Swan Hill Koori Family Violence Police Protocols
This painting is of a family in a hole (cycle of family violence), trying to get out.

They are reaching out for help as they know they can’t get out of the hole on their own.

The white throughout the painting is the light revealing the help and support which gives them hope and assurance of getting out of the hole; and staying out.

Each coloured corner represents the services available that go to the hole the family is in to help them out.

The purple ‘u’ shapes are the Aboriginal Community who also want to protect the family and support the services assisting the family.

**OVERALL MEANING:**

When services and Aboriginal Community work together through sharing knowledge and understanding, it creates light for people who are in a dark place.

They can then see there are people and services who have their emotional and physical well being held of high/most importance; which makes it easier for them to reach out and ask for help.

**Artist**

Sandra Krapingeri
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### Acronyms

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACLO</td>
<td>Aboriginal Community Liaison Officer</td>
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<tr>
<td>AFM</td>
<td>Affected Family Member</td>
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<tr>
<td>AFVPLS</td>
<td>Aboriginal Family Violence Prevention Legal Service</td>
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<tr>
<td>AJA</td>
<td>Aboriginal Justice Agreement</td>
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<tr>
<td>ATSI</td>
<td>Aboriginal and Torres Strait Islander</td>
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<tr>
<td>DHHS</td>
<td>Department of Health and Human Services (Victoria)</td>
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<tr>
<td>DJR</td>
<td>Department of Justice and Regulation (Victoria)</td>
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<tr>
<td>FVA</td>
<td>Family Violence Advisor (VicPol)</td>
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<tr>
<td>IFVRAG</td>
<td>Indigenous Family Violence Regional Action Group</td>
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<tr>
<td>KFVPP</td>
<td>Koori Family Violence Police Protocol(s)</td>
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<tr>
<td>LAJAC</td>
<td>Local Aboriginal Justice Advisory Committee</td>
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<td>LEAP</td>
<td>Law Enforcement Assistance Program</td>
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<tr>
<td>MDVS</td>
<td>Mallee Domestic Violence Services</td>
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<tr>
<td>OAAV</td>
<td>Office of Aboriginal Affairs Victoria, Department of Premier and Cabinet</td>
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<tr>
<td>PALO</td>
<td>Police Aboriginal Liaison Officer</td>
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<tr>
<td>RAJAC</td>
<td>Regional Aboriginal Justice Advisory Committee</td>
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<tr>
<td>RAMP</td>
<td>Risk Assessment Management Panel</td>
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<tr>
<td>SOCIT</td>
<td>Sexual Offences and Child Abuse Investigation Teams</td>
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<td>VALS</td>
<td>Victorian Aboriginal Legal Services</td>
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### 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 Swan Hill 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.

To support this process, the protocols specify that police members should receive cultural awareness training delivered by members of the local Aboriginal community and that local communities, police and support services should develop and sustain strong local partnerships.

Family violence – definition:
Aboriginal people experience violence, both as victims and perpetrators, at a much higher rate than the non-Aboriginal population of Australia. 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.

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.

Objectives of the 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.

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 will 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.4

4. Evaluation of KFVPP Clear Horizon Consulting
Swan Hill 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:
   a. 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
   b. Increased cultural awareness training for Police - including training about kinship
   c. 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
   d. 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:**

As it currently stands there is no Aboriginal specific referral service available in Swan Hill that provides a service for Aboriginal victims of family violence through the police L17 process. MDVS receives and actions all L17 referrals from police and are aware that there is no such service at this stage for Aboriginal victims of family violence in Swan Hill.

An AFM who identifies as ATSI or has an ATSI partner, will initially be referred to Mallee Domestic Violence services. If immediate refuge is required MDVS can arrange this within the Swan Hill area.

If a person who identifies as ATSI or has an ATSI partner and requests an ATSI specific service, MDVS will arrange for Meminar Ngangg Gimba to make contact with the party.

Meminar Ngangg Gimba is a Mildura based service, providing a phone service to Swan Hill based AFM’s & will provide referral to MDAS if required.

**After hours Immediate Response:**

Between the hours of 5.00pm and 9.00am Mallee Domestic Violence Service is 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 after hour’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 ATSI and are requesting refuge with Meminar Ngangg Gimba then MDVS will make these arrangements the following morning.

   For male victims of Family Violence, reports (L17’s) are monitored by the Divisional Family Violence Advisor in conjunction with the Family Violence Unit for forwarding to MDVS for follow up.
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 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 either the local Family Violence Unit or other agency.

e. There is currently no support system offered in Victoria for female perpetrators.

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 the respondent has no other accommodation to go to the police will attempt to obtain alternate accommodation through Mallee Family Care during business hours, or, if after hours through 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. The Police referral system will automatically generate referrals to appropriate agencies if children are exposed to or involved in family violence incidents.

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. 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.
f. AFMs 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 an application for an intervention order, they must explain the options available and refer the AFM to appropriate referral agencies. Police must record their reasons for not making an 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 inability to locate the respondent.

c. If the respondents location is unable to be ascertained, police will make all reasonable enquiries to obtain this information & locate the respondent.

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 advise of the local services that may be able to assist them.

f. Where appropriate police are to consider a substitute service of the intervention order to endeavor to have it served.

ATSI 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) when an ATSI person is in custody. 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 AJCP 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 attend to their welfare needs and may arrange support to them and their families. A family Violence Advisor (FVA) is to action any issues identified with the appropriate agency.

c. On a monthly basis the repeat police attendance list is to be printed and cases reviewed by the ACLO. The ALCO is to advise the FVA of any instances of ATSI repeat attendances.

d. 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.

e. 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.

f. Police should notify the ACLO of any family violence 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 Swan Hill Police Station 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 Swan Hill Family Violence Police Protocols.

e. Training must focus on the importance of asking relevant questions (prompt sheet) at the scene and transfer of this information to the L17. Training must also include an explanation to police members of how the referral system works and the importance of identifying ATSI status.

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 Swan Hill family violence and Indigenous focused meetings.

a. FVA (or a representative) is to attend all family violence external forums

b. FVA (or a representative) is to continue to attend the Local Court Users Network meeting

c. FVA (or a representative) is to continue to attend the monthly LAJACs and quarterly RAJACs

d. FVA (or a representative) is to attend the Swan Hill Family Violence Executive Meetings as required.
Tyerta lalaya, nungga telkuna - "Stop hurt, help heal/cure"
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