

DAREBIN KOORI FAMILY VIOLENCE POLICE PROTOCOL PROJECT

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 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. The Koori Family Violence Police Protocols initiative (KFVPP project) 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.

Policy Context

Over the past decade, Victorian Governments have responded to a number of consistently damning reports of the poor quality of life of Aboriginal people, by asserting their 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 http://www.police.vic.gov.au/content.asp?Document_ID=288

DHS and Victoria Police Family Violence Referral Pathways 2012 -2014 Protocol <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>
3. Family Violence Risk Assessment and Risk Management Framework 2011, Department of Human Services
4. The Victims' Charter (Victims' Charter Act 2006)
5. Living Free From Violence, Upholding the Right: Victoria Police Strategy to Reduce Violence Against Women and their Children, 2009-2014. http://www.police.vic.gov.au/content.asp?Document_ID=288

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 Aboriginal Affairs Framework 2013-2018, Building for the future: a plan for 'Closing the Gap' in Victoria by 2031
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 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 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 -10yearplan,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

Terms used in the protocols

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

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 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

provide local contact details for referral to support services for victim, offender and children. (There is one 24 hour telephone number for each of these groups in each of the three trial regions.)

reinforce the importance of police identifying whether a person is Aboriginal and/or Torres Strait Islander, by recording 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

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.

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 an adequate and culturally appropriate level of support to Aboriginal victim/survivors and to offenders

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

Section 2 Overview

Proposals for implementation & support

Bairnsdale, Darebin and Mildura will now be joined by Shepparton, Dandenong and Grampians in working to improve referral pathways for people affected by family violence. This project is working in partnership with current initiatives through 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 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 is 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. Police in the three trial areas have committed to attending an Aboriginal Cultural Awareness training course that will be developed and facilitated by the local Aboriginal community and be overseen by the Victoria Police Priority Communities Division (PCD).

Definitions

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).

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’.

The Darebin Police Service Area, which includes the Northcote, Preston and Reservoir Police Stations, is part of a trial of protocols for police investigation 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 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. 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
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

Section 3

Darebin Family Violence Police Protocols

1. Take immediate action to protect and support Affected Family Members
2. Be aware and sensitive to the individual circumstances of each incident
3. Undertake a family violence risk assessment 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. Establish Aboriginal and/or Torres Strait Islander status & 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 guardian of any children present if the children are Aboriginal and/or Torres Strait Islander (ATSI) 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 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 co-operative.
9. Comply with obligations pursuant to Victim’s Charter for victims of crime.
10. Refer all parties involved to appropriate services, emphasising any of the risk and vulnerability factors and particular needs to the support service.

Referral Response to Female AFMS

- a. As soon as practicable, police will discuss with the AFM the referral and support services available.
- b. Where police determine a Family Violence Safety Notice, Application and Warrant or an Interim Intervention Order Application is needed or the female AFM needs immediate emotional support/information police are to contact the Northern Crisis Advocacy Response Service (NCARS) on the Police specific number to ensure an immediate response. Police are

to advise the AFM that they are calling an NCARS worker to offer her immediate phone support or advocacy as required. This call is to occur while the police are with the AFM.

- c. Upon contact with NCARS police are to inform the on call worker of the incident, the risk assessment as well as possible requirements of/for the AFM e.g. immediate face to face support, court support etc.
- d. The NCARS worker will then speak directly with the AFM and offer any phone support/clarification required and also reiterate the outcomes of the situation e.g. Family Violence Safety Notice and its implications etc. NCARS can also arrange for a NCARS support worker to meet with AFM at a safe location within 30 to 40 minutes of contact.
- e. For each L17 submitted where police hold safety or welfare concerns for the AFM and are making an application for an intervention order and the incident does not fit an NCARS referral, the AFM is to be advised that a formal referral is to be forwarded to the local family violence service. Police are then to fax the AFM's details to Berry Street Northern Domestic Violence Service on 9450 4701 by the end of each shift.
- f. If the AFM or any children present identify as Aboriginal and/or Torres Strait islander police are to complete an 'ACLO Contact Form' and provide this to the Aboriginal Community Liaison Officer (ACLO) by the end of each shift.
- g. In all instances the AFM is to be provided the pink 'Aboriginal Family Violence Help Card'.
- h. Police will also discuss with the AFM a safety plan.

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

Male AFM's details are to be faxed to Victims of Crime Helpline on 8684 6777.

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 are to ensure that the AFM and any dependent children have transport to that accommodation.
- b. If the AFM has no alternate accommodation option or is unable to be transported to safe accommodation police are to contact NCARS on the 'Police Only' number and they will arrange accommodation for the AFM and any children as well as arrange transport.

Referral Response to Male Respondents

- a. Where there is welfare and safety concerns for the AFM and/or Respondent, details will be provided to the Victims of Crime Helpline on 1800 819 817.
- b. In addition to the formal referral all Respondents are to be provided the blue 'Aboriginal Family Violence Help Card'
- c. If the Respondent identifies as Aboriginal and/or Torres Strait Islander the Investigating Officer is to complete an 'ACLO Contact Form' and provide this to the ACLO by the end of each shift
- d. Victorian Aboriginal Legal Service (VALS) is automatically notified by the Victoria Police Attendance System when an Aboriginal and/or Torres Strait Islander person is held in custody.

NOTE: Female respondents are to be referred to Northern Family and Domestic Violence Service- Berry Street via fax on 9408-9508. Note: There is a specialist Aboriginal case worker who oversees referrals of Aboriginal/Torres Strait Islander people..

Accommodation for Respondents

- a. When a Respondent is unable to remain at the property the police are to discuss with the Respondent their accommodation options, and take reasonable steps to ensure access to that accommodation. The DHS/Victoria Police family violence referral protocol states that where possible police will escort the Respondent to any arranged emergency accommodation. This is to happen for arranged emergency accommodation only.
- b. If the Respondent provides the police with an address police are to clarify via LEAP that the Respondent is not currently prohibited from attending the address by an active Intervention Order, Family Violence Safety Notice, bail conditions or any other order.
- c. If the Respondent has no accommodation police are to contact Homeground directly on 1800 048 325 if assistance is needed during business hours or St Kilda Crises Centre 1800 627 727 if assistance is needed after hours.
- d. If transport is required by the Respondent to the arranged emergency accommodation and police are unavailable, police are to ring the taxi service on 131008 and ask for the Special Services Department and quote the police VIP number which is located in the Homeground Folder at each Station's Watch House.
- e. Supply passengers name, pick up address (police station), destination address (e.g. motel) and contact number (Informant's).
- f. Taxis will only transport Respondents from the police station directly to accommodation. Taxis will not deviate to another address, stop at shops etc.

Children

- 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 Sexual Offences and Child Abuse Investigations Team as soon as possible; always before the end of the shift.
- c. If a report to Child Protection is not deemed necessary but significant concerns for the wellbeing of a child or young person remain, a referral to a community-based child and family support agency (ChildFIRST) may be appropriate. There are two pathways for this referral:
 - i. Police can refer directly to Child FIRST at the time of an incident using VP form 1302.
 - ii. When police formally refer an AFM or perpetrator to a family violence service provider they must provide the number of children present at the time of the family violence incident. The family violence service provider will consider the need for any children involved to be referred to ChildFIRST and make the referral if appropriate.
- d. Police may provide the child, young person or guardian with a KidsLine Helpcard or provide information about ChildFIRST at the time of the incident. This is deemed an informal referral.

NOTE: Kids Helpline is a free, telephone counseling service for Australian children and young people aged between 5 and 25 years.

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 and property damage 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 when a statement is being taken, such as a friend or family member that is not a witness to the incident. Additionally, they are also to be advised of local services such as Aboriginal Family Violence Prevention Legal Service FVPLS Victoria, Berry Street Northern Domestic Violence Outreach, and NCARS that may be able to provide support to the AFM and be present when a statement is taken.
- 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 Sexual Offences and Child Abuse Investigations Team are to be notified.

Keeping the AFM Informed

- a. Police 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. Police must record on LEAP their reasons for not making application for an Intervention Order.

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 are to 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 organizations.
- 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 advice them of 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 to call 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 necessary police are to consider substituted service of the Intervention Order on the Respondent.

Aboriginal Person Held in Custody

- a. Victorian Aboriginal Legal Service (VALS) is automatically notified by the Victoria Police Attendance System when an Aboriginal or Torres Strait Islander person is held in custody.
- b. As soon as possible police are to notify the ACLO via an email or during business hours via 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 'ACLO Contact Form' by the Investigating Officer.
- b. The Investigating Officer is to advise the ACLO if their assistance is required to ensure a culturally appropriate response.
- c. Where consent is documented on the 'ACLO Contact Form' the ACLO will contact by phone the parties that are referred to them.
 - i. The ACLO will discuss with the individuals the support referral processes and advise them of additional supports available that may be culturally specific or relate to other needs such legal agencies, drug and alcohol counseling or men's programs etc
 - ii. The ACLO can seek to clarify any queries individuals may have in regards to the police response and also liaise with the Investigating Officer to contact either party as required to provide additional information
- d. 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.
- e. 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.
- f. 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.
- g. The ACLO is to be notified by email or telephone during business hours when an Aboriginal and/or Torres Strait Islander person is in custody at the Northcote, Preston or Reservoir Police Stations. 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.

Aboriginal Cultural Awareness Training

- a. The Police Service Area Inspector is to ensure that all members within their PSA attend Aboriginal Cultural Awareness Training to be designed and delivered by the local Aboriginal community and the Victoria Police Priority Communities Division (PCD). This training is to be attended by police within 12 months of their commencement at the station and then once every three years following.

- b. Aboriginal Cultural Awareness Training is to be locally developed and contain components specific to the Aboriginal community in Darebin 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

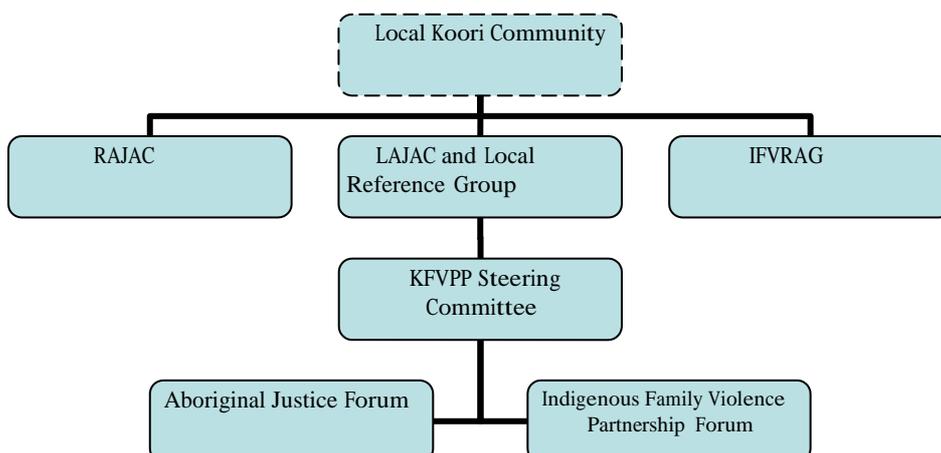
Police should continue to participate in local Aboriginal events to develop strong and positive relationships with the local Aboriginal community. Police should continue to attend all relevant Darebin family violence and Aboriginal focused meetings.

Appendix 1 KVVPP Governance

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 KVVPP.

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



The KFVPP Steering Committee comprises of:

CEO, FVPLS Victoria

Manager, Policy Coordination, Koori Justice Unit, Department of Justice

Detective Inspector Victoria Police Crime Department Violence against women and children strategy group.

Project Leader | Family Violence Accommodation & Support Unit DHS

Other as deemed appropriate by the Steering Committee

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

Appendix 2

Monitoring & Evaluation Framework

Developed and waiting endorsement of KFVPP Steering Committee.

1. 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.

1.1 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.

1.2 EVALUATION

Evaluation of the KVVPP 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 KVVPP intended to achieve – what difference/impacts did it want to make?

Assessing the KVVPPs 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?

1.3 WHAT IS THE PURPOSE OF THE KVVPP 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.

1.4 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.

1.5 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?

1.6 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

1.7 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.

2. KFVPP Monitoring (Methodology)

Monitoring question	Reason for monitoring question	Data figures required	Data source	Caveats/Gaps/Issues Data linking considerations
POLICE REPORTING REQUIREMENTS				
What are the figures relating to ATSI identity at Family Violence incidents attended by Police Victim Perpetrator	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	Number of AFMs that identify as ATSI (this quarter and base data)	Police source - L17 data entered on LEAP	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
		Number of perpetrators that identify as ATSI (this quarter and base data)		
		Number of Children that identify as ATSI (this quarter and base data)		
What are the figures relating to ATSI identity of individuals on the Recidivist Police Attendance List Victim Perpetrator	Demonstrates rates of attendance and any changes over time (de-identified data)	Number of AFMs that identify as ATSI (this quarter and base data)	Police source – Police generated list	Must ensure that the list is generated in a similar format for each reporting period. Need to compare reporting methods for each of the three regions.
		Number of perpetrators that identify as ATSI (this quarter and base data)		
How many Police have attended (an available) Koori Cultural Awareness session? New Officers to the Region Established	Demonstrates the rate that new Police Officers and established Police Officers are attending Koori Cultural Awareness sessions.	Number of New Police Officers to the region/station that have attended a Koori Cultural Awareness session in the past 12 months	Police source – calculated at Koori Cultural Awareness Sessions.	Must ensure that Police are only reporting Koori Cultural Awareness sessions that are linked with the KFVPP
		Number of New Police Officers to the region/station that have not attended a Koori Cultural Awareness session in the past 12 months		

Officers		Number of established Police Officers to the region/station that have attended a Koori Cultural Awareness session in the past 12 months		
		Number of established Police Offices to the region/station that have not attended a Koori Cultural Awareness session		
<p>What are the rates of referrals</p> <p>Number of L17s provided to ACLO</p> <p>Formal referrals arising from Aboriginal family violence incidents</p>	<p>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.</p>	Number of L17s provided to ACLO where one of the parties has identified as ATSI for this reporting quarter	ACLO source – ACLO to manually count the number of referrals provided by Police in the reporting period	
		Number of L17s Police forwarded to DHS designated FV support services where the party identified as ATSI for the previous reporting quarter		
		Number of L17s Police forwarded to DHS designated FV support services where the party identified as ATSI for this quarter last year (base data)		
<p>What community family violence meetings and events are attended by Police?</p>	<p>Identifies the meetings and events attended by Police, shows frequency and identifies gaps.</p>	<p>Police are to advise what meetings they have attended, the date and which person attended meetings. Meetings can include LAJACs, RAJAC, FV networks etc</p>	<p>Police source: information to be manually collected by Police</p>	
RESPONDENT AGENCY REPORTING REQUIREMENTS				
<p>Number of L17 referrals received by designated FV services for Respondents who</p>	<p>Demonstrates the extent to which formal referrals are being received</p>	<p>Numbers of formal referral received for Aboriginal Respondents this quarter</p>	<p>Reported by DHS FV funded service – manual or extractable?</p>	<p>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</p>

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

				timeframes.
Number of ATSI AFMs who are referred to the after hours support provider	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.	Number of ATSI women that engaged with the after hours provider this quarter	Reported by DHS FV funded after hours service – data base extractable?	Staff may not accurately record cultural identity on data base
List of MOUs / agreements between your service and Aboriginal specific services	Outlines the extent that the reporting agency has documented MOU with Koori Services response to ATSI Respondents.	List of Koori services or Koori programs where MOUs have been entered into	Reported by DHS FV funded service – manual reporting	MOUs may not truly reflect working partnership between two agencies

3. KFVPP Program Logic Model

