



**South West Aboriginal
and Torres Strait
Islander Family Violence
Police Protocols**

Peeneeyt Kanditj

(Strong Relationship)



FRONT COVER

Artwork: Hope

The star represents the paper stars that are currently being made by community groups around the world as part of the 'One million stars to end violence' project. These stars will be collated and displayed in the 2018 Commonwealth Games as a global symbol against violence.

The hands represent the physical aspect of violence and the damage they can cause physically, mentally, emotionally and spiritually.

The kneeling people represent the broken spirit of the victims of violence.

The eagle is Bunjil and is well known for its exceptional eyesight. It represents children witnessing violence.

The fire represents the trauma created from being exposed to or being a victim of violence.

The boomerangs represent the cycle or pattern of violence that keeps coming back through generations.

The people inside the star represent a visible wave of people working together to make a difference.

The candlelight inside the people represents the burning desire and passion inside these people to make a change.

The black and white patterns represent different cultures collaborating, like a woven basket, our efforts intertwine to become stronger together.

The waves of energy coming from the star points nurture seeds within it to create a change of thinking for our future generations.

The light in the middle of the star represents hope. Hope that we can one day put an end to violence.

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Acknowledgement

Victoria Police pays its respects to the traditional owners of lands on which we live and work. We pay respect to elders and all Aboriginal and/or Torres Strait Islander people who continue to care for their country, culture and people.

Cultural Context

In South West Victoria, we recognise the uniqueness and diversity of our Aboriginal and Torres Strait Islander people as the first people of our state, their culture, communities and history in Victoria.

We acknowledge that we do business on the traditional lands of the Gunditjmara, Kirrae Wurrung, Djar Wurrung, Gulidjan, Djargurd Wurrung and Gadubanud people and promote reconciliation and respect to all Aboriginal and/or Torres Strait Islander people. In South West Victoria we have culturally strong and vibrant Aboriginal communities that should be safe and continue to thrive.

Family violence is not part of our culture and should not be tolerated. Family violence includes a wide range of physical, emotional, sexual, social, spiritual, cultural and economic abuses that can occur within families, extended families, kinship networks and communities.

Many Aboriginal and/or Torres Strait Islander people belong to bi-cultural families and relationships. Aboriginal and/or Torres Strait Islander people are 3% of the population of Australia and .9% of the Victorian population¹ yet are disproportionately over represented as victims or offenders of family violence. Aboriginal and/or Torres Strait Islander people are 5 times more likely to be victims of family violence, where 8 in 10 victims are women and with Aboriginal women being 35 times more likely to be hospitalised from the abuse than other Australian women. Due to factors including family violence, Aboriginal and Torres Strait Islander children are over 9 times more likely to be on care and protection orders, and 10 times more likely to be in out of home care than other Australian children. The protection, safety and security of Aboriginal and Torres Strait Islander victims of family violence and abuse are a priority.

In South West Victoria we will continue to support prevention projects and advocate for community healing and capacity building for individuals, families and communities to prevent, reduce and respond to family Violence. These protocols are aimed at an improved, holistic response to all parties including victims, children and offenders.

Peeneeyt Kanditj: from the Kirrae Wurrung language and it means 'strong relationship'.

¹ Australian Bureau of Statistics, 2016 *Estimates of Aboriginal and Torres Strait Islander Australians*, Viewed on 22nd August, 2017 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3238.0.55.001>

Acronyms

| | |
|---------------|--|
| AFM | Affected Family Member |
| DHHS | Department of Health and Human Services (Victoria) |
| IFVRAG | Indigenous Family Violence Regional Action Group |
| PALO | Police Aboriginal Liaison Officer |
| RAJAC | Regional Aboriginal Justice Advisory Committee |
| LRG | Local Reference Group |
| KPI | Key Performance Indicators |

Terminology

Throughout this document the term 'Aboriginal' is used to refer to both Aboriginal and/or Torres Strait Islander people.

Use of the term 'Koori' and 'Indigenous' are retained in the name of programs and initiatives, and unless otherwise noted, are inclusive of both Aboriginal and/or Torres Strait Islander people.

Mission Statement

Strengthen the kanditj between community and police through improving police response to incidents of family violence in Aboriginal communities to build confidence to report 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.

'...Family violence is a learned behaviour, I was not just dealing with the perpetrator but his family and the whole community who were blaming me for being the reason he's in jail and they made me feel inferior and were intimidating towards me'

-Anonymous Aboriginal female aged 35

Family Violence- Definition

Aboriginal definitions of the nature and forms of family violence are broader and more encompassing than those used in a mainstream context.²

The Victorian Indigenous Family Violence Taskforce Definition:

Family violence is an issue focussed around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self-harm, injury and suicide.³

Goals

Closing the gap

- Improve education of the community and police
- Achieve justice outcomes both in the criminal and civil space
- Improve health outcomes through appropriate referrals for all parties

Building community confidence

- Strengthen education and share knowledge of police procedures
- Ensure police adhere to protocols when attending family violence incidents
- Promote senior police and PALO's attendance at community events and improve community relationships

Understanding the lived experience

- Enhance education of police about the cultural history and experiences of the local Aboriginal community
- Share the knowledge and experience from survivors of family violence with the community and police

Improve the collection of data

- Improve the collection of Aboriginal specific data relating to family violence through police asking the required 'Are you of Aboriginal and/or Torres Strait Islander origin?' question of all parties present at family violence incidents to ensure parties receive support through appropriate referrals and that more accurate data is being collected⁴

² Department of Human Services 2012, *Indigenous Family Violence Primary Prevention Framework*

³ Aboriginal Affairs Victoria 2003, *Victorian Indigenous Family Violence Task Force Final Report*, Melbourne

⁴ Royal Commission into Family Violence 2017, *Summary and Recommendations*, Victoria

Principles

The South West Aboriginal and Torres Strait Islander Family Violence Police Protocols will be developed, managed and monitored according to the following principles that are in line with family violence legislation. As of March 2017, Victorian crime statistics highlight that 75% of victims of family violence incidents were female⁵. It is also recognized that children are significantly affected by exposure to family violence. The principles acknowledge these facts but also aim to strengthen the police response to family violence within the Aboriginal community for all parties involved.

Principle 1

Offender accountability and addressing the threat posed by offenders

Family violence is not part of Aboriginal culture. Offenders who pose a serious threat need to be prevented from causing harm and need to be held to account for all forms of their violence and abuse.

Actions:

- Build upon current accountability mechanisms and criminal justice system responses to offenders

- Ensure all protocol processes include consideration of, and actions in relation to, limiting or preventing the threats posed by offenders
- Ensure the protocols Local Reference Group membership includes representatives from the criminal justice system
- Enable criminal justice services to identify breaches made by offenders and/or ensure treatment program commitments are being met and to act or respond accordingly

Principle 2

Best interests of people experiencing family violence

People at serious risk are survivors of family violence. The protocols will acknowledge, respect and uphold a person's strengths and wishes, where it is safe and possible to do so.

Actions, where possible and safe to do so:

- Ensure the needs, wishes and concerns of people are represented at the protocols Local Reference Group by the members
- Enable the Local Reference Group to focus on reducing repeat victimisation and recognise the continuum of victimisation that occurs for people through family violence

⁵ Crime Statistics Agency, 2017 *Demographic characteristics of affected family members*, viewed 17 August 2017
<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/family-incidents-3>

Principle 3

Respect for Aboriginal culture

Survivors have a right to protocols which are inclusive and respectful of their history, background, culture and individual circumstances and experiences.

Actions:

- Improve education around cultural factors impacting on the community through training of local police
- Ensure a family's culture is not compromised or maligned during the application of the protocols
- Strengthen the capacity of the protocols Local Reference Group to identify service gaps, barriers and issues for survivors

Principle 4

Child focused response

Children whose lives are seriously affected by family violence are entitled to individual consideration.

Actions:

- Ensure the level of risk to children is always a key consideration in any response

Principle 5

Empowering Aboriginal communities

Family violence within Aboriginal communities is complex in nature. It is essential to provide Aboriginal communities with tools to understand the police response and to assist in combating family violence. This can be achieved

through early intervention, prevention and education.

Actions:

- Provide education and share knowledge with community about police procedures
- Develop a document that can inform the community about police responses
- Encourage membership on community based action groups

Principle 6

Strengthening the family violence response with adequate resources

The protocols Local Reference Group will work to strengthen the local service system responses for people experiencing family violence and for those offenders who commit family violence.

Actions:

- Improve agency accountability through the reporting to the protocols Local Reference Group
- Strengthen referral pathways and ensure appropriate referrals are made for all parties

Principle 7

Local solutions to local problems

The coordinated and collaborative partnership through the protocols Local Reference Group provides stronger responses than would otherwise be possible.

Actions:

- Ensure consistent representation at the protocols Local Reference Group by core members
- Ensure the protocols Local Reference Group members have authority within their respective agencies to prioritise and implement actions that arise
- Ensure the protocols Local Reference Group members commit to information sharing and constructive input
- Ensure the protocols Local Reference Group members commit to agreed actions and make sure they are completed
- Foster ongoing collaboration between agencies

management and monitoring of the protocols and an advocate for the increased safety of survivors, increased offender accountability and the elimination of family violence.

Actions:

- Support effective governance arrangements at state-wide level, implement effective governance arrangements at the local level to monitor performance of the Local Reference Group
- Ensure the protocols work consistently within family violence and other relevant legislative and policy frameworks and guidelines
- Ensure the performance of each protocol^[MJ1] is measured against the benefits to community
- Ensure accessible, user friendly complaints and grievance procedures are in place

Principle 8

Accountability of the protocols

The protocols Local Reference Group is responsible for the ongoing

'In March of this year my relationship of 17 years came to a violent end. My ex-partner, deep in a drug psychosis appeared to have finally lost his mind. For the children and me it was just the beginning of round two in a battle that is our life. Today I feel blessed and I am so thankful that we have these wonderful services available. The Police, Emma House and Bethany have all supported, protected and empowered the children and me. Thanks to these services for their amazing and caring staff. We are slowly winning our battle and we will forever be grateful.'

-Anonymous, 34 year old Aboriginal mother of two.

South West Family Violence Police Response

The South West Aboriginal and Torres Strait Islander Family Violence Protocols outline the initial action required by police attending family violence incidents involving Aboriginal people and the complex nature of the experience. These protocols should assist police respond to family violence with compassion, respect and ensure Aboriginal people experiencing family violence are appropriately supported. In order to achieve these goals when police respond to a family violence incident they must:

- 1.** Respond quickly and decisively
- 2.** Take immediate action to protect and support the AFM
- 3.** Ensure the safety and security of AFM and children
- 4.** Establish Aboriginal & Torres Strait Islander status and document this:
 - a. In all cases of family violence, ask the question of the AFM and the respondent, '*Are you of Aboriginal and/or Torres Strait Islander origin?*'
 - b. Ask the parent or guardian of any child 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 Aboriginal and/or Torres Strait Islander 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 referral process
- 5.** Demonstrate respect and sensitivity in undertaking the risk and needs assessment, noting that Aboriginal people or families may have a range of particular vulnerability factors, additional issues or extenuating circumstances, including:
 - a. Anxiety about identifying as Aboriginal and/or Torres Strait Islander
 - b. Fear that the 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 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. Anxiety about being referred to a mainstream service
 - g. Objection to being referred to Aboriginal specific service due to being known to a worker
 - h. History of family violence
 - i. Family violence occurring between extended kinship networks
 - j. Mental health or drug and alcohol issues in the family
 - k. Violence in a same sex relationship
 - l. The special needs of an elderly person or a person with a disability
6. Refer all parties to appropriate services, noting any of the risk and vulnerability factors and particular needs.

'I wanted to call police every time, but there was a fear there I suppose, there was a shame there. Our community has a thing called shame; it's like an embarrassment or a shyness that we grow up with, a pride I'd say. You get shamed to have your neighbours hear that stuff, seeing it or reporting it- so there is a shame there to hide in your own house'

–Carol (Victoria Police FV Module 4)

Local Reference Group

Role and function

The role of the Local Reference Group (LRG) is to:

- Share up-to date information to support the continuous improvement of the protocols
- Develop or update strategies to maximise the effectiveness of the protocols
- Monitor the performance of the protocols

Initial meetings will develop Key Performance Indicators (KPI) or other indicators of performance/success that assist in understanding the effectiveness of the protocols.

The LRG will adopt a problem solving approach to the protocols and seek to resolve issues locally as they arise and amend the protocols to reflect improvements in practice and changes in the community.

LRG meetings

Meetings of the LRG will be independent of, and distinct from, meetings of associated structures i.e. not an add-on to agendas of the IFVRAG and RAJAC meetings. The LRG must have independence.

The LRG will meet quarterly to ensure regular, robust monitoring and accountability.

LRG composition

Membership will include, as a minimum, representatives from each stakeholder group:

- Victoria Police
- Indigenous Family Violence Regional Action Group (IFVRAG)
- Indigenous Family Violence Regional Coordinator (DHHS)
- Regional Aboriginal Justice Advisory committee (RAJAC)
- DHHS Local Representative
- Service Providers (DHHS funded services, Aboriginal Community Controlled Organisations)
- Emma House Domestic Violence Service
- Gunditjmara Aboriginal Co-operative
- Kirrae Health
- Centacare
- CASA
- Bethany
- Brophy
- Corrections Victoria
- Koori Court
- Local Health Services

'Offenders of family violence will face justice and legal consequences when they commit violence. Culturally appropriate offender behaviour change programs will be implemented with a view of breaking the cycle of violence.'

-Sergeant David McDonald of the South West Family Violence Team

Relationship Chart

Demonstrates how the protocols work with other government and community bodies.



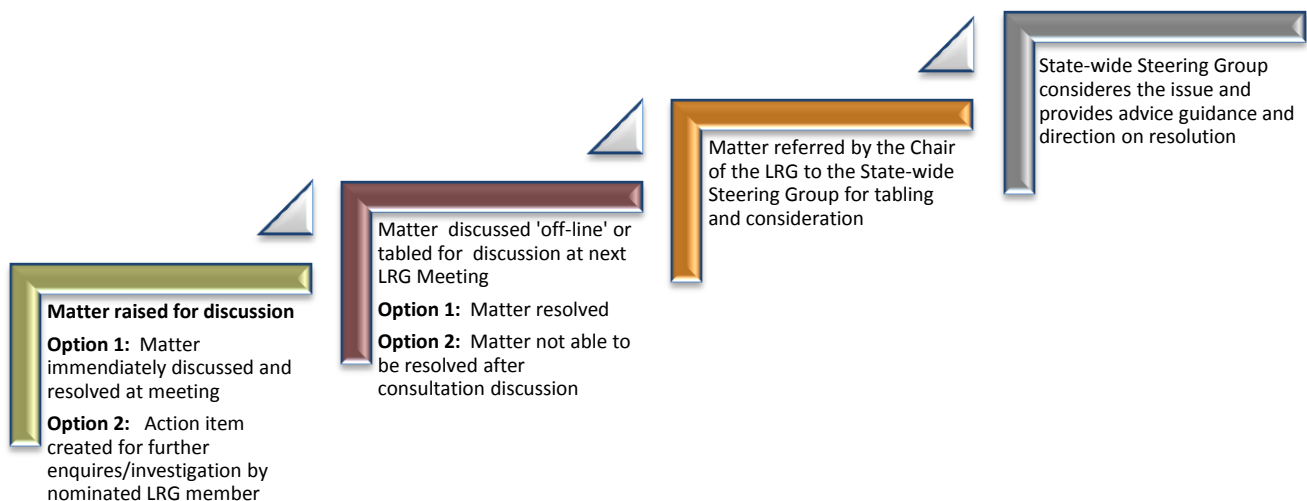
A steering group oversees the Koori Family Violence Police Protocols from a Victoria-wide perspective. Representation comprises:

- Superintendent, Family Violence Command, Victoria Police
- Director, Koori Justice Unit, Department of Justice and Regulation
- Director, Aboriginal Outcomes Branch, Department of Health and Human Services
- Director, Aboriginal Policy and Engagement, Family Safety Victoria. Department of Premier and Cabinet Department
- RAJAC Representative
- IFVRAG representative

Local Reference Groups support and monitor Protocol sites in regional areas. Quarterly progress reports are provided to the Aboriginal Justice Forum and the Indigenous Family Violence Partnership Forum.

Communication and Issue Resolution Process

In all matters, the LRG will attempt to respectfully resolve all issues through consultation, discussion, mediation and respectful conversation. If the LRG is unable to resolve an issue to all parties' satisfaction, the matter will be referred to the State-wide Steering Group.



Evaluation

The Local Reference Group will undertake interim reviews every 6 months to assess the effectiveness of the protocols and promptly address any issues that arise.

Every 12 months a full review will be completed by the LRG in order to review the whole process, document, action items and overall results since implementation of protocols.

'Aboriginal family structures can be complex due to various reasons. It is too often that police assume parties involved are either Aboriginal or Non-Aboriginal through appearance or by name. This assumption can have negative effects on parties and can mean they do not get the choice of cultural support'

- Aboriginal Community Liaison Officer Joey CHATFIELD

Signatories

Acknowledgements by the leaders of partnership agencies symbolising that their respective agency will adhere to the protocols and strive to strengthen the police response to incidents of family violence in Aboriginal communities in the South West.



Peter GREANEY
Superintendent

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Donna PORRITT
CEO

Emma House



Jason KANOA
Chairperson

IFVRAG



John BELL
Chairperson

RAJAC



Peter LAKE
Area Director

DHHS



Billy McGUINNESS
Chairperson

Gunditjmara



Michael BELL
CEO

Winda-Mara



Nonnie HARRADINE
CEO

Kirrae Health



Hillary SAUNDERS
Chairperson

Dhauward-Wurrung



Michael TURNER
CEO

Centacare

Goolawan Oath

I have the right to live in a safe relationship, family and community that is free from violence.

I agree to uphold these rights and take responsibility for my own words and actions.