

Latrobe Aboriginal and Torres Strait Islander Family Violence Police Protocols

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

Table of Contents

(Overview)	5
Policy Context	5
Terms used in the protocols	9
TERMINOLOGY WHEN REFERRING TO ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE	9
OTHER TERMINOLOGY	12
TERMINOLOGY THAT SHOULD NOT BE USED	15
Guiding Principles	16
Purpose and scope of the Protocols	16
Key elements and key successes of this project	18
Section 2: Police response to Koori Family Violence in Latrobe	20
Business Hours Response Support for Women	22
After Hours Support Response for women	23
Accommodation for women and children	24
After-hours accommodation for male perpetrators	24
Children	25
1. IFVRAG representative Data and Reporting	30
Reporting and Evaluation	31

(Overview)

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

DHHS and Victoria Police Family Violence Referral Pathways 2012 -2014 Protocol <http://www.DHHS.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 Health and Human Services (DHHS)
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
6. Future Directions for Victim-Centric Policing 2015 http://intranet/retrievemedias.asp?Media_ID=111492
7. Equality is not the same. http://intranet/content.asp?Document_ID=39350

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 Koori people into the criminal justice system, and;
- reduce 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 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

TERMINOLOGY WHEN REFERRING TO ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

Aboriginal People Referring to Themselves

Aboriginal people often use different terminology to refer to themselves, depending on where they are from.

- The following words are the most commonly used in each State and Territory:
- “Aboriginal” is used to describe Aboriginal and/or Torres Strait Islander people nationally
- “Anangu” is often used in north west of South Australia and the Northern Territory
- “Koori” is often used in south eastern Australia (Victoria and parts of NSW)
- “Murri” is often used in Queensland and far northern New South Wales
- “Nunga” is often used in South Australia
- “Nyoongar” is often used in Western Australia
- “Palawa” is often used in Tasmania
- “Torres Strait Islander” is used to describe people from the Torres Strait Islands

Aboriginal

An Aboriginal or Torres Strait Islander is a descendent of the Aboriginal or Torres Strait Islander Peoples; identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives, or has lived.

- The term 'Aboriginal' may be used to refer to both Aboriginal and Torres Strait Islander people. Ensure this is made clear or footnoted in any documents/videos etc.
- Use 'Aboriginal' as an adjective rather than a noun (i.e. Aboriginal Community, Aboriginal People).
- Always use an upper case 'A' for Aboriginal when referring to Aboriginal people from Australia.
- Do not abbreviate 'Aboriginal' as this may be considered offensive.
- When using 'Aboriginal Peoples' the word 'people' with an 's' acknowledges the diversity of Aboriginal communities, languages, cultural practices and spiritual beliefs. Use in appropriate context.

Torres Strait Islander

A person who is a descendant of the Torres Strait Islander People

- Use upper case 'T', 'S' and 'I' for Torres Strait Islander
- Do not abbreviate 'Torres Strait Islander' as this may be considered offensive.
- Use as an adjective rather than a noun (i.e. Torres Strait Islander Community, Torres Strait Islander People)

Traditional Owners

Traditional Owners are Aboriginal and Torres Strait Islander people who directly descended from the original Aboriginal and Torres Strait Islander inhabitants of a culturally defined area of land or country. Traditional Owners have a cultural association with this country that derives from the traditions, observances, customs, beliefs or history.

- Use 'Traditional Owner(s)' to refer to an Aboriginal and Torres Strait Islander person or group as defined.
- All formal meetings, presentations and gatherings should be opened with an acknowledgement of the Traditional Owners of the land on which the gathering is being taken place.

Koori, Koorie or Koories (plural)

Refers to Aboriginal people from Victoria, southern parts of NSW and some parts of Tasmania and ACT

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| <ul style="list-style-type: none">• Use when a precedent exists (i.e. referring to the name of a document which references Aboriginal and Torres Strait Islander people as 'Koories') | <ul style="list-style-type: none">• This is sometimes the preferred term when referring to Aboriginal people from Victoria.• Always use an uppercase 'K' for Koori or Koories. |
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Australian

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| <ul style="list-style-type: none">• Ensure that when using the term 'Australian' that it is inclusive of Aboriginal and Torres Strait Islander people.• Use Aboriginal and non-Aboriginal when differentiating between Aboriginal and non-Aboriginal people. | <ul style="list-style-type: none">• Do not exclude Aboriginal and Torres Strait Islander people when using the term 'Australian' (e.g. Australia is the home of Aboriginal and Torres Strait Islander people and non-Aboriginal people). |
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Indigenous (Australian)

Indigenous is sometimes used to describe Aboriginal and Torres Strait Islander People.

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| <ul style="list-style-type: none">• Avoid using the term Indigenous when referring to Aboriginal and Torres Strait Islander people unless a precedent exists (i.e. referring to the name of a document which references the word 'Indigenous') | <ul style="list-style-type: none">• Always use with an upper case 'I'.• 'indigenous' with a lower case 'i' may be used when describing indigenous people from other parts of the world not necessarily Indigenous people of Australia. |
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OTHER TERMINOLOGY

Country

Aboriginal and Torres Strait Islander people have diverse relationships with, connections to and understandings of the Australian environment. Some of these relationships are based on the traditional knowledge and practices that have been passed down from generation to generation, while others have resulted from the various impacts of colonisation.

- Relationships to country are complex and interrelated.
- The term 'Country' is often used by Aboriginal and Torres Strait Islander people to describe family origins and associations with particular parts of Australia.

Community

There are many different perspectives on what a 'community' is. In Aboriginal and Torres Strait Islander cultures, community is primarily about country, (extended) family ties and shared experience.

- Aboriginal and Torres Strait Islander people may belong to more than one community – which may include the location they come from, where their family is and what organisations they belong to.
- Community is about inter-relatedness and belonging and is central to Aboriginal and Torres Strait Islander cultures.
- It is generally acceptable to use the term 'community' to refer to Aboriginal and Torres Strait Islander people living within a particular geographical region. However, the diversity of the Aboriginal and Torres Strait Islander people within that community should be considered where applicable.

Elder

The traditional meaning of an Aboriginal and Torres Strait Islander Elder is someone who has gained recognition within their community as a custodian of knowledge and lore and has permission to disclose cultural knowledge and beliefs.

- Recognised Elders are highly respected people within Aboriginal and Torres Strait Islander communities. In some instances, Aboriginal and Torres Strait Islander people above a certain age will be referred to as 'Elders'. However, it is important to understand that in traditional Aboriginal and Torres Strait Islander culture, age alone does not necessarily mean that one is a recognised Elder.
- The use of Elder (uppercase) is generally acceptable, but it is important to be aware of the differences in meaning.
- When negotiating with Aboriginal and Torres Strait Islander communities, ensure that recognised Elders are involved. This may occur directly, or through other Aboriginal and Torres Strait Islander people negotiating on the Elders' behalf. Although negotiation with recognised Elders is important, it should not replace negotiation with local Aboriginal and Torres Strait Islander organisations.
- Always use an upper case 'E' when spelling Elder.

Mob

'Mob' is a term identifying a group of Aboriginal and Torres Strait Islander people associated with a particular place

- 'Mob' is an important term for Aboriginal and Torres Strait Islander people, as it is used to describe who they are and where they are from. 'Mob' is generally used between Aboriginal and Torres Strait Islander people.
- It is not appropriate for non-Aboriginal and Torres Strait Islander people to use this term unless it is known to be acceptable.

Stolen generation

The 'Stolen Generations' are the generations of Aboriginal children forcibly taken away from their families by governments, churches and welfare bodies to be brought up in institutions or foster homes.

- Removing children from their families was official government policy in Australia until 1969. However, the practice had begun in the earliest days of European settlement when children were used as guides, servants and farm labour.

Nation

'Nation' refers to a culturally distinct group of people associated with a specific culturally defined area of land or country. The boundaries of these nations cannot be changed and the language is tied to that nation and its country.

- Nation may be used to refer to a culturally distinct Aboriginal and Torres Strait Islander group and country the group associate with.
- Boundaries of some Aboriginal and Torres Strait Islander nations cross over State boundaries. This should be considered when providing services and seeking consultation for processes and policies.

Clan

A clan is a subset of a nation. It is a local descent group, larger than a family but based on family links through a common ancestry.

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| <ul style="list-style-type: none">• The term 'clan' has specific meaning which derives from non-Aboriginal and Torres Strait Islander societies, and may not be applicable to Aboriginal and Torres Strait Islander cultures. | <ul style="list-style-type: none">• Where Aboriginal and Torres Strait Islander people use the term, its usage should be respected. If unsure, guidance should be sought from local Aboriginal and Torres Strait Islander people or organisations. |
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Native Title/Native Title Rights

Refers to recognition under Australian law that some Aboriginal and Torres Strait Islander people have rights and interest in their land that comes from the traditional laws and customs.

TERMINOLOGY THAT SHOULD NOT BE USED

Aborigine

'Aborigine' refers to an Aboriginal person. Although this may be grammatically correct, the term is considered outdated, has negative connotations and should be avoided.

- The term 'Aboriginal' should be used instead, but not as a noun.
- The term 'Aboriginal' should be used as an adjective (e.g. Aboriginal person/people)

ATSI, ATS, TI

Is sometimes mistakenly used as an abbreviation for Aboriginal and Torres Strait Islander

- Any abbreviation of 'Aboriginal and Torres Strait Islander' when used to describe people is considered offensive and should not be used.
- The term 'Aboriginal' could be used to include both Aboriginal and Torres Strait Islander people if 'Aboriginal' is clearly defined or footnoted in the document/video etc.

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 the existing Family Violence Code of Practice to guide police officers when responding to Aboriginal family violence across the Latrobe PSA.
- outline key steps to be taken by police when responding to an incident of family violence in the Aboriginal community
- emphasise the three main functions of police in family violence, as specified in the Code of Practice:
 1. provide safety and support to those involved
 2. identify and investigate incidents of family violence and prosecute persons accused of criminal offences arising from family violence
 3. 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.
- 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
- emphasizing 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 DHHS

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 sharing 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
- High quality crisis response, including the initial police response and the response of support services
- Consistent implementation of agreed protocols and codes
- A collaborative local service system capable of providing professional and culturally sensitive support to Aboriginal affected family members and perpetrators.
- 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: Police response to Koori Family Violence in Latrobe

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. Investigate all family violence incidents coming to their notice and gather background information and physical evidence, as per the Code of Practice for the Investigation of Family Violence
2. Take immediate action to protect and support Affected Family Members (AFM)
3. Be aware and sensitive to the individual circumstances of each incident
4. Undertake a Family Violence Risk Assessment and Risk Management plan 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
5. Use professional knowledge and resources to assess the future risk to determine the most appropriate risk management strategy
6. Show respect and sensitivity:

In undertaking the risk assessment and risk management, be aware that individuals in Aboriginal families have a range of vulnerability factors, additional issues, or extenuating circumstances, including:

- a. anxiety about identifying as an Aboriginal and/or Torres Strait Islander
- b. fear that the Respondent may be at risk of self harm or suicide if arrested or placed in a police cell
- c. that the AFM may fear condemnation by family members or community for reporting family violence

- d. that the family and or AFM may have previously requested assistance from the Koori community for the family violence incident(s).
 - e. fear that reporting family violence may lead to children being removed from the family
 - f. concern that police or previous legal matters will be brought up and used against the family in the course of investigating any family violence incident
 - g. possible concern or anxiety about being referred to a mainstream service
 - h. possible concern or objection to being referred to an Aboriginal service
 - i. history of poor past experiences when reporting family violence
 - j. family violence between extended family members (eg. other than intimate partners)
 - k. mental health or drug and alcohol issues in the family
 - l. family violence in a same sex relationship
 - m. the special needs of an elderly person or a person with a disability
7. To establish Aboriginal and/or Torres Strait Islander status, police must ask and document answers received. A short 'lead-in' or explanation as to why the question is being asked will help the person to understand the reason for asking and reduce any concern that may be held.

For example: *"To assist us in providing you with the most appropriate referral and support services, I need to ask you some personal questions: Do you or any children present identify as Aboriginal and/or Torres Strait Islander?"*

The Family Violence Risk Assessment Questions (Ready Reckoner) outlines and supports the use of the 'lead-in explanation' prior to asking question about Aboriginal status.

a. In all cases of family violence, ask the question of all people, including children present

“Are you Aboriginal and/or Torres Strait Islander?”

Consider:

- you may attend an incident of family violence that may include children who are Aboriginal and/ Torres Strait Islander,
- Asking a guardian of any children present if the children are Aboriginal and/or Torres Strait Islander.
- Asking children, if old enough, independently of the guardian if they are Aboriginal and/or Torres Strait Islander – confirm what age is deemed old enough

b. Document and record 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 where there are more than 5 children present.

c. 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 (s)

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, with consideration to vulnerability factors listed in this document

9. Comply with obligations pursuant to Victims’ Charter

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

Business Hours Response Support for Women

- a. As soon as practicable, the police will discuss with the woman the referral and support services available including:
 - i. Afterhours enhanced referral pathways
 - ii. Police Aboriginal Liaison Officer
 - iii. Latrobe Police Family Violence Unit
 - iv. Divisional Family Violence Advisor
 - v. Family Violence Services and Aboriginal Services
 - vi. 24 hour referral services
- b. Police are to advise the woman that a formal referral for herself (and any accompanying children) will be made to Quantum Support Services. Contact will be made either by Quantum Support Services or the Victorian Aboriginal Child Care Agency (VACCA) depending on whether a mainstream or Aboriginal specific response is requested by the AFM. .
- c. In instances where the AFM wants immediate face to face support or accommodation, police are to establish whether a mainstream or Aboriginal specific response is required. Once this has been ascertained the appropriate agency will be contacted by phone. Police will also submit a formal referral via LEDR MK2It must be specified in the L17's whether the AFM specifically wants a mainstream or Aboriginal specific response. If Aboriginal specific service is requested or it is unclear/unknown, the referral will be referred onto VACCA to make the initial contact with the AFM.

NOTE: Male AFM's who are in need of crisis accommodation, after hours, can be accommodated via the St Kilda Homelessness service.

After Hours Support Response for women

- a. Where police determine that either a Family Violence Safety Notice, Application and Warrant, or Interim Intervention Order is needed, or the AFM needs immediate emotional support/information, police are to offer the AFM afterhours support via Safe Steps Family Violence Response Centre (Safe Steps).
- b. Police are to advise Safe Steps by phone (police only line) of the family violence situation, their risk assessment as well as the requirements of the woman e.g., accommodation, transport, Intervention Order Court dates and any other urgent needs. Safe Steps will then speak directly with the woman by phone and make arrangements as needed. If deemed necessary the on call Quantum worker will be notified and will make contact with the AFM and Police. Processes will be explained by the support services if required e.g. Family Violence Safety Notice/Intervention Order and its implications Court Process etc

Accommodation for women and children

- a. If the AFM is unable or does not wish to remain at the location and has an alternative accommodation option, police will assist arranging transport for the AFM and any children to an alternative location.
- b. If the AFM has no alternate accommodation option, Police are to contact Safe Steps . Police are to assist with facilitating accommodation and transport for the woman and any children.

After-hours accommodation for male perpetrators

- a. Can be arranged via the St.Kilda Homelessness Service.

Children

- a. Police are to record the details of all children present at a family violence incident and ensure referrals are made using LEDR Mk2.
- b. Police must make a report to Child Protection as soon as practicable after forming a belief that a child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. Police will also make an immediate notification to SOCIT.
- c. When police make a formal referral this will be actioned by a local support service being either Quantum Support Services or VACCA depending on the AFM's request for either mainstream or Aboriginal specific engagement. A comprehensive risk assessment will be undertaken to identify and address their needs. .
- d. Police are encouraged to provide children, young people and/or guardians with contact details for KidsHelpLine telephone 1800 551 800 or www.kidshelpline.com.au. 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.

Statements – For Criminal Matters

- a. Police will 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. This includes both written and photographic.

- c. If the AFM wishes to make a statement after the incident and no informant has been assigned, police will make all efforts to take the statement at that time. Where an informant has been assigned but is not available, the attending member 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. Additionally, they are also to be advised of services such as, Quantum or VACCA, who 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, where children are present or the AFM is highly distressed, AFMs are to be offered location and time options to ensure maximum comfort 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 SOCIT is to be immediately 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 an 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.

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 should also ask the AFM if they would like the Police Aboriginal Liaison Officer (PALO) to contact them regarding the family violence incident and any subsequent follow up.
- g. Where appropriate, police are to consider substituted service of the interim or full Intervention Order on the Respondent.

Female and Male Respondents

- a. In the Latrobe PSA the formal referral pathway for female respondents is to Quantum Support Service via LEDR Mk2 and VACCA.

For male respondents to the Latrobe Community Health Mens Behavioural Change Programs via the Men's Referral Service which includes an Aboriginal specific program..Although consent is not required, police must inform all parties that the referral is being made to the nominated referral agency. A person can be referred at any time with consent.

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

Role of the Police Aboriginal Liaison Officer (PALO)

- a. The PALO should have management support to attend cultural awareness training when delivered
- b. The PALO needs to engage with the Aboriginal community, which will assist in building community confidence and trust in the role of the PALO
- c. The PALO may be able to offer further support to the AFM and their families

Role of the Aboriginal Community Liaison Officer (ACLO)

- a. Provide advice and guidance to police members as required when working with Aboriginal and/or Torres Strait Islander community members after attending family violence incidents.
- b. Provide follow up with AFMs and Respondents upon the request of the attending police member.
- c. Make any additional referrals necessary (other than family violence referrals which will have been done via LEDR Mk2)

Aboriginal Cultural Awareness Training

- a. Opportunity will be made available to police members to undertake Aboriginal Cultural Awareness Training.
- b. PALO's are also attached to the 24 hour Police Stations in Latrobe.

Police are to:

- a. Continue to participate in local community events to develop strong and positive relationships with the local Aboriginal community.
- b. Attend any Regional Family Violence Meetings
- c. Attend the RAJAC
- d. Attend the IFVRAG
- e. Work with and keep informed the appointed Family Violence Police Advisor of any issues.

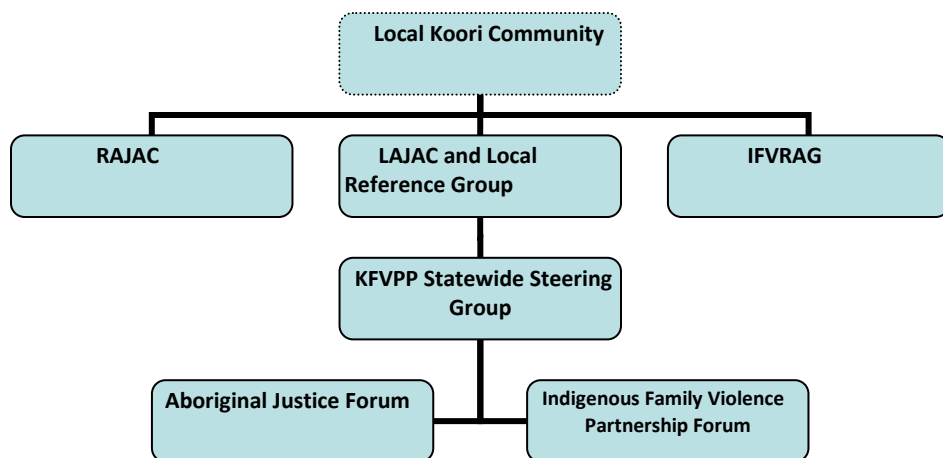
KFVPP Governance

A steering group committee oversees the project, comprising Victoria Police, the Victorian Department of Justice and Regulation (Koori Justice Unit), the Victorian Department of Health and the Office of Aboriginal Affairs Victoria.. Regional reference groups

support and monitor Protocol Sites. 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
- 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 Statewide Steering Group comprises of:

- Superintendent, Family Violence Command, Victoria Police
- Director, , Koori Justice Unit, Department of Justice and Regulation
- Director, Aboriginal Outcomes Branch, DHHS
- Executive Director, Office of Aboriginal Affairs, Victoria
- RAJAC representative

1. IFVRAG representative Data and Reporting

The following Aboriginal family violence data is available from the Crime Statistics Agency on a quarterly basis:

- Family Incident reports by FIR indicator¹ and where child present was Aboriginal and or Torres Strait Islander
- Family incidents by Indigenous status¹ of the AFM and OTH
- Alleged offenders with a principal offence of breach of orders by offence type and Indigenous status
- Family incidents by FIR indicator² and sex of AFMs and OTH parties
- Family incidents by FIR indicator² and selected actions taken

The following provides current data capture dates and the subsequent release dates. NB. When information is released, it will be 3 months old.

<https://www.crimestatistics.vic.gov.au/crime-statistics/release-calendar>

Publication	Release date
Quarterly release - year ending 30 September 2017	14 December 2017
Quarterly release - year ending 31 December 2017	15 March 2018
Quarterly release - year ending 31 March 2018	14 June 2018
Annual release - year ending 30 June 2018	27 September 2018

In addition, Victoria Police Corporate Statistics provides data relative to Indigenous status of children present at a Family Violence Incident:

- Family Incident reports by FIR indicator¹ and where child present was ATSI

Family Violence Command requests quarterly data from Crime Statistics Agency and Victoria Police Corporate Statistics on behalf of Koori Family Violence Police Protocols locations and disseminates it to the Divisional Superintendent for transmission to the Local Reference Group Secretariat.

Examination and discussion of local Aboriginal Family Violence data will be a standing agenda item for the Koori Family Violence Police Protocols Local Reference Group. This information will identify issues and drive the local strategy to develop solutions.

REPORTING

Reporting and Evaluation

Reports and minutes of each LRG will be provided to the State-wide Steering Group within two weeks of each meeting to inform planning and evaluation of the program.

Reporting templates and other information can be found in the Koori Family Violence Police Protocols Operations Framework located on the Family Violence Command Website.