



Shepparton PSA

Aboriginal and Torres Strait Islander Family Violence Police Protocols

Victoria Police pays its respects to the Traditional Owners of lands on which we live and work. It pays its respects to Elders and all Aboriginal and Torres Strait Islander Peoples who continue to care for their country, culture and people.

We will always remember and take the time to reflect on those who are not with us today, who have worked towards building a better relationship between Victoria Police and the Victorian Aboriginal Community.



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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 - 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

- Use when a precedent exists (i.e. referring to the name of a document which references Aboriginal and Torres Strait Islander people as 'Koories')
- This is sometimes the preferred term when referring to Aboriginal people from Victoria.
- Always use an uppercase 'K' for Koori or Koories.

Australian

- 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.
- 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).

Indigenous (Australian)

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

- 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')
- 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.

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.

Other Terminology

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.

- 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.
- 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.

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 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:**
 - o provide safety and support to those involved
 - o identify and investigate incidents of family violence and prosecute persons accused of criminal offences arising from family violence
 - o 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 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 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:
 - o family violence laws
 - o victims' rights
 - o human rights
 - o complaint processes
 - o 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 Shepparton PSA Aboriginal & Torres Strait Islander Family Violence Police Protocols

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 of 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 Elder, persons with a disability and/or their carer
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,

Police: "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 a 'lead-in explanation' prior to asking questions about Aboriginal status.

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

"Are you or any children present 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.
- 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

Support Response for Women

- a. As soon as practicable, the police will discuss with the woman the referral and support services available (including: the enhanced referral pathways, after hours contact to the CJP or Marian Community. During business hours contact can be made with: PALO, ACLO, Shepparton Family Violence Team, FVLO, Mainstream Family Violence Services, Rumbalara Aboriginal Cooperative Justice Services (Family Violence Services), Primary Care Connect; Female Indigenous Worker)
- b. Police are to advise the woman that a formal referral for herself (and any accompanying children) can be made to either the Primary Care Connect Family Violence Worker or the Rumbalara Aboriginal Cooperative Justice Services, Family Violence Team. This ensures that an Aboriginal woman has the choice of an Aboriginal or a mainstream service.
- c. In instances where the woman wants immediate face to face support or accommodation, Shepparton PSA police are to consider a referral to Marian Community (Vincent Care). Alternatively Shepparton PSA police can contact CJP for cultural support and transportation with permission of the AFM.
- d. Police are to contact Marian Community while at the scene with the woman to facilitate contact. If police are unable to transport the woman to safe accommodation police are to contact the service who will be able to arrange taxi or transport for the woman. Alternatively Shepparton PSA police can contact CJP for cultural support and transportation with permission of the AFM.

Male AFMs who are in need of crisis accommodation after hours can be accommodated via the St Kilda Homelessness service. CJP can be contacted for cultural support and transportation.

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 female AFM needs immediate emotional support/information, police are to offer the female AFM afterhours support via Marian Community.
- b. In instances where the woman consents to police contacting the after hours response, police are to contact Marian Community directly while at the scene with the woman.
- c. Police are to advise the on call worker of the night's proceedings, their risk assessment as well as possible requirements of the woman e.g. dates for court attendance, accommodation, transport etc. The worker will then speak directly with the woman and make arrangements as needed while also offering any phone support or clarification required as well as reiterate the outcomes of the situation e.g. Family Violence Safety Notice and its implications.

- d. Formal referrals for female AFMs will be sent via LEDR Mk2 to either Primary Care Connect or Rumbalara Aboriginal Cooperative Justice Services (by consent) by the investigating police officer by the end of each shift.
- e. Where a victim of family violence is male, referrals to support services/ or victim assistance counselling can be made at a local level of through the Victims of Crime Helpline via telephone on 1800 819 817.

Accommodation for women

- a. If the woman is unable or does not wish to remain at the property and has an alternative accommodation option, police may be able to provide or arrange transport for the woman and any dependent children to the residence via Marian Community or the Community Justice Panel.

If the woman has no alternate accommodation option or is unable to be transported to safe accommodation police are to contact Marian Community who will proceed to arrange accommodation and transport for the AFM and any children

Children

- a. Police are to record the details of all children present at a family violence incident.
- b. Police must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds 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 notify the local SOCIT as soon as possible; before the end of each shift.
- c. When Police make a formal referral the L17 is to be sent to the local support service, Primary Care Connect or Rumbalara Aboriginal Cooperative Justice Services which will undertake a comprehensive risk assessment of the child to identify and address their needs. Where it is appropriate, this will include a referral to ChildFIRST/Family Services.
- d. Police must make an assessment of the child and if warranted either make a report to DHS child protection or a report to Child First if they have concerns for the emotional well being of the child being exposed to family violence
- e. Police may provide the child, young person or guardian with a KidsLine Helpcard or provide information about ChildFIRST or other appropriate services 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 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.
- c. If the AFM wishes to make a statement after the incident and no informant has been allocated, police will make all efforts to take the statement at that time. Where an informant has been allocated but is not available, the attending officer will advise the AFM that the informant will be notified that the AFM wishes to make an appointment for a statement to be taken
- d. When a statement is taken the AFM will be provided with a copy of the statement.
- e. AFMs are to be advised that they are able to have a support person present such as a friend or family member when a statement is taken. Additionally, they are also to be advised of services such as: Marian Community, the Primary Care Connect Female Indigenous Worker, Rumbalara Justice Services Family Violence Worker or during afterhours the CJP, 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, children are present or the AFM is highly distressed, AFMs are to be offered location and time options to ensure maximum comfort of the AFM and appropriateness for children who may be present
- g. Police are to ensure that if there is a disclosure or evidence of a sexual assault then the local SOCIT is to be notified

Keeping the AFM Informed

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

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 Shepparton PSA police members are able to formally refer both male and female respondents to Rumbalara Aboriginal Cooperative Justice Services, Family Violence Team via LEDR Mk2 with the consent of the person concerned.
- b. If the respondent does not consent to a formal referral to Rumbalara Aboriginal Cooperative Justice Services, Family Violence Team the person will be referred to the mainstream agency:
 - Primary Care Connect for female respondents
 - Men's Referral Service for male respondents

Aboriginal Person Held in Custody

- a. Victorian Aboriginal Legal Service (VALS) is automatically notified by the system when an Aboriginal or Torres Strait Islander person is held in custody and entered onto the Victoria Police Attendance Module
- b. Community Justice Panel must be contacted via phone to advise there is an Aboriginal and/or Torres Strait Islander person in custody for family violence related matters.

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 at protocol sites.
- b. Aboriginal Cultural Awareness Training will contain components specific to the Aboriginal community in the Shepparton PSA 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 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. The Divisional Family Violence Adviser will meet with Rumbalara Aboriginal Cooperative Justices Services Family Violence Team and Community Justice Panel staff monthly to discuss processes and referrals received.
- f. Work with and keep informed the appointed Family Violence Police Advisor of any issues.

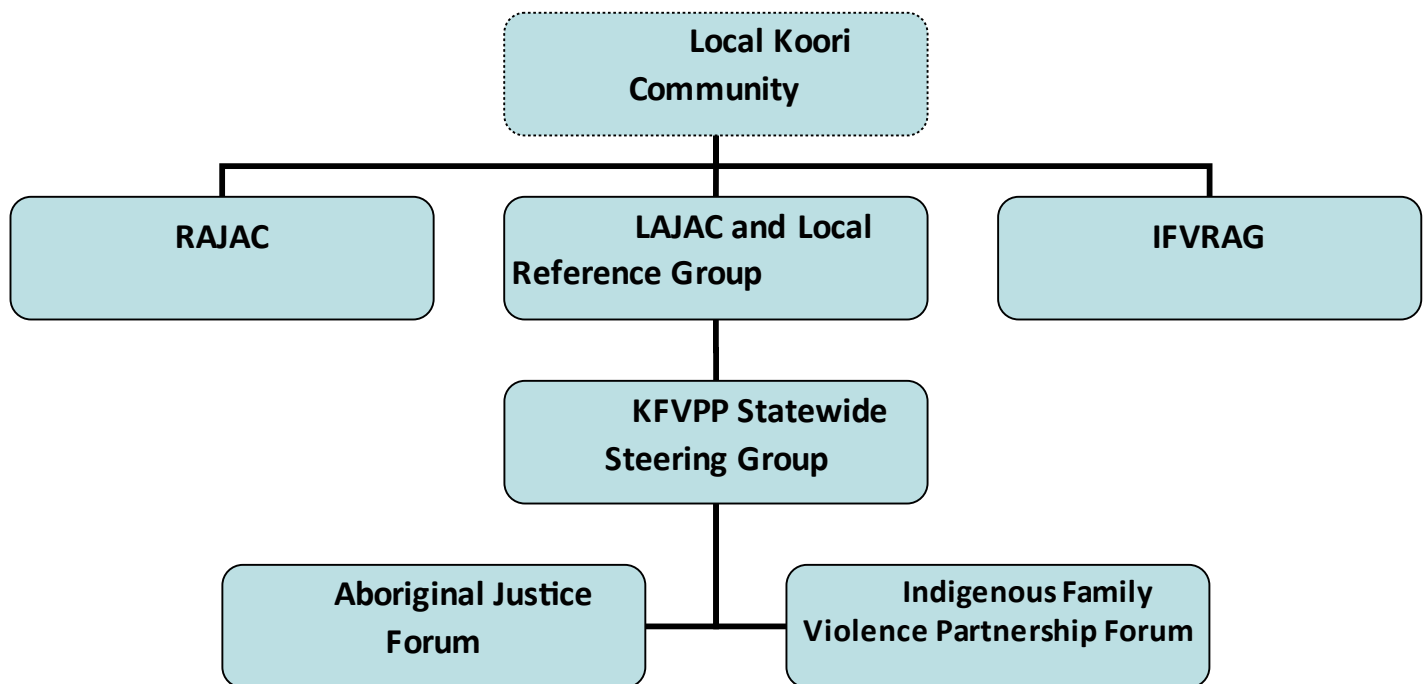
Appendix 1

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
- IFVRAG representative

Appendix 2

Monitoring & Evaluation Framework

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. KVVPP Monitoring (Methodology)

Monitoring question	Reason for monitoring question	Data figures required	Data source	Caveats/Gaps/Issues Data linking considerations
POLICE REPORTING REQUIREMENTS				
<ul style="list-style-type: none"> What are the figures relating to Aboriginal and Torres Strait Islander 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 Torres Strait Islander?” and how willing Aboriginal and Torres Strait Islander identity information is disclosed	Number of AFMs that identify as Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander (this quarter and base data)		
		Number of Children that identify as Aboriginal and Torres Strait Islander (this quarter and base data)		
<ul style="list-style-type: none"> What are the figures relating to Aboriginal and Torres Strait Islander 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 Aboriginal and Torres Strait Islander (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 Aboriginal and Torres Strait Islander (this quarter and base data)		

2. K芙蓉PP Monitoring (Methodology)

<ul style="list-style-type: none"> How many Police have attended (an available) Koori Cultural Awareness session? New Officers to the Region Established Officers	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 K芙蓉PP
		Number of New Police Officers to the region/station that have not attended a Koori Cultural Awareness session in the past 12 months		
		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		

2. K芙蓉PP Monitoring (Methodology)

Monitoring question	Reason for monitoring question	Data figures required	Data source	Caveats/Gaps/Issues Data linking considerations
POLICE REPORTING REQUIREMENTS				
<ul style="list-style-type: none"> What are the rates of referrals Number of L17s provided to ACLO Formal referrals arising from Aboriginal family violence incidents	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.	Number of L17s provided to ACLO where one of the parties has identified as Aboriginal and Torres Strait Islander for this reporting quarter Number of L17s Police forwarded to DHS designated FV support services where the party identified as Aboriginal and Torres Strait Islander for the previous reporting quarter Number of L17s Police forwarded to DHS designated FV support services where the party identified as Aboriginal and Torres Strait Islander for this quarter last year (base data)	ACLO source – ACLO to manually count the number of referrals provided by Police in the reporting period	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
What community family violence meetings and events are attended by Police?	Identifies the meetings and events attended by Police, shows frequency and identifies gaps.	Police are to advise what meetings they have attended, the date and which person attended meetings. Meetings can include LAJACs, RAJAC, FV networks etc	Police source: information to be manually collected by Police	

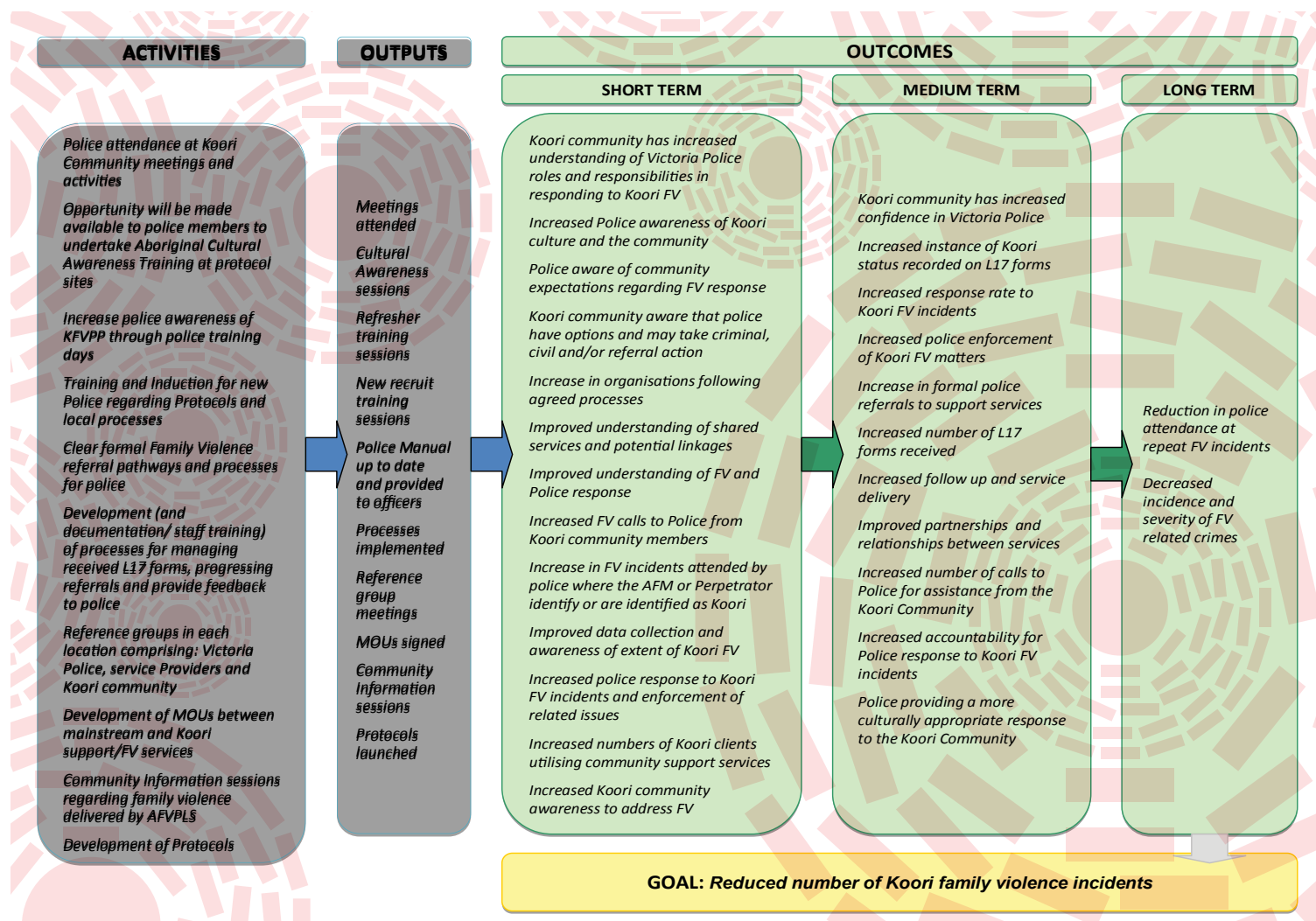
2. K芙蓉PP Monitoring (Methodology)

Monitoring question	Reason for monitoring question	Data figures required	Data source	Caveats/Gaps/Issues Data linking considerations
RESPONDENT AGENCY REPORTING REQUIREMENTS				
Number of L17 referrals received by designated FV services for Respondents who identify as Aboriginal	Demonstrates the extent to which formal referrals are being received	Numbers of formal referral received for Aboriginal Respondents 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 Aboriginal or Torres Strait Islander persons may decline to share that information Staff may not accurately record cultural identity on data base
Number of Aboriginal and Torres Strait Islander 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 L17 referrals received by designated FV services for Respondents who identify as Aboriginal	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

2. K芙蓉PP Monitoring (Methodology)

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

KFVPP Program Logic Model





VICTORIA POLICE



KOORI Strong
KOORI Proud
KOORI Justice
Victorian Aboriginal
Justice Agreement