

Bairnsdale Koori Family Violence Police Protocols

A partnership project between Victoria Police,
Department of Justice, and the Aboriginal Family
Violence and Prevention Legal Service.

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Section 1 Overview

Introduction

*The Koori Family Violence Police Protocols project was funded in 2008 by the Victorian Government Department of Justice to strengthen the Police response to incidents of family violence in Aboriginal communities, with the longer term goal of reducing both the number of family violence incidents, and the rates of families experiencing repeated incidents of family violence. The protocols are aimed at a holistic, improved response to all parties including victims, children and perpetrators. The need for improvements to the Police response had been identified in a number of forums and prioritised in several key government documents including the *Victorian Indigenous Affairs Framework*, the *Victorian Aboriginal Justice Agreement* and *Strong Culture, Strong Peoples, Strong Families -Towards a safer future for Indigenous families and communities - 10 year plan, 2008*. The Koori Family Violence Police Protocols initiative (KFVPP project) is supported by the purpose and goals of the *Victorian Aboriginal Justice Agreement* - to tackle disadvantage and inequity, reduce Aboriginal contact with the criminal justice system and improve the justice process for Aboriginal Victorians.*

Policy Context

Over the past decade, the Victorian Government has responded to a number of consistently damning reports of the poor quality of life of Aboriginal people, by asserting its commitment to addressing Aboriginal disadvantage. This commitment has evolved following the reports from government and non-government inquiries over 20 years, which raised public awareness and concern about the significant levels of disadvantage and inequality being experienced by Aboriginal people across all key indicators of quality of life – life expectancy, health, education, employment, experiences with the justice system. Governments in all jurisdictions paid particular attention to the final report of the *Royal Commission into Aboriginal Deaths In Custody* (1991). Since then, several key Victorian policies and platforms have been developed, incorporating specific goals, objectives and strategies, and committing to produce annual reports against indicators and timelines. These initiatives have been developed in partnership with Victorian Aboriginal communities and supported by funding allocations.

In the Victorian Government's work to prevent family violence and improve justice outcomes for Aboriginal Victorians, the Police Protocols project directly addresses the first two strategic areas for action.

As part of the Victorian Government's commitment to addressing family violence, a number of significant policy and practice documents have been developed over the past few years. Several of these key documents have informed the development of the *Koori Family Violence Police Protocol*:

1. Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities 10 year plan (Aboriginal Affairs Victoria DPCD 2008) [http://www.women.vic.gov.au/web7/rwpgslib.nsf/GraphicFiles/10+pdf/\\$file/Final+10+Year+Plan+Oct08+2nd+Edition.pdf](http://www.women.vic.gov.au/web7/rwpgslib.nsf/GraphicFiles/10+pdf/$file/Final+10+Year+Plan+Oct08+2nd+Edition.pdf)
2. Victoria Police Code of Practice for the Investigation of Family Violence: 2nd Edition December 2010 [Victoria Police - Victoria Police Code of Practice for the Investigation of Family Violence](#)
3. Family violence referral protocols between the Department of Human Services and Victoria Police 2012-14 <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/family-violence-referral-protocol-between-dhs-and-victoria-police>
4. Family Violence Risk Assessment and Risk Management Framework and Practice Guides 1 – 3 , Edition 2 (Department Human Services 2012).
5. The Victims' Charter (Victims' Charter Act 2006)
6. Guiding Integrated Family Violence Service Reform 2006-2009 (Department of Human Services)
7. Living Free From Violence, Upholding the Right: Victoria Police Strategy to Reduce Violence Against Women and their Children, 2009-2014.
8. Victoria's Action Plan to Address Violence against Women and Children – Everybody has a responsibility to act 2012-15.

In the context of the Protocols, the following strategies provide a platform for continuing reform and are discussed further in this chapter:

1. The Victorian Indigenous Affairs Framework - Improving the Lives of Indigenous Victorians 1998
2. The Victorian Aboriginal Justice Agreement incorporating
 - a. The Victorian Aboriginal Justice Agreement Phase 1 (AJA1) 2000
 - b. The Victorian Aboriginal Justice Agreement Phase 2 (AJA2) 2006
 - c. The Victorian Aboriginal Justice Agreement Phase 3 (AJA3) 2013
3. Strong Culture, Strong Peoples, Strong Families - Towards a safer future for Indigenous families and communities - 10 year plan, 2008

Each of these important policy documents identifies family violence in Aboriginal communities as a high priority issue to be addressed, and all three target improvements to the justice system and Police response as crucial to success in tackling family violence. The following section identifies the relevant strategies from these three documents.

[Victorian Indigenous Affairs Framework - Improving the Lives of Indigenous Victorians](#)

The *Victorian Indigenous Affairs Framework Improving the Lives of Indigenous Victorians* (the VIAF) is the over-arching Aboriginal policy framework for the Victorian Government. The VIAF's Strategic Area for Action 4 aims to "prevent family violence and improve justice outcomes". Strategic Area for Action 4 has been divided into two parts: (a) family violence and (b) improving justice outcomes. The VIAF presents the actions to prevent family violence as follows:

Area for action 4 (Part 1): Prevent family violence

We are committed to working in partnership with Indigenous communities to reduce the impact and incidence of family violence.

Action area 4 objectives

4.1 Increase in police responding to and taking action on any Indigenous family violence incident reported to them.

4.2 Reduce repeat police call outs for Indigenous family violence incidents.

In the VIAF 07/08 Progress Report, the government reports on its support for the Indigenous Family Violence Partnership Forum and the development of the Ten Year Plan, as follows:

What we are doing

The focus of community and government effort has been on developing a longer-term vision and plan to prevent and reduce the impact of family violence in Indigenous communities. This work has been led by the Indigenous Family Violence Partnership Forum over a number of years and

has involved a significant commitment from senior government representatives and Indigenous community leadership through the Indigenous Family Violence Regional Action Groups and Indigenous service providers. The priority over the past year has been finalising the development of the Ten Year Plan for the Prevention of Family Violence, Strong Culture, Strong Peoples, Strong Families – Towards a safer future for Indigenous families and communities.

The Ten Year Plan was completed in 2007-08 and published in June 2008. It is the culmination of enormous commitment and consultations at local, regional and state levels. It articulates a joint understanding of the nature of family violence in Indigenous communities and agreement on the approach to addressing it.

Victorian Aboriginal Justice Agreement

The *Victorian Aboriginal Justice Agreement* (AJA) is a partnership between the Victorian Government and the Aboriginal community, to achieve improved Aboriginal justice outcomes. In accordance with the principles underlying the final report of the *Royal Commission into Aboriginal Deaths In Custody* (1991), the AJA aims to minimize Aboriginal over-representation in the criminal justice system by improving accessibility, utilisation and effectiveness of justice-related programs and services in partnership with the Aboriginal community. Phase 1 of the AJA, launched in 2000, made important progress toward improving justice outcomes for the Aboriginal community. After being reviewed in 2004, both the government and the Aboriginal community renewed their commitment to the AJA, resulting in the development and release of the *Victorian Aboriginal Justice Agreement Phase 2* (AJA2).

AJA 1 identified the importance of developing protocols for Police in the following two initiatives:

4.5 Improving Aboriginal/Police relations

5.1 Support and strengthen community strategies for addressing family violence

AJA 2 presents a 4 year action plan with key objectives, strategies and actions. Most relevant is Objective 4 as follows:

Objective 4: Reduce victimization

Strategy 4.1: Reduce the impact of crime on victims

Activity 4.1.2: Improve responses to Indigenous family violence

Victoria Police will work with Indigenous Family Violence Action Groups and the RAJAC/LAJAC network to develop protocols that effectively address Indigenous family violence responses and service delivery at the local level.

The AJA2 builds upon the solid foundations of the AJA and was launched in June 2006. It places greater emphasis on implementing and expanding upon the initiatives and opportunities identified in the AJA. The AJA2 outlines six strategies, broken down into a series of initiatives to be delivered over four years.

[Strong Culture, Strong Peoples, Strong Families -Towards a safer future for Indigenous families and communities - 10 year plan, 2008](#)

Developed by the Indigenous Family Violence Partnership Forum, The Ten Year Plan is the policy platform of the Victorian government and Aboriginal communities to address family violence in Aboriginal communities.

Objective 4 of The Plan focuses on safety for victims:

Increase the safety of Indigenous families and individuals, especially women and children

Strategy 4.1 Improve access to and response of the service system for Indigenous victims of family violence

Action 4.1.1 Improve access of Indigenous victims of family violence to a range of services including emergency accommodation and outreach services, 24 hours support and appropriate case management provided by Indigenous and mainstream services as part of the crisis response

Strategy 4.2 Strengthen the justice system to respond to Indigenous victims of family violence

Action 4.2.1 Improve cultural awareness and competency of police and court responses to Indigenous victims of family violence

In regards to the response to perpetrators, Objective 5 of The Plan outlines the following:

Increase the accountability of perpetrators of family violence within Indigenous communities

Strategy 5.2: Promote coordinated responses to Indigenous men, women and youth who use violence

Action 5.2.1: Provide assistance to Indigenous perpetrators of family violence to access appropriate services including housing, behavior change programs, alcohol and other drug services, gambling services, Healing and Time Out Services and support to attend court

Objective 7 of The Plan focuses on service capability:

Increase the cultural competency and capacity of the service system to improve responses to Indigenous family violence

Strategy 7.3 Provide tools to police to ensure provision of culturally competent responses to Indigenous victims and perpetrators of family violence

Action 7.3.1 Develop protocols between Victoria Police and Indigenous communities to increase cultural competency of Police staff and assist Indigenous communities in addressing family violence

Section 2

Bairnsdale Koori Family Violence Police Protocols

Terms used in the Protocols

The Family Violence Protection Act 2008 defines family violence as-

- (a) behaviour by a person towards a family member of that person if that behaviour-
 - (i) is physically or sexually abusive; or
 - (ii) is emotionally or psychologically abusive; or
 - (iii) is economically abusive; or
 - (iv) is threatening; or
 - (v) is coercive; or
 - (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

AFM – Affected Family Member:

defined in S. 4 of the Family Violence Protection Act and means the family member whose person or property is the subject of an application for an order. For the purpose of this protocol, it is an interchangeable word with ‘victim’ as a family violence intervention order may not always be sought or granted, and includes children who witness violence.

Respondent –

defined in S. 4 of the Family Violence Protection Act and means the person against whom an application for an intervention order has been made, an intervention order has been made against or a family violence safety notice has been issued. For the purpose of this protocol, it is an interchangeable word with ‘Perpetrator’.

Family Member –

for the purposes of this protocol the definition of family member is that of Section 8-10 of the Family Violence Protection Act. Specifically for Aboriginal and Torres Strait Islanders refer to section 10 (b) of the Family Violence Protection Act

This needs to be inserted here..... with quotes from act.

The broader context of family violence within the Aboriginal community has been defined by the Victorian Indigenous Family Violence Task Force as:

‘An issue focused around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuse that occurs within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self harm, injury and suicide’.¹¹

Choice of support services.

¹¹Victorian Indigenous Family Violence Task Force, Final Report 2003 P123

AFMS and children who are Aboriginal and Torres Strait Islander will be given the choice of whether to be supported by Aboriginal specific service or mainstream support service.

Guiding Principles

In its 10 year plan, *Strong Culture, Strong Peoples, Strong Families*, the Indigenous Family Violence Partnership Forum identified nine guiding principles for developing and implementing policies and programs to address family violence in Indigenous communities. These principles support the Koori Family Violence Police Protocols:

1. Family violence is not part of Aboriginal culture
2. Complex nature of family violence within Aboriginal communities
3. Aboriginal culture
4. Partnership transparency and accountability
5. Adequate resources
6. Empowering Aboriginal communities
7. Local solutions to local problems
8. Holistic healing approach to family violence in Aboriginal communities
9. Early intervention, prevention and education

Purpose and scope of the Protocols

The Protocols provide Police with a Best Practice response to family violence incidents involving Aboriginal families.

The police protocols will:

- complement existing procedural documentation to guide police officers when responding to family violence in the Aboriginal community in the trial areas
- outline key steps to be taken by police when responding to an incident of family violence in the Aboriginal community
- complement the implementation of the Code of Practice, in particular:
 - emphasising the three main functions of police in family violence, as specified in the Code of Practice:
 - provide safety and support to those involved
 - identify and investigate incidents of family violence and prosecute persons accused of criminal offences arising from family violence

- assist in the prevention and deterrence of family violence in the community by responding to family violence appropriately.
- promote adherence to the principles of the Victims' Charter (attachment)
- provide local contact details for referral to support services for victim, offender and children. Refer to attachments: STOP Family Violence wallet cards and posters
- reinforce the importance of police asking each person Q. Are you Aboriginal and/or Torres Strait Islander?, and recording self-identified Aboriginal status on the relevant Victoria Police reports such as the Family Violence Risk Assessment and Risk Management Form (L17), LEAP and on any other documentation such as a referral form
- emphasising the importance of:
 - respect and sensitivity
 - demonstrating cultural respect in working with Aboriginal individuals, families & communities, including:
 - establishing relationships based on mutual respect and trust
 - using culturally appropriate language and communication skills
- support the implementation of locally developed and agreed referral pathways between Police and DHS
- promote an integrated response to family violence by Police, Aboriginal specific family violence services and mainstream family violence services.

Key elements and key successes of this project

The protocols will have local credibility following their development in partnership with local Police and Aboriginal community, and Family violence response services both mainstream and Aboriginal specific services.

Key elements of this project and the process of developing protocols include:

- working with existing networks and building on existing relationships and initiatives at the local level
- strengthening working partnerships between all stakeholders
- consulting with local Aboriginal communities to hear their views and to identify problems, issues, challenges and examples of good practice
- developing processes for stakeholders to identify problems, challenges, indicators of success and successful initiatives.

Critical to the success of this project will be the following elements:

- strong working partnerships between local Aboriginal communities, police, mainstream and Aboriginal family violence networks and services
- a high quality crisis response, including the initial police response and the response of support services
- consistent implementation of agreed protocols and codes
- improved understanding within the Aboriginal community in relation to:
 - family violence laws
 - victims' rights
 - human rights
 - complaint processes
 - role and responsibilities of police, courts and support services
- improved cultural awareness of police and stronger working relationships between police and the local Aboriginal community

Protocols

This Bairnsdale Police protocol is part of a trial of protocols for police investigating incidents of family violence in Aboriginal communities in Victoria. The Koori Family Violence Police Protocols supports and reinforces the importance of compliance with all aspects of the Victoria Police Code of Practice for the Investigation of Family Violence and reinforces protocols between police and local support agencies. The Koori Family Violence Police Protocols are aimed at ensuring a culturally appropriate response by identifying police key actions, supporting local referral networks and reinforcing significant elements of the Victoria Police Code of Practice for the Investigation of Family Violence, including:

1. responding quickly and decisively
2. taking immediate action to protect and support affected family members
3. identifying and document Aboriginal and Torres Strait Islander identity
4. demonstrating respect and sensitivity in undertaking the risk assessment and risk management
5. demonstrating awareness of particular factors which may impact on Aboriginal people in their dealings with police and which may increase vulnerability and risk
6. reinforcing the local referral pathways for all victims of family violence, including Aboriginal people

The protocols are being supported by work on a range of other strategies, including:

1. community education sessions for the Aboriginal community relating to the nature of family violence and how to seek assistance from police if you or a friend are experiencing family violence
2. increased Aboriginal cultural awareness training for police, specifically around family violence
3. agreements between mainstream family violence crisis services and Aboriginal specific agencies ensuring that Aboriginal people are given choice in terms of the services available to them
4. Police and Agency Training Days to include Aboriginal specific issues and the reinforcement of the correct referral processes to be followed by police

Procedures for Police Investigating an Incident of Family Violence involving Aboriginal community in Bairnsdale

Police will respond to and take action on any family violence incident reported to them, regardless of who made the report and how it was made. The action taken is based on risk assessment and risk management, regardless of whether the affected family member makes a verbal complaint or written statement. In meeting this policy of compulsory action, police will:

1. Take immediate action to protect and support Affected Family Members (AFM).
2. Be aware and sensitive to the individual circumstances of each incident.
3. Undertake Family Violence Risk Assessment and Risk Management Report (L17) which incorporates but is not limited to the background and identification of the recent pattern of violence, recognition of risk and vulnerability factors and the victim's own assessment of their level of fear.
4. Using professional judgment, assess the likelihood of future risk to determine the most appropriate risk management strategy.
5. Demonstrate respect and sensitivity in undertaking the risk assessment and risk management, noting that individuals in Aboriginal families may have a range of particular vulnerability factors, additional issues or extenuating circumstances, including:
 - a. anxiety about identifying as Aboriginal and/or Torres Strait Islander
 - b. fear that the Respondent will be at risk of self harm or suicide if arrested or placed in a police cell
 - c. fear that the AFM will be condemned by other family members for reporting family violence
 - d. fear that reporting family violence may lead to Department of Human Services (DHS) being called and children being removed
 - e. fear that other police or legal matters will be brought up and used against the family in the course of investigating the family violence incident
 - f. anxiety about being referred to a mainstream service
 - g. objection to being referred to an Aboriginal service due to being known by a worker

- h. history of family violence
 - i. family violence between extended family members (eg. other than intimate partners)
 - j. mental health or drug and alcohol issues in the family
 - k. violence in a same sex relationship
 - l. the special needs of an elderly person or a person with a disability
6. To establish Aboriginal and/or Torres Strait Islander status respectfully ask and document the following :
 - a. In all cases of family violence, ask the question of the AFM and the Respondent, “Are you Aboriginal and/or Torres Strait Islander?”
 - b. Ask a guardian of any children present if the children are Aboriginal and/or Torres Strait Islander, or if the child is old enough ask the child independently of the guardian.
 - c. Document the answer and ensure this is recorded on all relevant paperwork including the Family Violence Risk Assessment and Risk Management Form (also known as an L17) as well as the Family Violence Safety Notice for adults and the L8 for Children.
 - d. If the AFM, Respondent or children identify as Aboriginal and/or Torres Strait Islander ensure that this information is included in any formal referral to a support service.
7. Investigate all family violence incidents coming to their notice by gathering background information and physical evidence, including photographs, clothing and statements from direct and indirect witnesses.
8. Making perpetrators accountable by pursuing criminal and/or civil options where there is sufficient evidence to do so and regardless of whether an arrest has been made and/or whether the affected family member is reluctant.
9. Comply with obligations pursuant to Victims’ Charter (attachment).
10. Refer all parties involved to appropriate services, emphasising any of the risk and vulnerability factors and particular needs to the support service.

Support Response for AFM: Business Hours

- a. As soon as practicable, the police will discuss with the AFM the referral and support services available.
- b. Police are to advise the AFM that a Formal Referral is to be made to the local support service, Gippsland Lakes Community Health (GLCH).
- c. In instances where the AFM wants immediate face to face support or accommodation, police are to contact the Family Violence Outreach Worker – Assessment and Response Team at GLCH (p) 51520013 while at the scene with the AFM to facilitate contact. If police are unable to transport the AFM to GLCH (281 – 285 Main St Bairnsdale) police are to contact GLCH to arrange taxi or transport for the AFM.

Note: GLCH receives all AFM referrals. Referrals for AFMs that identify as Aboriginal and/or Torres Strait Islander are sent through to QUANTUM. QUANTUM will contact the AFM and offer

support service. Aboriginal people who choose mainstream family violence support are referred back to GLCH.

- d. Police are to provide the AFM with the relevant section of the 'STOP Family Violence' card. (attachment)
- e. For each Family Violence Risk Assessment and Risk Management Report (L17) completed a formal referral for the AFM's is to be axed to Family Violence Outreach Worker – Assessment and Response Team GLCH on (f)51531087 or via secure email : FYCSReferral@glch.org.au; by the investigating police officer by the end of each shift.
- f. If any of the parties involved, including children, identify as Aboriginal and/or Torres Strait Islander the investigating police officer is to provide the parties referral details to the Aboriginal Community Liaison Officer (ACLO)

NOTE: Actions for Male AFMS

Formal referrals for Male AFM's are to be faxed to Assessment and Response Team GLCH on (f) 51531087 or via secure email : FYCSReferral@glch.org.au; by the investigating police officer by the end of each shift.

Note: On receiving the referral GLCH will offer Aboriginal men the choice to be supported by the Yoowinna Wurnalung Healing Services: Time Out and Men's programs or mainstream men's program.

Male AFMs who are in need of crisis accommodation during business hours are to be referred to Community Housing Limited - Shop 4 – Riviera Plaza, 80 Main St Bairnsdale, (p) 5152 8933.

Support Response for AFMs : After Hours

- a. Where police determine that either a Family Violence Safety Notice, Application and Warrant, or Interim Intervention Order is needed, or the female AFM needs immediate emotional support/information, police are to offer the female AFM support through an after hours crisis response from Women's Domestic Violence Crisis Service (WDVCS).

In instances where the AFM consents to police contacting the after hours crisis response, police are to contact WDVCS on the 'Police Only' line while at the scene with the AFM. The WDVCS general number is 9322 3555.

- b. Police are to advise the WDVCS on call worker of the night's proceedings, their risk assessment as well as possible requirements of the AFM e.g. dates for court attendance, accommodation, transport etc. The WDVCS worker will then speak directly with the AFM and make arrangements as needed while also offering any phone support or clarification required as well as reiterate the outcomes of the situation e.g. Family Violence Safety Notice and its implications.
- c. WDVCS will make contact with the local after hours service Quantum and if accommodation or other support is required Quantum-will arrange it either via telephone or face to face if possible. Quantum will inform GLCH the following business day to request that GLCH contact the AFM as agreed.

- d. For each Family Violence Risk Assessment and Risk Management Report (L17) completed a Formal Referral for AFM's is to be faxed to GLCH on (f)5153 1087 or via secure email : FYCSReferral@glch.org.au; by the investigating police officer by the end of each shift.
- e. If any of the parties involved, including children, identify as Aboriginal and/or Torres Strait Islander the investigating police officer is to provide the parties referral details to the Aboriginal Community Liaison Officer (ACLO).
- f. In addition to the formal referral the AFM is to be given the relevant section of the 'STOP Family Violence' card. (attachment)

NOTE: WDVCS is a women's service only and not for male AFMs.
WDVCS are not to replace the relay of information from the police to the AFM
WDVCS are to provide additional support and clarification to the AFM as needed.

NOTE: Actions for the Male Affected Family Members (AFM)

Male AFM's details are to be faxed by Police to GLCH on (f) 5153 1087 or via secure email : FYCSReferral@glch.org.au; by the investigating police officer by the end of each shift.

Mensline is a 24 hour support service for men (p) 1300 78 99 78 and their contact details are listed on the 'STOP Family Violence' card. (attached)

After Hours Accommodation for AFMs

- a. If the AFM is unable or does not wish to remain at the property and has an alternative accommodation option, police may be able to provide or arrange transport for the AFM and any dependent children to the residence.
- b. If the AFM has no alternative accommodation options or is unable to be transported to safe accommodation police are to contact WDVCS on the 'Police Only' number WDVCS will contact the local after hours crisis service Quantum who will proceed to arrange accommodation and transport for the AFM and any children.

NOTE:

Male AFMs who need crisis accommodation after hours are to be referred to St Kilda Crisis Service for assistance on (p) 1800 627 727.

Respondent's Referral Process: Business Hours

- a. Where Police determine the Respondent requires welfare assistance or would benefit from behavioral change assistance. Police are to advise the Respondent that the Respondent's details will be provided to a men's support service that will make contact with the Respondent.

- b. Formal referrals for Respondents are to be faxed to Assessment and Response Team at GLCH on (f) 5152 0008 or via secure email : FYCSReferral@glch.org.au; by the investigating police officer at end of each shift.

Note: GLCH will contact the Aboriginal Respondents and offer the choice of mainstream men's behavioural change program or support through Yoowinna Wurnalung Healing Services: Time Out and Men's programs or mainstream men's program.

- c. In addition to the formal referral all Respondents are to be given the relevant section of the 'STOP Family Violence' card which also lists statewide men's services that may be contacted during business and after hours. (attachment)
- d. Victorian Aboriginal Legal Service (VALS) is automatically notified by the system when an Aboriginal and/or Torres Strait Islander person is entered onto the Victoria Police Attendance Module.

NOTE: Actions for Female Respondents

Formal Referrals are to be faxed to Family Violence Outreach Worker, Assessment and Response Team at GLCH on (f) 51531087 or via secure email: FYCSReferral@glch.org.au; by the investigating police officer at end of each shift.

Note: GLCH will fax referrals for female Respondents that identify as Aboriginal and/or Torres Strait Islander to QUANTUM. QUANTUM will contact the female Respondent and offer service. Aboriginal people who choose mainstream family violence service are referred back to GLCH.

Accommodation for Respondents: Business Hours

- a. When a Respondent is unable to remain at the property the police are to discuss with the Respondent their accommodation options and may be able to offer to arrange transport to that accommodation.
- b. If the Respondent provides the police with an address the police are to clarify via LEAP that the Respondent has not been an offender at that address and that they are not in breach of any other orders by attending that property.
- c. If the Respondent has no suitable accommodation options police may be able to transport the Respondent to Community Housing Limited (Shop 4 – Riviera Plaza, 80 Main St Bairnsdale) during working hours. (p) 5152 8933. This option is available for both male and female respondents.

Respondent's Referral Process: After Hours

- a. Where there is welfare and safety concerns for the Respondent, police are to advise the Respondent that the Respondent's details will be provided to a men's support service that will make contact with the Respondent.
- b. Formal referrals are to be faxed to Men's Referral Service on the statewide central fax number (f) 1300 322 459 by the investigating police officer at end of each shift.

The local service who actions the referrals is Gippsland Lakes Community Health Service.

- c. Where there are significant concerns about risk of self harm – Mental Health Act, section 10.
- d. In addition to the formal referral all Respondents are to be given the relevant section of the 'STOP Family Violence' card which also lists statewide men's services that may be contacted during business and after hours. (attachment)
- e. Victorian Aboriginal Legal Service (VALS) is automatically notified by the system when an Aboriginal and/or Torres Strait Islander person is entered onto the Victoria Police Attendance Module.

NOTE: Actions for Female Respondents

Where there are welfare concerns for the Respondent, police are to advise the Respondent that the Respondent's details will be provided to WDVRC.

The local service who actions the referrals is Gippsland Lakes Community Health Service.

Accommodation for Respondents: After Hours

- a. When a Respondent is unable to remain at the property the police are to discuss with the Respondent their accommodation options and may be able to offer to arrange transport to that accommodation.
- b. If the Respondent provides the police with an address the police are to clarify via LEAP that the Respondent has not been an offender at that address and that they are not in breach of any other orders by attending that property.
- c. If the Respondent has no suitable accommodation options police are to contact St Kilda Crisis Service on 1800 627 727 for assistance with accommodation. This option is available for both male and female respondents.

Support Response for Children: Business and After Hours

- a. Police are to accurately record the details of all children present at a family violence incident.
- b. If police form a reasonable belief that a child or young person is in need of protection due to sexual or physical abuse, or concerns of harm or neglect, police must report these concerns to Child Protection and their local SOCIT Unit as soon as possible; always before the end of the shift.
- c. When Police make a formal referral the L17 is to be faxed to the local support service, Gippsland Lakes Community Health Service (GLCH). It is the responsibility of GLCH to undertake a comprehensive risk assessment of the child to identify and address their needs. Where it is appropriate, this will include a referral to Child FIRST/Family Services.
- d. Police may provide the child, young person or guardian with a KidsLine Helpline card (attached) or provide information about Child FIRST or other appropriate services at the time of the incident. This is deemed an Informal Referral.

NOTE: Kids Helpline is a free, telephone counselling service for Australian children and young people aged between 5 and 25 years available 24 hours a day 7 days a week.

Statements – For Criminal Matters

- a. Police are to always endeavour to take a statement at the time of the incident. If this is not possible then police are to advise the AFM that a statement regarding the incident is not required to be taken immediately if the AFM is distressed, injured or has children in their care that will be present for the taking of the statement
- b. Documentation relating to visible injuries is to be taken immediately to avoid the loss of evidence.
- c. If the AFM wishes to make a statement after the incident and no informant has been allocated, police will make all efforts to take the statement at that time. Where an informant has been allocated but is not available, the attending officer will advise the AFM that the informant will be notified that the AFM wishes to make an appointment for a statement to be taken
- d. When a statement is taken the AFM will be provided with a copy of the statement.
- e. AFMs are to be advised that they are able to have a support person present such as a friend or family member when a statement is taken.

In Bairnsdale support for statements is available through:

Para Legal Support Worker, Aboriginal Family Violence Prevention and Legal Service (p) 5152 2232, 201b Main St Bairnsdale.

Family Violence Outreach Worker, Gippsland Lakes Community Health (p) 51520013 5152 0052-

Family Violence Worker, Gippsland and East Gippsland Aboriginal Cooperative (p)

- f. Where appropriate, such as an incident occurring late at night, children are present or the AFM is highly distressed, AFMs are to be offered location and time options to ensure maximum comfort of the AFM and appropriateness for children who may be present
- g. Police are to ensure that if there is a disclosure or evidence of a sexual assault then the local SOCIT is to be notified.

Keeping the AFM Informed

- a. The investigating police officer must keep the victim and witnesses advised of the procedures and all relevant information in relation to their case. This includes updates on the progress of the police investigation, in particular where there are significant developments such as outcomes of a court hearing, adjournments, and/or outcomes of an investigation (Victim's Charter).
- b. Where police do not make application for an Intervention Order, they must explain the civil options available and informally refer the AFM to appropriate referral agencies or the court registrar. If referring to the court registrar, police must contact the registrar and make an appointment for the AFM.

Intervention Orders

- a. When an Intervention Order has been served the police must attempt to notify the AFM that the order is now active.
- b. When an Intervention Order has not been executed police must attempt to inform the AFM of the reason for the delay such as unable to locate the Respondent.
- c. If police are unable to locate the Respondent in order to serve the Respondent with a document police may under s.207 of the FVPA 2008, seek information about the Respondent from public sector organisations.
- d. Police are to discuss with the AFM how the matter is to proceed and any necessary timeframes and actions.
- e. Police are to clarify with the AFM any support links and provide advice as to the local services that may be able to assist them.
- f. Police are also to ask the AFM if they would like the ACLO or Police Aboriginal Liaison Officer (PALO) to contact them regarding the family violence incident and any subsequent follow up.
- g. The ACLO is to be notified of unserved Intervention Orders where one of the parties has identified as Aboriginal and/or Torres Strait Islander.
- h. Where appropriate, police are to consider substituted service of the interim or full Intervention Order on the Respondent.

Aboriginal Person Held in Custody

- a. Victorian Aboriginal Legal Service (VALS) is automatically notified by the system when an Aboriginal or Torres Strait Islander person is held in custody and entered onto the Victoria Police Attendance Module.
- b. As soon as possible police are to notify the ACLO via an email or telephone when an Aboriginal and/or Torres Strait Islander person is held in custody.

Role of the Aboriginal Community Liaison Officer (ACLO)

- a. Where the AFM, Respondent and/or any children present identify as Aboriginal and/or Torres Strait Islander at a family violence incident the ACLO is to be provided with the individual's referral details by the investigation police officer.
- b. The Investigating Officer is to advise the ACLO if their assistance is required to ensure the police response is culturally appropriate.
- c. The ACLO is to be notified by email or telephone when an Aboriginal and/or Torres Strait Islander person is in custody at the Bairnsdale Police Station.
- d. During business hours the ACLO may visit the Respondent in custody to attend to their welfare needs and may offer support to them and their families.

- e. On a monthly basis the Repeat Police Attendance List is to be printed and cases reviewed by the Family Violence Advisor (FVA) and the ACLO where any of the parties have identified as Aboriginal and/or Torres Strait Islander.
- f. The Repeat Police Attendance review is to include an evaluation of the incident histories, note AFM and Respondents engagement or non engagements with supports, risk concerns, status of action such as outstanding Intervention Orders or upcoming hearings as well as to identify any requirements in regards to keeping both parties informed of processes or delays.
- g. The ACLO is to be notified by police when any of the parties involved in Family Violence Action Plan Meetings have identified as Aboriginal and/or Torres Strait Islander as the ACLO may be able to provide support.

Aboriginal Cultural Awareness Training

- a. Police officers of all levels are to undertake Aboriginal Cultural Awareness Training which is to be conducted at local police stations
- b. Aboriginal Cultural Awareness Training is to be locally developed, facilitated by the Aboriginal Advisory Unit of VicPol, and contain components specific to the Aboriginal community in Bairnsdale as well as the local history which will contribute to developing police officers understanding of the community's strengths in the region as well as barriers Aboriginal people may have in engaging with police.
- c. The training is to contain a detailed component that relates to family violence in the Aboriginal community.

Police Local Proactive Engagement

Police will continue to participate in local Aboriginal events to develop strong and positive relationships with the local Aboriginal community. Police will continue to attend all relevant Bairnsdale family violence and Aboriginal focused meetings. Provision should be made at each Sergeant's Meeting for police members who have attended external meetings to provide relevant feedback to the meeting where appropriate and to be incorporated into policing practices.

Police will :

- a. Continue to participate in local community events to develop strong and positive relationships with the local Aboriginal community including 'Star Day' and 'Respect Day'.
- b. Endeavour to hold a monthly Aboriginal Community Police Forum to enable information sharing between police and the Aboriginal community as well as to develop stronger relationships
- c. Attend the quarterly Family Violence Practitioners Meeting
- d. Attend the Sub Regional and Regional Domestic Violence Meetings
- e. Attend the monthly LAJAC and the bimonthly RAJAC
- f. Work with and keep informed the appointed Gippsland Family Violence Police Advisor of any issues.

Complaints Mechanism For Bairnsdale Aboriginal Community Members

Review Date

Document Owners

This protocol document is a local service arrangement. In the event that changes occur which require the document to be updated, the changes need to be reported through the governance structure outlined.

Dispute Resolution

Disclaimer

This protocols is not intended to represent comprehensive analysis of the law, and should not replace the exercise of professional judgement on a case-by-case basis.

Nothing in this schedule should replace the seeking of appropriate legal advice by services where this is considered appropriate.

Nothing in this schedule is intended, or does, create any legally binding obligation on any party. (DHS protocols)

Contact details

Appendix 1

Consultation Themes Discussion Paper

Consultation with stakeholders

An important aspect of this project has been to continue or reinforce the work of strengthening relationships between police, Aboriginal community and services as well as with mainstream family violence services. The project has encouraged key stakeholders to come together at the local level to identify concerns, service gaps and issues relating to the police response and to work in partnership to develop strategies to address those concerns. The protocols have been developed in the context of these partnerships and utilising local information identified as relevant by stakeholders.

During the development of the protocols, extensive consultation occurred with the local Koori community, the Police and various Bairnsdale support providers. The purpose of the initial engagement was to seek clarification regarding local concerns as well as to identify weaknesses and strengths of the justice and support systems. The highlighted areas influenced the content of the protocols which was developed in the second half of the KFVPP process. During this initial period, the KFVPP Project Officer attended regular LAJACs and East Gippsland Sub regional family violence meetings where the protocols were an agenda item. Additional meetings were held with DHS funded and Aboriginal specific workers and agencies while crucial information was gathered at community sessions such as one held with mums of kids in Boorai child care at QUANTUM.

The second phase of the protocols was primarily centered on clarifying and documenting a streamlined process that will follow police attendance at a family violence incident. Consideration was made to take on board and address those concerns and suggestions identified in the establishment phase. To continue the engagement of local services and the Koori community the FVPLS Project Management staff attended and presented at the following meetings:

- LAJACs and RAJACs
- Police Koori Community meetings
- Sub Regional Family Violence Reference Groups

Additionally, two meetings arranged by the KFVPP Project Officer were attended by local support services to seek their specific feedback in relation to the development of the KFVPP.

The following section outlines issues which have been raised in the course of the project through community meetings, Reference Group meetings, consultations with family violence networks and Local Aboriginal Justice Advisory Committees and discussions with local and district police, community Elders and family violence workers.

Issues relating to Police

Community and police consultations, undertaken as part of this project, indicate a high degree of commitment from Victoria Police to providing a culturally appropriate response to Aboriginal communities. However, the project also heard a range of concerns expressed by community members in the three areas of Bairnsdale, Darebin and Mildura in relation to the police response, including:

- Inadequacies in identifying victims and/or offenders as Aboriginal. Discussions indicate a range of causal factors including:
 - reluctance of people to identify themselves as Aboriginal, based on fear of repercussions, or anxiety that they will not be treated well. There is a particular fear that the DHS Child Protection Unit will be called and that children will be removed.
 - uncertainty on the part of some police officers on how to be culturally appropriate in ascertaining a person's status and, consequently, neglecting to ask the question "Are you Aboriginal or Torres Strait Islander?" and making an assumption about the ethnicity of the person.
 - that police sometimes neglect to record ethnic status on the relevant Victoria Police reports such as the Family Violence Risk Assessment and Management Report (L17). This may occur because the L17 is occasionally completed when the officer returns to the station and is no longer directly dealing with the incident.
- Concern was also raised by the community and support agencies that perpetrators were on occasion returned to the victim's home where the incident of family violence occurred after being removed by police. It was acknowledged that there are inadequate crisis accommodation referral options for police and that in the absence of safe and secure crisis accommodation perpetrators were returned home. Alternatively, it is also the case that the perpetrator remains in the family home while the victim and children move to stay temporarily with family and friends, often with the assistance of the police. As this accommodation is temporary and often overcrowded the victim is forced to return to the home with the perpetrator where the cycle of family violence continues. Consultations with Aboriginal communities have stated that, in some instances, Aboriginal women, following an incident of family violence and police attendance, are not being referred to a crisis service and not receiving follow-up support. Community members emphasised that this appears to be the case particularly where there are repeat attendances by police to family violence incidents at the same house. This concern was expressed by a number of people in all three communities. There appear to be a range of possible reasons for this, including:
 - Some Aboriginal women may request not to be referred to a mainstream crisis support service
 - Individual police officers may decide not to refer to the designated support service believing that the response is not local or adequate

However, by not following the formal process, the AFM may be inadvertently excluded from the support service system. The importance of compliance with the agreed referral processes, for all victims and offenders, needs to be reinforced.

During community consultations, there have been numerous reports from community members of slow police responses or failure to respond to a report of an incident. There are a number of factors to consider in examining this issue:

- Police perceptions: Police in all three areas have stated that emergency calls for assistance are, in all cases, treated with the utmost seriousness, with every effort made to provide telephone support to the callers, to monitor the progress of the incident and to provide an immediate response in terms of attendance by police.
- Community perceptions: There is a very strong perception, in the three Aboriginal communities where the Police Protocols are to be trialed, that police are reluctant to respond to repeat callouts or where there is an incident involving an Aboriginal family. Community perceptions have developed over many decades of negative experiences with police and are reinforced by any recent reports of a slow or inadequate response.
- During community consultations, community members have reported that some Aboriginal women telephone the local Police Station directly when they need help not 000. Additionally, when some AFMs call for police assistance they may not clearly explain that the situation they calling about is immediate and a crisis situation, in which they are unsafe.
- Police have indicated that they need to prioritise their responses to incidents. There are a limited number of police on duty and general duties members are often under some pressure in terms of dealing with one incident and having another awaiting their immediate attendance. In rural areas, there are limited response vehicles and police members. Distance is also a factor.

Victoria Police Code of Practice for the Investigation of Family Violence governs the way in which police respond to incidents involving family violence. Police response has strengthened since the introduction of The Code in 2004 and the second edition was launched in December 2010 which aims to further strengthen police response with a focus on early intervention and safety aiming to reduce the likelihood of further family violence occurring, prevent serious injury and minimize the exposure of children to family violence.

Whilst these attempts to explain community reports of a slow or poor police response may shed some light on this issue, it certainly requires further monitoring, and the work of this project includes support and recommendations for:

- further training for police in the areas of cultural awareness and family violence –in particular, on improving understanding of the attitudes and feelings of Aboriginal people about family violence and the justice system, police and government authorities and the impact of Victorian Aboriginal/ European history on Aboriginal families dealing with family violence. This would include an examination of the barriers to Aboriginal people reporting and seeking assistance, and the historical context and the impact of colonisation on Victorian communities.
- community education for Aboriginal communities in the areas of family violence, family violence law and the role of police in assisting people affected by family violence.

Concern was also expressed in consultations, about the appropriate treatment of Aboriginal and Torres Strait Islander people while in the custody or company of police, including those who are victims seeking police assistance at local stations.

Issues relating to the broader support service system

For Aboriginal men, there are some offender support services established in all three areas. However, there are serious limitations which impact on their effectiveness or relevance for Aboriginal men:

- Aboriginal Men's Time Out services are funded to run within limited timeframes, often during business hours only.
- Men's Behaviour Change programs are being run through mainstream services and do not incorporate a specific cultural aspect. This is considered crucial by many Aboriginal workers and representatives.

Other items of concern raised by the three Reference Groups were:

- That there are limited or no support services available for women perpetrators or those aged under 18.
- That the mainstream support services response is often culturally inappropriate. In each of the three areas Aboriginal community members have stated that:
 - people feeling isolated and silenced by being supported by a worker with a limited understanding of the cultural background
 - some Aboriginal women believe that they have been inappropriately assessed as not suitable for a particular refuge for a range of reasons or no reason is provided
 - demonstration of disrespectful or racist attitudes towards Aboriginal victim/survivors by workers in the crisis response and support service agencies

Victoria wide after-hours crisis response

It needs to be noted that, across Victoria the range of services offering support to victim/survivors of family violence is varied across regions and within regions. This includes both the crisis response and other non-crisis support services. A 24-hour crisis response is available across Victoria. However, there are different models in different areas.

- Women's Domestic Violence Crisis Service (WDVCS) offers a 24/7 crisis response for women anywhere in Victoria which may then refer the case to Gippsland East and Gippsland Aboriginal Cooperative (QUANTUM) for localized and face to face support.

Issues relating to the local Aboriginal community

Improving the awareness of Aboriginal communities about family violence will improve the capacity of individuals to identify family violence, the risk factors for family violence and to access support when it is needed. This will then assist people to address and prevent violence in their own family. Community education is needed at all levels, including sessions targeted specifically at workers, community members, men, women and young people. This should include education about the role of police, what to expect from police and emphasising the processes for seeking support from police and the processes for making complaints if not satisfied with the response.

Recommendations

Recommendations for actions to address identified issues

Aboriginal and mainstream family violence stakeholders have recommended strengthening the good work already happening in the areas of education, training and support for police in their work of investigating incidents and responding to people affected by family violence. Discussions with police and community members indicate that additional work needs to be targeted towards the following areas:

- ongoing and extended cultural awareness training for police recruits. Currently, a short session is delivered and it has been suggested that this needs to be strengthened and extended.
- ongoing cultural awareness training for police at the local level. It has been emphasised that this needs to be undertaken within a context of engagement with the local Aboriginal community. Much praise was given to police who are actively involved with their local Aboriginal community, participating in activities such as the Community Walk or local football matches.
 - ongoing direction, training, support and monitoring for police dealing with incidents of family violence, to ensure compliance with existing protocols and codes such as:
 - i. Victoria Police Code of Practice for the Investigation of Family Violence (December, 2010).
 - ii. Formal protocol between DHS and Victoria Police Family Violence Referral Pathways 2006 -2008 (DHS July 2006)
 - iii. Family Violence Risk Assessment and Risk Management Framework (July 2007)
 - iv. Victims' Charter
- development of guidelines for responding in a culturally appropriate way, identifying specific cultural issues and providing a checklist on the steps police should follow, when investigating an incident in the Aboriginal community
- ensuring a culturally appropriate crisis response service for Aboriginal victim/survivors through improving the response of mainstream 24 hour crisis response services. This requires ongoing discussion between Women's Domestic Violence Crisis Service (WDVCS) and regional family violence networks, especially in relation to providing an appropriate crisis response to Aboriginal victim/ survivors from Gippsland
- ensuring culturally appropriate ongoing and outreach support service responses for Aboriginal victim/survivors through:
 - increased local Aboriginal-specific services
 - improving the response of mainstream support services
 - Increased partnerships between mainstream and Aboriginal specific-services
- providing community education to Aboriginal communities in relation to family violence, specifically:

- the definition and nature of family violence
- family violence law, in particular The Family Violence Protection Act 2008, including particular focus and discussion on:
 - the rights of victim/survivors
 - legal definition of “family violence”
 - the broader definition of “family” in the new Act
 - the role of police, including what to expect from police, the processes for seeking support from police and the processes for making complaints if not satisfied with the response
- Implications of The Family Violence Protection Act 2008 for police, victims and offenders, in particular:
 - Family Violence Safety Notices and Intervention Orders
 - Holding powers
- The role and responsibilities of Child Protection (Department of Human Services)

Police have listened to the concerns of the community and have initiated local changes to promote service delivery excellence and intend to continue to strengthen relationships.

Appendix 2

Project Background and Governance Framework

Project background

In 2007, the Aboriginal Justice Forum authorised a project to address identified issues in the police response to incidents of family violence in the Aboriginal community. In 2008, the Department of Justice provided funding to Victoria Police, who contracted Aboriginal Family Violence Prevention & Legal Service Victoria, to undertake the *Koori Family Violence Police Protocols* project as a pilot in three areas - Bairnsdale, Darebin and Mildura. The project aims to improve the police response to incidents of family violence in Aboriginal communities through the development of protocols which complement the Victoria Police Code of Practice for the Investigation of Family Violence. The protocols are aiming to achieve a holistic, improved response to all parties including victims, children and perpetrators. They are underpinned in the three local areas by an integrated family violence service system, incorporating agreements & signed MOUs between Police and the Department of Human Services (DHS), in relation to agreed family violence referral pathways.

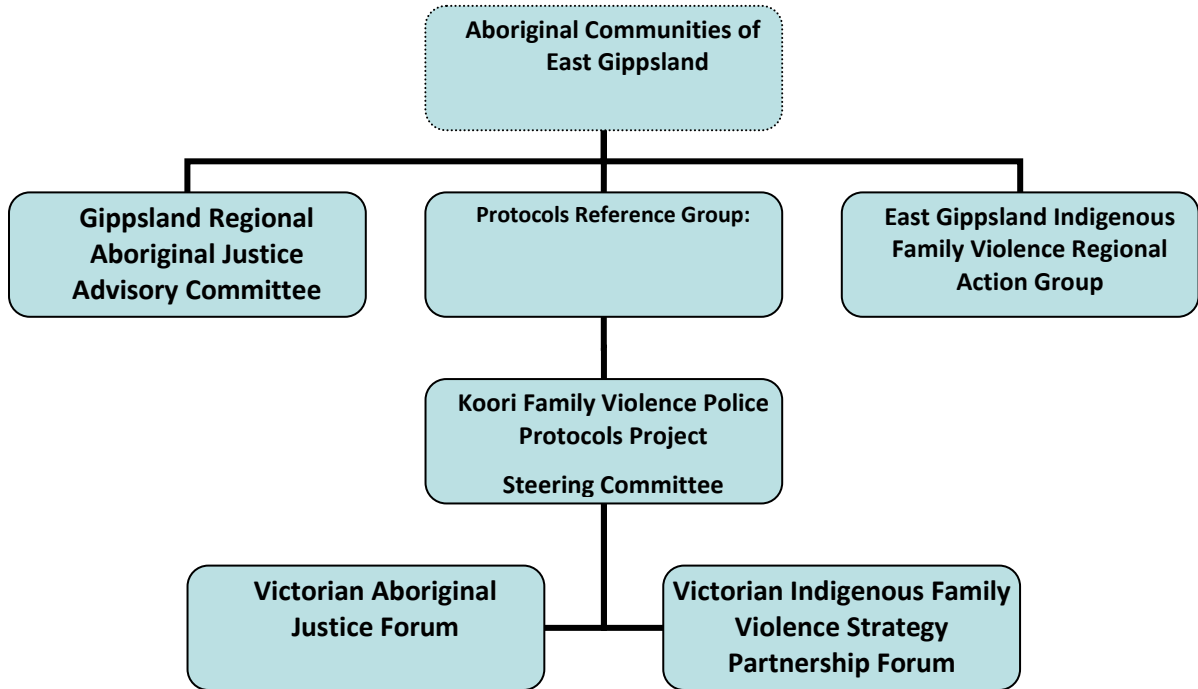
In the longer term, this project aims to assist in the reduction of both the number of family violence incidents, and the rates of families experiencing repeated incidents of family violence. Initially, it is expected that there will be an increase in calls for assistance - as Aboriginal communities develop (a) an improved understanding of their legal and support options and (b) increased confidence and trust in the response of police, support agencies and the legal system. In the long term, it is hoped that increased awareness and enhanced police response capacity will promote reporting but also contribute to prevention and deterrence of family violence.

Project Governance Model

A steering committee oversees the project, comprising Victoria Police, the Victorian Department of Justice, the Victorian Department of Human Services, and Aboriginal Family Violence Prevention & Legal Service Victoria. Regional reference groups support and monitor the trial in the three regions. Quarterly progress reports are provided to the Aboriginal Justice Forum and the Indigenous Family Violence Partnership Forum. In Bairnsdale, the Local Aboriginal Justice Advisory Committee agreed to act as the reference group to develop the Bairnsdale KFVPP.

Developmental stakeholders include:

- Regional and Local Aboriginal Justice Advisory Committees
- Local and district members of Victoria Police including:
 - Victoria Police Family Violence Advisors and Liaison Officers
 - Police Aboriginal Liaison Officers
 - Aboriginal Community Liaison Officers
- Regional and Sub Regional Family Violence Networks
- Indigenous Family Violence Regional Action Groups
- Local support providers



The above doesn't diagram doesn't include integrated approach – inclusive of RIC mainstream integrated strategy, DHS funded services and role of IFVRAG isn't true.

Change to reflect what is going on now.....

The KVVPP Steering Committee comprises of:

- CEO, FVPLS Victoria
- Manager, Policy and Development Unit, FVPLS Victoria
- Manager, Policy Coordination, Koori Justice Unit, Department of Justice
- Manager, Violence Against Women & Children Strategy Group, Victoria Police
- Manager, Aboriginal Advisory Unit, Victoria Police
- Project Leader, Housing Support Services, DHS
- Manager, Family Violence and Sexual Assault Unit, Children, Youth and Families, DHS
- State-wide Coordinator Indigenous Family Violence Strategy, DHS
- Other as deemed appropriate by the Steering Committee

The KVVPP Project Officer, FVPLS Victoria, provided secretarial support to the Steering Committee.

Appendix 3

Monitoring and Evaluation Framework

Appendix 3
Monitoring and Evaluation
Koori Family Violence Police Protocol Project

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1. BACKGROUND AND GOVERNANCE

1.1 BACKGROUND

In 2007, the Aboriginal Justice Forum authorised a project to address identified issues in the police response to incidents of family violence in the Aboriginal community. In 2008, the Department of Justice provided funding to Victoria Police, who contracted Aboriginal Family Violence Prevention & Legal Service Victoria, to undertake the *Koori Family Violence Police*

Protocols project as a pilot in three areas - Bairnsdale, Darebin and Mildura. The project received a further 12 month funding in 2011 to extend the project into three new sites- Ballarat, Shepparton and Dandenong. The project aims to improve the police response to incidents of family violence in Aboriginal communities through the development of protocols that are consistent with the Victoria Police Code of Practice for the Investigation of Family Violence. The protocols are aiming at a holistic, improved response to all parties including victims, children and perpetrators. They are underpinned in the three local areas by an integrated family violence service system, incorporating agreements & signed MOUs between Police and DHS, in relation to the agreed local referral pathways.

In the longer term, this project aims to reduce both the number of family violence incidents, and the rates of families experiencing repeated incidents of family violence, evidenced through the number of times a family needs to call for police. Initially, it is expected that there will be an increase in calls for assistance - as Aboriginal communities develop (a) an improved understanding of their legal and support options and (b) increased confidence and trust in the response of police, support agencies and the legal system.

1.2 PROJECT GOVERNANCE MODEL

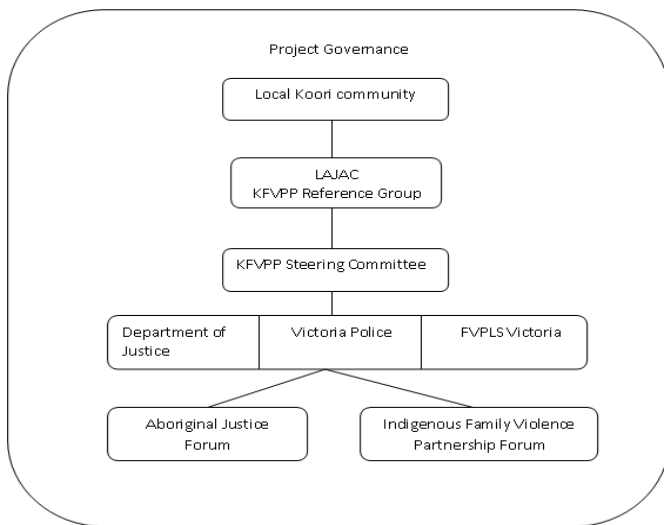
A steering committee oversees the project, comprising Victoria Police, the Victorian Department of Justice, the Victorian Department of Human Services, and Aboriginal Family Violence Prevention & Legal Service Victoria. Regional reference groups will support and monitor the trial in the regions. Quarterly progress reports are provided by the Steering Committee to the Aboriginal Justice Forum and the Indigenous Family Violence Partnership Forum.

The KVVPP Steering Committee comprises of:

- CEO, FVPLS Victoria
- Manager, Policy Coordination, Koori Justice Unit, Department of Justice
- Manager, Family Violence Coordination Unit, Victoria Police
- Manager, Aboriginal Policy & Research Unit, Victoria Police
- Manager, Across Systems Responses, DHS
- State-wide Coordinator Indigenous Family Violence Strategy, DHS
- Other as deemed appropriate by the Steering Committee
- The *KVVPP* Project Officer, FVPLS Victoria, provided secretarial support to the Steering Committee.

Developmental Stakeholders include:

- Regional and Local Aboriginal Justice Advisory Committees
- Local and district members of Victoria Police including:
- Victoria Police Family Violence Advisors and Liaison Officers
- Police Aboriginal Liaison Officers
- Aboriginal Community Liaison Officers
- Regional and Sub Regional Family Violence Networks
- Local support providers



2. Monitoring & Evaluation Introduction

Monitoring and evaluation are two distinct processes. The monitoring process may influence the direction and the focus that the evaluation takes, but ultimately they are separately designed and executed processes. The questions posed in the evaluation are likely to be different to those that form the monitoring template.

Monitoring of the Koori Family Violence Police Protocols (KFVPP) will happen on a regular basis, every three months, over a long period of time, possibly even ongoing. There will be a fixed monitoring template for participants, such as Police and DHS funded support agencies. They will be required to complete and submit this to their respective agencies to fulfill their obligations in the monitoring of the project. Monitoring enables ongoing reflection and can contribute to continuous change of the protocols in an attempt to improve the outcomes.

2.1 MONITORING

Monitoring involves:

- Establishing indicators of efficiency, effectiveness and impact;
- Setting up systems to collect information relating to these indicators;
- Collecting and recording the information;
- Analysing the information;
- Using the information to inform day-to-day management.

A monitoring template is attached as appendix two. It requires Police as well as DHS funded agencies that receive AFM or Respondent L17s from the Police to participate in the monitoring. These services will be required to complete a template and submit it to the receiving body – presently identified as the local LAJAC/RAJAC. How the Koori communities feed into the monitoring has yet to be determined due the difficulty in establishing a clear method across a diverse communities. One option is that the Koori community is encouraged to contribute feedback via LAJACs, IFVRAGs or local services who then report to the RAJACs.

2.2 EVALUATION

Evaluation of the KFVPP could be an investigation of project impacts and outcomes against the agreed strategic plans. It could look at what the project set out to do, at what the project accomplished, and how the project accomplished it. Funding permitting, an evaluation will occur after the project has been in operation for a period of at least 12 months.

Evaluation involves:

- Looking at what the KFVPP intended to achieve – what difference/impacts did it want to make?
- Assessing the KFVPPs progress towards what it wanted to achieve, its impact targets.
- Looking at the project strategy. Did it have a strategy? Was it effectively followed? Did the strategy work? If not, why not?
- Looking at how it worked. Was there an efficient use of resources? How sustainable is the way in which the project works? What are the implications for the various stakeholders in the way the project works?

2.3 WHAT IS THE PURPOSE OF THE KFVPP EVALUATION?

- Is the evaluation to identify systemic improvements on a larger scale than those identified in the monitoring framework?

- Is it to provide information to the Koori Communities in each of these regions about the effectiveness of the protocols?
- Is it to demonstrate to Police the effectiveness and areas for improvement regarding the protocols.

2.4 WHO IS THE KEY AUDIENCE OF THE EVALUATION DOCUMENT?

- The local or broader Koori community?
- Funding bodies?
- Police?
- All of the above? (if so, how is this done effectively and in a manner that does not result in an evaluation that is too broad)

The key audience will also impact on the type of evaluation document which will be produced and how that information in the document is disseminated back to its audience and other interested parties.

2.5 EVALUATION QUESTIONS:

Evaluation questions are often 'To what extent' questions. Such as, 'To what extent has there been an improved Police enforcement of Koori Family Violence matters?' or 'To what extent has the Koori community's confidence in Police increased?' These examples both relate directly to the KVVPP's program logic and at this stage are not part of the monitoring framework.

Evaluation questions are often not those addressed during monitoring. Generally an evaluation comprises of five or six questions. In determining what the evaluation questions will be, influencing factors need to be considered. This includes: can these questions actually be answered (too time intensive for money allocated or unable to access essential data), is this question directly related to the KVVPP or are the answers likely to be misleading due to compounding variables?

Some possible questions which may be used in an evaluation of the KVVPP are:

- To what extent is the KVVPP meeting its aims and objectives?
- To what extent has there been an improved Police enforcement of Koori Family Violence matters?
- To what extent has the Koori community's confidence in Police increased?
- What components of the project (ie Police Cultural Awareness Training, police community meetings etc) are having the largest impact on meeting project aims and objectives?
- To what extent do Police follow protocol (take criminal, civil and / or referral action)?
- How could the project be improved to increase its effectiveness?
- Has the project or its activities had any unintended impacts / consequences?

- What factors have contributed to (or prevented) the desired outcomes?
- How effective and important is the governance structure?
- To what extent has the relationships, links impacted on implementation of program
- What are the strengths and weaknesses of the program?

2.6 WHO WOULD BE REQUIRED TO PARTICIPATE?

Another part of the methodology would be to determine who was required to participate in the evaluation. This would primarily be driven by the evaluation questions. Examples of who would be required to participate are:

- Police (PALOs, ACLOs, FVAs etc)
- Steering Committee Members
- Koori Community Key stakeholders through LAJAC & RAJAC EOs; and IFRAGS
- DHS referral agencies for AFMs and perpetrators

2.7 WHEN WILL AN EVALUATION BE REQUIRED, AND HOW LONG WILL THE EVALUATION TAKE?

It would be ineffective to evaluate the KVVPP within the first year of its implementation. The protocols need to be operating in full for a period of time before an evaluation could occur.

As an evaluation might focus on broad ranging impacts and possibly community perceptions, adequate time needs to have passed to enable perceptions and practices to change or be influenced. Hence an evaluation should not occur in the first year.

The timing of an evaluation will be determined in consultation with local community and feedback through the KVVPP governance structure. The duration of any evaluation or review will depend on factors such as evaluation methodology, cost and scope.

3. KFVPP Monitoring (Methodology)

Monitoring question	Reason for monitoring question	Data figures required	Data source	Caveats/Gaps/Issues Data linking considerations
POLICE REPORTING REQUIREMENTS				
<ul style="list-style-type: none"> <i>What are the figures relating to ATSI identity at Family Violence incidents attended by Police</i> <i>Victim</i> <i>Perpetrator</i> 	Will assist in identifying if police are asking the question “are you or any children present Aboriginal or Torre Strait Islander?” and how willing ATSI identity information is disclosed	<ul style="list-style-type: none"> <i>Number of AFMs that identify as ATSI (this quarter and base data)</i> <i>Number of perpetrators that identify as ATSI (this quarter and base data)</i> <i>Number of Children that identify as ATSI (this quarter and base data)</i> 	<i>Police source - L17 data entered on LEAP</i>	<i>It is possible that Police continue to guess the cultural identity and do not ask the question; or that Aboriginal or Torres Strait Islanders decline to share that information</i>
<ul style="list-style-type: none"> <i>What are the figures relating to ATSI identity of individuals on the Recidivist Police Attendance List</i> <i>Victim</i> <i>Perpetrator</i> 	<i>Demonstrates rates of attendance and any changes over time (de-identified data)</i>	<ul style="list-style-type: none"> <i>Number of AFMs that identify as ATSI (this quarter and base data)</i> <i>Number of perpetrators that identify as ATSI (this quarter and base data)</i> 	<i>Police source – Police generated list</i>	<ul style="list-style-type: none"> <i>Must ensure that the list is generated in a similar format for each reporting period.</i> <i>Need to compare reporting methods for each of the three regions.</i>
<ul style="list-style-type: none"> <i>How many Police have attended (an available) Koori Cultural Awareness session?</i> <i>New Officers to</i> 	<i>Demonstrates the rate that new Police Officers and established Police Officers are attending Koori Cultural Awareness sessions.</i>	<ul style="list-style-type: none"> <i>Number of New Police Officers to the region/station that have attended a Koori Cultural Awareness session in the past 12 months</i> <i>Number of New Police Officers to the region/station that have not attended a Koori Cultural Awareness session in the past 12 months</i> <i>Number of established Police Officers to the</i> 	<i>Police source – calculated at Koori Cultural Awareness Sessions.</i>	<i>Must ensure that Police are only reporting Koori Cultural Awareness sessions that are linked with the KFVPP</i>

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<p><i>the Region</i></p> <ul style="list-style-type: none"> <i>Established Officers</i> 		<p><i>region/station that have attended a Koori Cultural Awareness session in the past 12 months</i></p>		
<ul style="list-style-type: none"> <i>What are the rates of referrals</i> <i>Number of L17s provided to ACLO</i> <i>Formal referrals arising from Aboriginal family violence incidents</i> 	<p><i>Demonstrates the extent to which formal referrals for Aboriginal AFMs and Respondents occur to both the ACLO and the DHS funded FV agency, and shows referral changes over time.</i></p>	<p><i>Number of L17s provided to ACLO where one of the parties has identified as ATSI for this reporting quarter</i></p>	<p><i>ACLO source – ACLO to manually count the number of referrals provided by Police in the reporting period</i></p>	
<ul style="list-style-type: none"> <i>What community family violence meetings and events are attended by Police?</i> 	<p><i>Identifies the meetings and events attended by Police, shows frequency and identifies gaps.</i></p>	<p><i>Police are to advise what meetings they have attended, the date and which person attended meetings. Meetings can include LAJACs, RAJAC, FV networks etc</i></p>	<p><i>Police source: information to be manually collected by Police</i></p>	
<p>RESPONDENT AGENCY REPORTING REQUIREMENTS</p>				
<p><i>Number of L17 referrals received by designated FV services for Respondents who identify as Aboriginal</i></p>	<p><i>Demonstrates the extent to which formal referrals are being received</i></p>	<p><i>Numbers of formal referral received for Aboriginal Respondents this quarter</i></p>	<p><i>Reported by DHS FV funded service – manual or extractable?</i></p>	<p><i>Police or FV service may continue to guess the cultural identity and not ask the question; or Aboriginal or Torres Strait Islander persons may decline to share that information</i> <i>Staff may not accurately record cultural identity on data base</i></p>
<p><i>Number of ATSI Respondents who have engaged with the</i></p>	<p><i>Identifies the extent to which Aboriginal Respondents engage with support services following an L17 referral. Also compares two</i></p>	<p><i>Numbers of Aboriginal Respondents who have engaged with the FV service this quarter</i></p>	<p><i>Reported by DHS FV funded service – data base extractable?</i></p>	<p><i>Must ensure continuity with how 'engaged' is defined.</i></p>

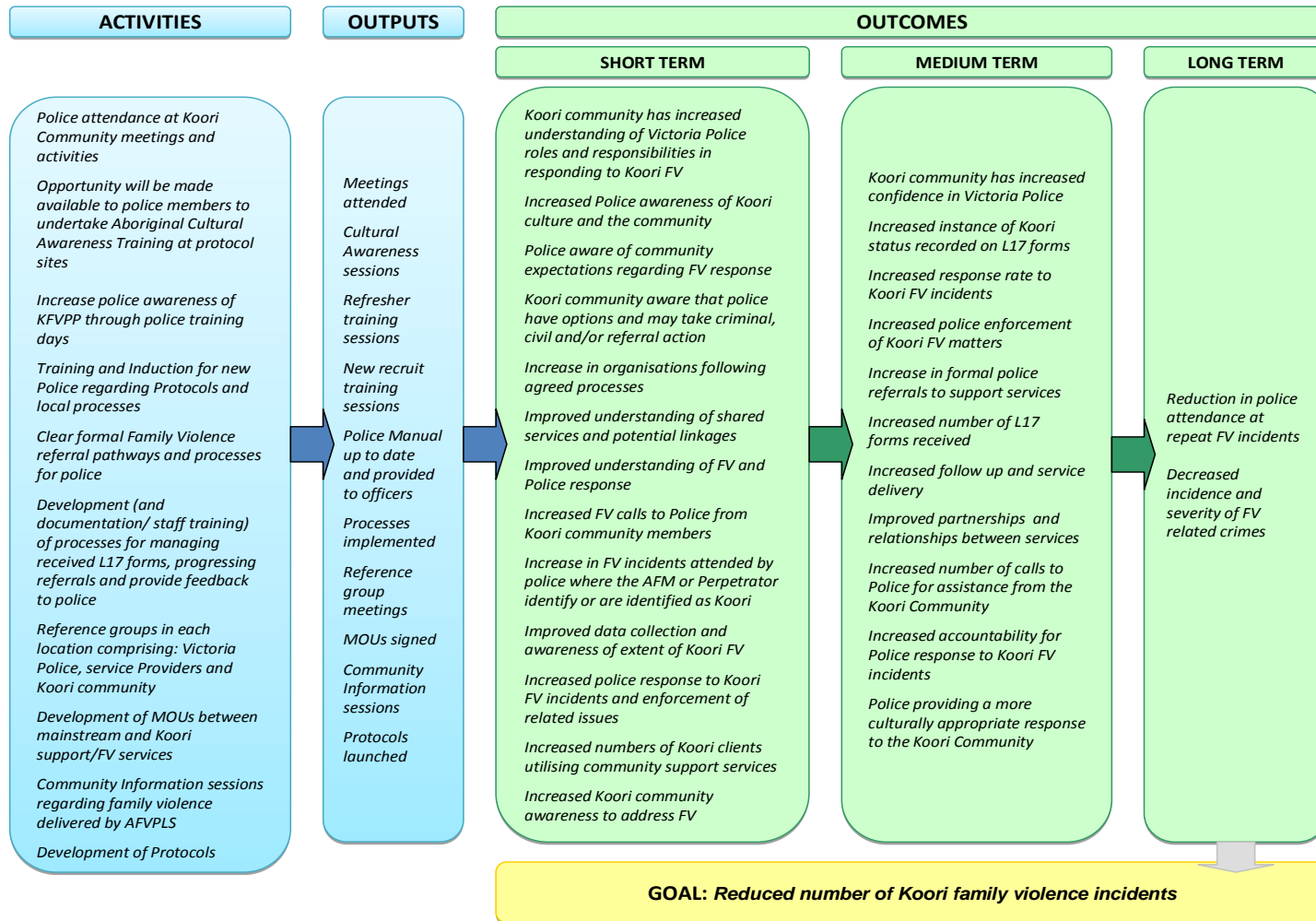
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<i>support service as a client following an L17 referral</i>	<i>sequential reporting periods.</i>			
Number of ATSI Respondents who have received case management following an L17 referral	<i>Identifies the extent to which Aboriginal Respondents enter into case management with support services following an L17 referral. Also compares two sequential reporting periods.</i>	<i>Numbers of Aboriginal Respondents who are case managed by the FV service this quarter</i>	<i>Reported by DHS FV funded service – data base extractable?</i>	<i>Must ensure continuity with how ‘case management’ is defined.</i>
List MOUs / agreements signed between your service and Aboriginal specific services	<i>Outlines the extent that the reporting agency has documented MOU with Koori Services Respondents.</i>	<i>List of Koori services or Koori programs where MOUs have been entered into</i>	<i>Reported by DHS FV funded service – manual reporting</i>	<i>MOUs may not truly reflect working partnership between two agencies</i>
AFM AGENCY REPORTING REQUIREMENTS				
Number of L17 referrals received by designated support services for AFMs who identify as Aboriginal	<i>Demonstrates the extent to which formal referrals are being received</i>	<i>Numbers of formal referral received for Aboriginal AFMs this quarter</i>	<i>Reported by DHS FV funded service – manual or extractable?</i>	<i>Police or FV service may continue to guess the cultural identity and not ask the question or ATSI persons may decline to share that information</i>
				<i>Staff may not accurately record cultural identity on data base</i>
Number of ATSI AFMs who have engaged with the FV service as a client following an L17 referral	<i>Identifies the extent to which Aboriginal AFMs engage with support services following an L17 referral. Also compares two sequential reporting periods.</i>	<i>Numbers of Aboriginal AFMs who have engaged with the FV service this quarter</i>	<i>Reported by DHS FV funded service – data base extractable?</i>	<i>Must ensure continuity with how ‘engaged’ is defined.</i>
		<i>Numbers of Aboriginal AFMs who engaged with the FV service last quarter</i>		<i>Staff may not accurately record cultural identity on data base</i>
Number of ATSI AFMs who have received case management following an L17 referral	<i>Identifies the extent to which Aboriginal AFMs enter into case management with support services following an L17 referral. Also compares two sequential reporting periods.</i>	<i>Numbers of Aboriginal AFMs who are case managed by the FV service this quarter</i>	<i>Reported by DHS FV funded service – data base extractable?</i>	<i>Must ensure continuity with how ‘case management’ is defined.</i>
		<i>Numbers of Aboriginal AFMs who are case managed by the FV service this quarter</i>		<i>Staff may not accurately record cultural identity on data base</i>

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				<i>Same AFMs case management period may cross over two reporting timeframes.</i>
<i>Number of ATSI AFMs who are referred to the after hours support provider</i>	<i>Reports on the extent to which ATSI AFMs are engaging with the afterhours support provider – indicating an immediate support response. Also compares two sequential reporting periods.</i>	<i>Number of ATSI women that engaged with the after hours provider this quarter</i>	<i>Reported by DHS FV funded after hours service – data base extractable?</i>	<i>Staff may not accurately record cultural identity on data base</i>
<i>List of MOUs / agreements between your service and Aboriginal specific services</i>	<i>Outlines the extent that the reporting agency has documented MOU with Koori Services response to ATSI Respondents.</i>	<i>List of Koori services or Koori programs where MOUs have been entered into</i>	<i>Reported by DHS FV funded service – manual reporting</i>	<i>MOUs may not truly reflect working partnership between two agencies</i>

4. KJVPP Program Logic Model



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List of ATTACHMENTS :

1. Victims Charter
2. Acronyms List
3. STOP family violence card/poster
4. Family Violence Risk Assessment template. ??? CRAF

Aim:

To analyse if Aboriginal and Torres Strait Islander people are being referred and supported as outlined in Bairnsdale Family Violence Police Protocols.

Q: Is the referral pathway for Aboriginal and Torres Strait Islander people working?

This will be checked by comparing of numbers of Aboriginal and Torres Strait Islander people identified at family violence incidents by Vic Police and number of Aboriginal and Torres Strait Islander people identified referrals received by GLCH/Child Protection

Numbers under 10 will not be reported.

Question		Data source		variables
		Frequency		
How many Aboriginal and/or Torres Strait Islander people have been identified at family violence incidents attended by Victoria Police in		Data source – How often: Establish base line data for last 12 months. Calculated every 12 months on		

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Bairnsdale. AFMs Respondents Children		March 30.		
GLCH How many Aboriginal and/or Torres Strait Islander people were identified on family violence referrals received by Gippsland Lakes Community Health for the same L17 period? AFMs Respondents Children		How often: Establish base line data for last 12 months. Calculated every 12 months on March 30.		
Part 2 of referral pathways – Aboriginal Specific Services				
QUANTUM How many				

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<p>Aboriginal and/or Torres Strait Islander women were referred to intake worker at QUANTUM for the same L17 period?</p>				
<p>Healing Service (GLCH)</p> <p>How many Aboriginal and/or Torres Strait Islander men were referred to the intake worker at the healing and time out services (GLCH) for the same L17 period.</p>				
<p>Men's Behavioural Change Program (GLCH)</p> <p>How many Aboriginal and Torres Strait Islander men were referred to the Men's Behavioural change program.</p>				

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Children.				
Glch – How many children were referred to Child First via L17 referrals for the same reporting period.				
Child Protection DHS – How many Children were referred to Child Protection for the same reporting period for L17.				

Qualitative info:

Survey 1 x per year all Vic Police officers. March.

Tick and flick – with short comments

Survey 1 x per year all staff referral agencies/services. March.

L17 and L8 Tick and flick – with short comments

Who: