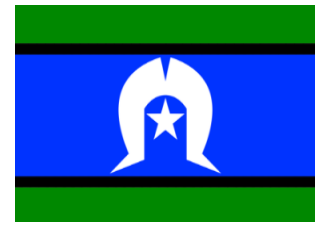




VICTORIA POLICE



# **Mildura Koori Family Violence Police Protocols**

August 2017

Front Cover:

## **ARTIST – SHARON KIRBY**

*“This painting is about stopping and helping against Domestic and Family Violence.*

*The hand in this painting means **STOP** against Violence and also the helping hands in all different organisations in our community.*

*The People in the hand show that there is help and by getting help they can become better people.*

*The circles around the hand represent the brain. The red is when it is upset, violent and confused; the blue is when it is calm and peaceful after receiving help”*

**Sharon Kirby**  
**September 2015**

*Victoria Police kindly acknowledges the artwork provided by Sharon Kirby, a respected Barkindji person, for her allowing the use of this artwork to highlight Family Violence concerns in the community.*

Jemmes Handy PSM  
Aboriginal Community Liaison Officer  
(Mildura / Robinvale)

Paul Naylor APM  
Superintendent  
(Mildura / Swan Hill)

<b>Acronyms</b>	
<b>ACLO</b>	Aboriginal Community Liaison Officer
<b>AFM</b>	Affected Family Member
<b>AFVPLS</b>	Aboriginal Family Violence Prevention Legal Service
<b>ATSI</b>	Aboriginal and Torres Strait Islander
<b>DHHS</b>	Department of Health and Human Services (Victoria)
<b>DJR</b>	Department of Justice and Regulation (Victoria)
<b>IFVRAG</b>	Indigenous Family Violence Regional Action Group
<b>KFVPP</b>	Koori Family Violence Police Protocol(s)
<b>LAJAC</b>	Local Aboriginal Justice Advisory Committee
<b>LEAP</b>	Law Enforcement Assistance Program
<b>OAAV</b>	Office of Aboriginal Affairs Victoria, Department of Premier and Cabinet
<b>PALO</b>	Police Aboriginal Liaison Officer
<b>RAJAC</b>	Regional Aboriginal Justice Advisory Committee
<b>AJA</b>	Aboriginal Justice Agreement
<b>RAMP</b>	Risk Assessment Management Panel

## **Terminology**

Throughout this document the term “Aboriginal” is used to refer to both Aboriginal and Torres Strait Islander people. Use of the term “Koori” and “Indigenous” are retained in the names of programs and initiatives, and unless otherwise noted, are inclusive of both Aboriginal and Torres Strait Islander peoples.

## **The Mildura Koori Family Violence Police Protocols:**

The Koori Family Violence Police Protocols are an agreement between local Aboriginal communities and Victoria Police that document the local Police response to Aboriginal family violence.

The aim of the protocols is 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.

Locally developed protocols guide police, at the time of a family violence incident, to identify whether the affected family member(s) or perpetrator identify as Aboriginal and, if so, to offer them the choice of referral to Aboriginal support services or non-Aboriginal support services according to their preference.

### **Family violence – definition:**

Aboriginal people experience violence, both as victims and perpetrators, at a much higher rate than the non-Aboriginal population of Australia<sup>1</sup>. The violent and disempowering history imposed upon Aboriginal people by colonisation has seen the development of an internalised response to the historical and ongoing impacts of oppression within these communities, which contributes to the high level of family violence experienced by Aboriginal people. <sup>2</sup>

#### **Definition:**

Family and domestic violence is any violent, threatening, coercive or controlling behaviour that occurs in current or past family, domestic or intimate relationships. This includes not only physical injury but direct or indirect threats, sexual assault, emotional and psychological torment, economic control, damage to property, social isolation and any behaviour which causes a person to live in fear.

The term "family violence" encompasses violence that might occur between family members, such as violence between siblings or across generations, in addition to violence between partners. Use of the term family violence also reflects indigenous communities' preference for the term because it more accurately reflects extended kinship ties and how the impact of violence affects all members of a family.

While child abuse and family violence are generally considered separately, it is important to acknowledge the inter-relationship between family violence and child abuse. These forms of violence often coexist, with violence being directed towards both women and children. It is also a form of psychological child abuse if a child hears or witnesses violence directed towards their mother or a sibling, even if that child is not a primary victim.

Family violence is predominantly, but not exclusively, perpetrated by men against women and children. Violence can occur in any kind of relationship including lesbian relationships and against people who are elderly or disabled. Family violence perpetrated against older people is often called

elder abuse, although this term can also include abuse by professional carers. 3

### **Objectives of the Mildura Koori Family Violence Police Protocols:**

A prompt and positive police and community response is critical for Aboriginal people affected by family violence. The longer-term goal of the protocols is to reduce both the number of family violence incidents, and number of families experiencing repeated incidents of family violence.

The protocols are aimed at a holistic, improved response to all parties including affected adult and child family members (AFMs), and respondents/perpetrators. The protocols make police aware of local Aboriginal support services and enable them, at the time of a family violence incident, to identify whether the affected family member(s) or perpetrator identify as Aboriginal and, if so, to offer them the choice of referral to Aboriginal support services or mainstream support services according to their preference. To support this process, the protocols also specify that police members should receive cultural awareness training delivered by members of the local Aboriginal community and those local communities and services should develop and sustain strong local partnerships. The protocols were launched at various times between 2011 and 2013, and in Mildura were amended to include direct referrals to an Aboriginal organisation.

In the short term the protocols are expected to increase police and Aboriginal community awareness and understanding of family violence and the responses available. It is envisaged that there will be more calls to police from Aboriginal community members and an increase in police response. The Aboriginal community will have a better understanding of police roles and responsibilities in responding to family violence and be more aware of police options to take criminal, civil and/or referral action. They will be more likely to use community support services. Police will be more aware of Aboriginal culture and community and of community expectations about the police response to family violence. They will attend more family violence incidents where the AFM or alleged perpetrator identified as Aboriginal and their increased response will include enforcement of related issues. All organisations involved will increasingly follow agreed processes, will understand shared services and potential linkages and would improve data collection on the extent of Aboriginal family violence.

It is expected that the police will provide a more culturally appropriate response, will enhance their response rate to incidents of Aboriginal family violence. This will enable police to record Aboriginal status correctly on referral forms (L17s) allowing them to make formal referrals to appropriate support services. As a result the Aboriginal community will be more confident in the police response and more likely to call the police for assistance. Partnerships and relationships between services will improve and there would be increased follow-up and delivery of support services after family violence incidents.

1. Memmott, P., Stacy, R., Chambers, C. & Keys, C. 2001, Violence in Indigenous Communities: Full Report, Crime Prevention Branch, Attorney-General's Department, Canberra, January.
2. Australian Human Rights Commission (2011), Social Justice Report, Chapter 2.
3. <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/family-violence/what-is-family-violence> Accessed 10 March 2015 cited from Evaluation of KVVPP Clear Horizon Consulting
4. Evaluation of KVVPP Clear Horizon Consulting

## **Mildura Koori Family Violence Protocols:**

The Koori Family Violence Police Protocols support and reinforce the importance of compliance with all aspects of the Victoria Police Code of Practice for the Investigation of Family Violence and reinforce protocols between police and local support agencies. The Koori Family Violence Police Protocols are aimed at ensuring a culturally appropriate response by identifying to police key actions, supporting local referral networks and reinforcing significant elements of the Victoria Police Code of Practice for the Investigation of Family Violence;

1. Respond quickly and decisively
2. Take immediate action to protect and support the Affected Family Member (AFM)
3. Ensure the safety and security of AFM and children
4. Establish ATSI status & document this
  - a. In all cases of family violence, ask the question of the AFM and the respondent, “Are you of Aboriginal and/or Torres Strait Islander origin?”
  - b. Ask a guardian of any children present if they are Aboriginal and/or Torres Strait Islander
  - c. Document the answer and ensure this is recorded on all relevant paperwork including the Family Violence Report (Form L17) as well as the Family Violence Safety Notice
  - d. If the AFM, Respondent or children identify as ATSI ensure that this information is included in any formal referral to a support service
  - e. Ask all parties if they would prefer the referral to be directed to aboriginal specific services or mainstream services and ensure this is reflected in the referral process
5. Demonstrate respect and sensitivity in undertaking the risk and needs assessment, noting that individuals in ATSI families may have a range of particular vulnerability factors, additional issues or extenuating circumstances, including:
  - a. anxiety about identifying as ATSI
  - b. fear that the offender 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 Health Human Services (DHHS) being called and fear of 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. family violence occurring between members of the extended family
  - g. anxiety about being referred to a mainstream service
  - h. objection to being referred to aboriginal specific service due to being known by a worker
  - i. history of 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. violence in a same sex relationship
  - m. the special needs of an elderly person or a person with a disability
6. Refer all parties involved to appropriate services, noting any of the risk and vulnerability factors and particular needs to the support service

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

1. Community education sessions for the ATSI community relating to the nature of family violence and how to seek assistance from police if you are experiencing family violence
2. Increased cultural awareness training for Police- including training about kinship
3. Agreements between mainstream family violence crisis services and aboriginal specific agencies ensuring that ATSI people are given choice in terms of the services available to them
4. Police and agency training days to include Koori specific issues and the reinforcement of the correct referral processes to be followed by police.

### **Business Hours Support Response for Afm's:**

- An AFM who identifies as Aboriginal and/or Torres Strait Islander or has an Aboriginal partner, has a choice of referral service between an Aboriginal or mainstream agency. In Mildura these agencies are Mildura District Aboriginal Services (MDAS) which includes Meminar Ngangg Gimba and Mallee Domestic Violence Service (MDVS). Police will ask the referral preference of all parties and will refer accordingly.
- If a person who identifies as Aboriginal and/or Torres Strait Islander or has an Aboriginal partner and requests an Aboriginal specific service, police reporting system will automatically generate a report to MDAS or the Aboriginal family violence agency. If the AFM requests immediate face to face support or accommodation police will contact Meminar Ngangg Gimba and make arrangement to facilitate this immediately.
- If a person identifies as Aboriginal and/or Torres Strait Islander or has an Aboriginal partner and a referral preference is mainstream, a referral will be made to MDVS.
- If the AFM requests immediate face to face support or accommodation police will contact MDVS who will make arrangements to facilitate this immediately.

### **After hours Immediate Response:**

Between the hours of 5.00pm and 9.00am Mallee Domestic Violence Service will remain the immediate crisis response referral pathway

- a. Where Police determine that a Family Violence Safety Notice is to be issued, charges are to be laid or that the AFM may be in need of immediate emotional support or accommodation, Police are to offer the AFM an afterhours support response from MDVS.
- b. In instances where the AFM consents to Police contacting the afterhour's response, Police are to contact MDVS on the 'Police only' line while at the scene with the AFM.
- c. Police are to advise the MDVS on call worker of the night's proceedings, their risk assessment as well as possible requirements of the AFM e.g. dates for court attendance, accommodation, transport etc. The MDVS worker will then speak directly with the AFM and make arrangements as needed while also offer any phone support or clarification required at the time as well as reiterate the outcomes of the situation e.g. Family Violence Safety Notice and its implications.
- d. MDVS may arrange local accommodation (refuge) for the AFM if needed. If the AFM is Aboriginal or Torres Strait Islander and are requesting refuge with Meminar Ngangg Gimba then MDV will make these arrangements the following morning.



For male victims of Family Violence referrals are automatically sent to a state-wide referral service and also to MDVS.

**Respondent's Referral Process:**

- a. Where there are welfare and safety concerns for the AFM and/or respondent, police are to advise the respondent that their details will be provided to a men's support service that will make contact with the respondent.
- b. MDAS and Sunraysia Community Health Services offer Men's Behavioural Change Program sessions for respondents.
- c. Victorian Aboriginal Legal Service (VALS) is automatically notified by the system when an ATSI person is entered onto the Victoria Police Attendance Register.
- d. If a referral agency identifies that they have received a potentially inappropriate referral they must clarify this with the Family Violence Advisor.

**Accommodation for Respondents:**

- a. When a respondent is excluded from the property the police are to discuss with the respondent their accommodation options and to offer to arrange transport to that accommodation. Transport of the respondent will either be by the police or police will arrange transport by a person nominated by the respondent. Police are to remain at the property until the respondent has left.
- b. If the respondent provides the police with an address the police are to clarify that the respondent has not been an offender at that address and that they are not in breach of any other orders by attending that property
- c. If Police attendance is after hours and the respondent has no suitable accommodation options police are to arrange accommodation in the designated hotel and are to complete the agency payment form which is held at the hotel's front counter.
- d. If police attendance is during business hours and the respondent has no suitable accommodation options police are to refer the respondent to The Salvation Army.

**Children**

- a. Police are to accurately record the details of all children present at a family violence incident on the L17
- b. Police referral system will automatically generate referrals to appropriate agencies if children are exposed to or involved in family violence incidents.
- c. Police are to make notifications to Child Protection, Department of Health and Human Services as required in the Victoria Police Code of Practice for the Investigation of Family Violence.



### **Statements from the AFM:**

- a. Police are to advise the AFM that a statement regarding the incident is required and will need to be taken as soon as practicable. Consideration will be made if the AFM is distressed, injured or has children in their care that will be present for the taking of the statement.
- b. Documentation relating to visible injuries is to be taken immediately to avoid the loss of evidence.
- c. If the AFM wishes to make a statement after the incident police will make all efforts to take the statement whether the informant is available or not, in the unlikely event that no police officer is available to take a statement, an appointment will be made with the AFM for a statement to be taken.
- d. When a statement is taken the AFM will be provided with a copy of the statement.
- e. AFM's 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 local services such as Aboriginal Family Violence Prevention and Legal Service (AFVPLS) or MDVS (24 hours service) who can provide support to the AFM and be present when a statement is being taken.
- f. AFM's are to be advised that a statement can be taken where they feel most comfortable such as at the police station or at a support agency (during business hours only). This is to ensure maximum security of the AFM and appropriateness for children who may be present.
- g. Police are to ensure that if there is disclosure or evidence of sexual assault that the SOCIT Unit is notified.

### **Keeping the AFM informed:**

- a. The investigating police officer must keep the victim 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.
- b. Where police do not make application for an intervention order, they must explain the civil options available and refer the AFM to appropriate referral agencies or the court registrar. Police must record 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 inform the AFM of the reason for the delay such as unable to locate the respondent.
- c. Police are to discuss with the AFM how the matter is to proceed and any necessary timeframes and actions.
- d. Police are to clarify with the AFM any support links and advise of the local services that may be able to assist them.
- e. Where appropriate police are to consider a substitute service of the intervention order to endeavor to have it served.

### **Indigenous person held in custody:**

- a. When an ATSI person is held in attendance at the police station an automatic notification is made to the Victorian Aboriginal Legal Service (VALS) through the Victoria Police Attendance Register module.
- b. As soon as possible police are to notify the ACLO (during business hours) by telephone when an Indigenous person is in custody. If outside of business hours the details of the person in custody are to be entered into the Aboriginal Community Justice Panel (ACJP) book and they are to be notified by telephone. The ACJP worker may then attend the Police Station and speak with the Respondent and offer them support and to contact family members as appropriate. The ACJP can attempt to arrange transport for the Respondent to accommodation upon release from custody.

### **Role of the Aboriginal Community Liaison Officer:**

- a. The Investigating Officer is to advise the ACLO if their assistance is required to ensure a culturally appropriate response
- b. During business hours the ACLO may visit the respondent in custody and to attend to their welfare needs and may arrange support to them and their families. Family Violence Advisor (FVA) is to action any issues identified with the appropriate agency.
- c. The ACLO may be notified if members of the SOCIT Unit are investigating a family violence related issue where any of the parties identify as ATSI.
- d. If police are having difficulties engaging the AFM with services they will seek the assistance of the ACLO to work with the police and the AFM if necessary.
- e. Police should notify the ACLO of family violence any incidents involving ATSI people that display characteristics of high risk behavior or any incidents that involve high risk behaviors for expert advice.

### **Koori Cultural Awareness Training:**

- a. The Koori cultural awareness training is run from the Mildura and all police officers are to undertake training within six months of their commencement at the station and then attend refresher training as deemed necessary.
- b. The training is to contain a component specific to the ATSI community in the area which will contribute to developing police officers understanding of the local community's strengths in the region as well as any barriers ATSI people have in engaging with police.
- c. The training is to contain a detailed component that relates to family violence in the ATSI community.
- d. Training is to incorporate the Mildura Family Violence Police Protocols.
- e. Training is to also incorporate training in the importance of asking relevant questions (prompt sheet) at the scene and the transfer of this information to the L17. Explanation to police members of how the referral system works and the importance of identifying Indigenous status.
- f. All members with participate in the Family Violence training within the Victoria Police learning hub.

### **Police Local Engagement:**

Police are to continue to participate in local ATSI events to enhance strong and positive relationships with the local ATSI community.

### **Attendance at Meetings:**

FVA is to continue to attend all relevant Mallee family violence and Indigenous focused meetings.

- a. FVA (or representative) is to attend all family violence external forums
- b. FVA (or representative) will attend all internal FVA & family violence forums
- c. FVA (or representative) is to continue to attend the monthly LAJACs and quarterly RAJACs
- d. FVA (or representative) is to attend the Mallee Family Violence Executive Meetings as required.
- e. FVA (or representative) will chair quarterly Local Reference Group Meetings
- f. FVA (or representative) will attend monthly Northern Mallee Family Violence Network meetings (MDVS).
- g. The FVA will be a core member of the Mallee RAMP.