Dandenong Koori Family Violence Police Protocols

Incorporating Dandenong, Cardinia and Casey
Shields of Life

The line of dots connecting the circles represents all the communities throughout Victoria. The shields are shielding out all the acts of violence in the community and the red dots are a reflection of the violence in the past. Where there are no red dots, this represents the clear pathways for our communities.

The Wren is the totem of the Gunai-Kurnai people from the Gippsland area of Victoria.
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Caveat: Throughout this document, the term Aboriginal is used to refer to both Aboriginal and Torres Strait Islander peoples except where specific terms such as Indigenous or Koori are referenced from policy documents or legislation.
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 Aboriginal 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.

Policy Context
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 Protocols:

**Victorian Aboriginal Affairs Framework 2013–2018**
The Victorian Aboriginal Affairs Framework 2013–18 (the VAAF) is the over-arching Aboriginal policy framework for the Victorian Government. The VAAF's Strategic Area for Action 5 (SAA5) is focused on 'safe families and communities and equitable justice outcomes'.

**Strategic Area for Action 5** is underpinned by two key strategies: the Victorian Aboriginal Justice Agreement, and Strong Culture, Strong Peoples, Strong Families: towards a safer future for Indigenous families and communities, Victoria's 10 year plan to address family violence.

**Victorian Aboriginal Justice Agreement**
The Koori Family Violence Police Protocols (KFVPP) is supported by the purpose and goals of the Victorian Aboriginal Justice Agreement – to improve the safety of Koori families and communities, tackle disadvantage and inequity, reduce Aboriginal contact with the criminal justice system and improve the justice process for Aboriginal Victorians.

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).

In line with the Aboriginal Justice Forum's (AJF) emergent priorities, Government’s justice policies and the Council of Australian Governments (COAG) Closing the Gap Building Block on Community Safety, AJA3 has an increased focus on improving the safety of Koori families and communities through:

- reducing conflict, violence and victimisation and improving support for victims
- preventing and reducing the further progression of young Kooris into the criminal justice system and reducing reoffending

**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 10 Year Plan is the policy platform for the Victorian government and Victorian Aboriginal community to address Aboriginal family violence in Victoria.

The Plan aims to:

- Promote coordinated responses to Indigenous men, women and youth who use violence
- Provide assistance to Indigenous perpetrators of family violence to access services including housing and Men's Behaviour Change Programs with a focus on increasing the safety of Indigenous families and individuals, especially women and children

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

Objective 5 of the Plan outlines the response to perpetrators:

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, behaviour 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

Purpose and scope of the Protocols

The Koori Family Violence 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 Code of Practice for the Investigation of Family Violence (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 Act.

• provide local contact details for referral to support services for victim, offender and children.
• reinforce the importance of police identifying whether any person, including children, are of Aboriginal and/or Torres Strait Islander descent, by recording Aboriginal status on the relevant Victoria Police reports, such as the Family Violence Risk Assessment and Risk Management Form (L17), LEAP (LedrMk2), and on any other documentation such as a referral form

• emphasising the importance of respect and sensitivity:
  • by demonstrating cultural respect in working with Aboriginal individuals, families & communities
  • by including:
    • establishment of 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 DHHS funded family violence services.

Key elements and outcomes of this project

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
• develop 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
• a well-resourced local service system capable of providing adequate and culturally appropriate level of support to Aboriginal victim/survivors and to offenders
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• 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
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Proposals for implementation and support

Mildura, Darebin, Ballarat, Bainsdale and Shepparton will now be joined by Dandenong in working to improve referral pathways for people affected by family violence. This project is working in partnership with the Regional Integrated Family Violence networks. Additionally, this project is working with key local and regional stakeholders to develop local protocols and resources to support police in their work of responding to family violence.

It has been agreed that building on the police response will need ongoing work and a range of strategies to support operational police in their crisis response work with Aboriginal communities.

Suggestions for improving the police response that have become the base of the work undertaken by the Koori Family Violence Police Protocols project include:

1. Working with local Reference Groups to develop the Koori Family Violence Police Protocols which reinforces The Code of Practice and incorporates key steps for investigating police to follow including immediate response and follow up actions such as detailing the local referral pathways.

2. The development of a brochure for Aboriginal victims and perpetrators of family violence. The brochure outlines an overview of the Koori Family Violence Police Protocols including providing an explanation as to what family violence, detailing what can be expected of police in their response to family violence and what action individuals can take if they are not happy with either the police or the support service’s response.

3. Commitment to undertaking Aboriginal Cultural Awareness training.

The Dandenong Division, which includes the Greater Dandenong, Casey and Cardinia Police Service Areas, supports the implementation of protocols for police investigation of incidents of family violence in Aboriginal communities in Victoria. The Koori Family Violence Police Protocol 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 Protocol is 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. establishing and documenting 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.
Section 3

Dandenong Family Violence Police Protocol

1. Ensure compliance with the Code of Practice for the Investigation of Family Violence.

2. Ensure that 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 the Department of Health and Human Services (DHHS) being called and children being placed in out-of-home care
   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 privacy concerns
   h. history of family violence
   i. family violence between extended family members (e.g. other than intimate partners)
   j. mental health or drug and alcohol issues in the family
   k. violence in a same sex relationship
   l. the particular needs of an elderly person or a person with a disability

3. Establish Aboriginal and/or Torres Strait Islander status and document this:
   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 parent or 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.

4. Investigate all family violence incidents coming to their notice by gathering background information and physical evidence, including photographs, clothing and statements from witnesses.

5. 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 co-operative.

6. Comply with obligations pursuant to Victim’s Charter for victims of crime

7. Refer all parties involved to appropriate services, emphasising any of the risk and vulnerability factors and particular needs to appropriate support services.

Support Response

A standard support response is delivered by Victoria Police within Division 3 in accordance with the Code of Practice. The service delivery may be enhanced through the Aboriginal Community Liaison Officer (ACLO).

Role of the ACLO

- 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 ACLO Contact Form (Appendix 4) by the Investigating Officer

- ACLO Contact Form is to be emailed to the SMR ACLO Position Based Email Account (PBEA)

- On receipt of the Contact Form the ACLO will contact the Investigating Officer for further information

- Where consent is documented on the ACLO Contact Form the ACLO will contact by phone the parties that are referred to them to determine if further supports are required.

- On a monthly basis the Recidivist List is to be printed and cases reviewed between the ACLO and the relevant Family Violence Liaison Officer where any of the parties have identified as Aboriginal.

- The Recidivist List review is to include an evaluation of the incident histories, note AFM and Respondent’s 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.

- The ACLO is to be notified by police when any of the parties involved in a family violence case review have identified as Aboriginal and/or Torres Strait Islander.
Aboriginal Cultural Awareness Training

A critical component of the success of the Protocols is the cultural competence of relevant Victoria Police personnel. All members within SD3 will attend Aboriginal Cultural Awareness Training.

Police Local Proactive Engagement

Police should continue to participate in local Aboriginal events to develop strong and positive relationships with the local Aboriginal community. Police should continue to attend all relevant Dandenong family violence and Aboriginal focused meetings.

Referral to Child Protection

The Department of Health and Human Services, Child Protection holds statutory responsibility to receive and investigate reports of child abuse. When reports are received where children are identified as Aboriginal or Torres Strait, Child Protection must inform and consult with the Victorian Aboriginal Childcare Agency (VACCA). Where a report proceeds to investigation phase, Child Protection must consult with Lakidejka about decision making, undertaking joint visits to the family and any other crucial decision-making including cultural planning and case planning decisions.
Appendix 1

KFVPP Governance

A Koori Family Violence Police Protocols State-wide Steering Group oversees the project, and comprises:

- Superintendent, Family Violence Command, Victoria Police (Chair)
- Director, Koori Justice Unit, Department of Justice and Regulation
- Director, Aboriginal Health and Wellbeing Unit, DHHS
- Director, Aboriginal Policy, Department of Premier and Cabinet
- Project Officer, Family Violence Command, Victoria Police provides secretarial support to the Steering Committee.

A Working Group of Officer level members across each of the participating departments supports the Steering Group and progresses agreed actions in the development, implementation and delivery of the Police Protocols across the state.

Quarterly progress reports are provided to the Aboriginal Justice Forum and the Indigenous Family Violence Partnership Forum.

Developmental stakeholders include:

- Regional and Local Aboriginal Justice Advisory Committees
- Indigenous Family Violence Regional Action Group members
- 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
Appendix 2

Monitoring and Evaluation Framework

Statewide monitoring of the Koori Family Violence Police Protocols (KFVPP) will occur quarterly by the Koori Family Violence Statewide Steering Committee.

**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.

Monitoring enables ongoing reflection and can contribute to continuous change of the protocols in an attempt to improve the outcomes.

The Dandenong Koori Family Violence Police Protocols Local Reference Group will be required to submit quarterly reports to the Statewide Steering Committee.

A monitoring template is attached at Appendix 2A. It requires Police as well as DHHS funded agencies that receive AFM or Respondent L17s from the Police to complete the template for monitoring purposes.

Completed templates will be submitted to the Local Reference Group for monitoring and review and will assist in identifying key information to include in the report to the Statewide Steering Committee.

Feedback from the Aboriginal community on the outcomes of the protocols must be incorporated into the Statewide Steering Committee report.
<table>
<thead>
<tr>
<th>Police Issue</th>
<th>Service Provider Issue</th>
<th>Community Issue</th>
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**Victoria Police Data** – to be sought quarterly from the Crime Statistics Agency by the SSG Secretariat to include at least three months information including:

- Number of FV incidents (total).
- Number of FV incidents where the AFM is Aboriginal.
- Number of FV incidents where the “other party” is Aboriginal.
- Number of FV incidents where children are present.
- Number of alleged FV offenders processed by Police for IVO breach.
- Number of FV incidents where Aboriginality is “unknown”.

**Service Provider Data** (both Aboriginal and non-Aboriginal) – data to be provided by the DHHS LRG representative quarterly to the LRG Secretariat to include at least three months information including:

- Number of referrals from Victoria Police (total).
- Number of referrals from Victoria Police where the AFM is Aboriginal.
- Number of referrals from Victoria Police where the perpetrator is Aboriginal.
- Number of referrals resulting in service delivery.
- Summary of services provided (e.g.: housing, counselling, etc.).
Appendix 3

Links and References

Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities 10 year plan (Aboriginal Affairs Victoria DPCD 2008)


Victoria Police Code of Practice for the Investigation of Family Violence: 2nd Edition


1 Family Violence Risk Assessment and Risk Management Framework 2011, Department of Human Services

2 The Victims’ Charter (Victims’ Charter Act 2006)


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


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


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.
# Appendix 4

## ACLO Contact Form

To be completed for all persons of Aboriginal and or Torres Strait Islander descent after contact with members from the Dandenong, Casey or Cardinia Police Service Areas. ‘Contact’ being defined as a suspect, witness or victim, to enable the intervention of the Aboriginal Community Liaison Office.

<table>
<thead>
<tr>
<th>Date</th>
<th>Informant</th>
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<tbody>
<tr>
<td></td>
<td>Contact person</td>
</tr>
<tr>
<td></td>
<td>Family name</td>
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<tr>
<td></td>
<td>Given name/s</td>
</tr>
<tr>
<td>DOB</td>
<td>Address</td>
</tr>
<tr>
<td>Contact No</td>
<td>Reason for contact</td>
</tr>
<tr>
<td>Call</td>
<td>Offence type (if relevant) Nil</td>
</tr>
<tr>
<td>Result:</td>
<td>Summons/Charge/Remanded/ Exonerated</td>
</tr>
<tr>
<td>Was Family violence involved?</td>
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<tr>
<td>Has consent for the ACLO to make contact been sought and given? Yes previously</td>
<td></td>
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<td>Informant general information (including risks identified)</td>
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**SUBMIT VIA EMAIL TO ACLO-SMR-MGR, if urgent advice or assistance is required please call Stewart Taylor directly**

Aboriginal Community Liaison Officer Southern Metro Region
Stewart Taylor
Ph: 9767 7517
Mob: 0400297532