conversation on July 17 last year, she alleges a police officer at Stafford told her: "You need to put your big girl pants on and come down and report this and make a statement if you want this to

stop, 'cause, unfortunately, we can't protect you or help you otherwise."

Ms Dewhurst said she was afraid to make a formal statement because in May 2017 her then partner phoned her and said he was furious when he found out she had reported him.

"I can't believe you made a statement to the police ... f---ing bitch. You better get the police off my back," he allegedly said.

She says she told police he strangled her several times – sometimes until she passed out – and beat her, including once

when he allegedly knocked her to the ground when she was pregnant then shoved her face into the side of his car.

She alleges police should never have advised her that she must attend the police station to make a report, or that police couldn't help a victim unless they made a statement.

She alleges police should not have told her to "put her big girl pants on" or that the police "can't do any more".

She says police could have charged her then-partner – the father of her youngest child – with assault or applied for a

protection order on her behalf, and she argues that police are obligated to protect domestic violence victims.

She says they should have told her she could apply for a protection order at a courthouse, and that they knew, or should have known, that her partner had a previous conviction for assault (unrelated to her) and a history of domestic violence allegations made by other women.

The state has not filed a defence and no date has been set for a hearing.

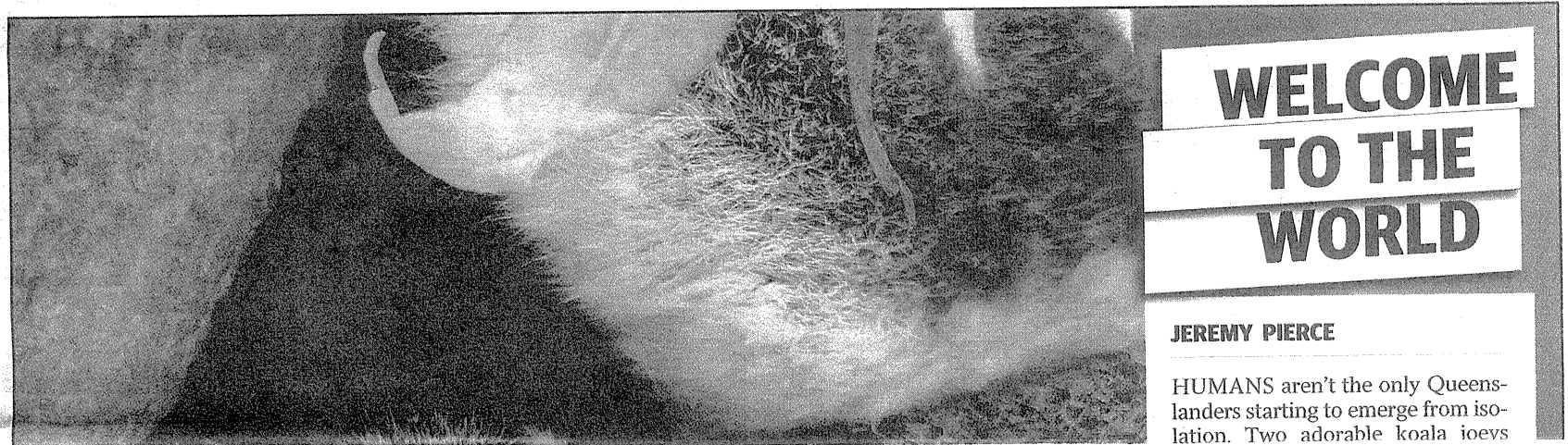
Ms Dewhurst's solicitor, Catherine Bub, declined to comment on her behalf when approached by *The Sunday Mail*.

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