



VICTORIA POLICE

Options Guide For Victim Survivors of Victoria Police Perpetrated Family Violence or Sexual Offences.

Professional Standards Command

Sexual Offences and Family Violence Unit

November 2021

The role of the Sexual Offences and Family Violence Unit (SOFVU) is to investigate or oversee regional investigations that involve Victoria Police employees who commit family violence or sexual assault against women, children, partners and family members of all genders and sexualities. SOFVU investigators maintain objectivity through transparent processes and by prioritising your privacy and safety throughout the investigation.

This guide has been created for you, the victim survivor who is impacted by family violence or sexual offences perpetrated by Victoria Police employees. It contains information to ensure you are aware of your options for reporting violence and seeking help. It has been developed in consultation with support services and victim survivors of police employee perpetrated family violence or sexual offences.

Victoria Police acknowledge not all people who experience family violence or sexual offences identify with the term 'victim survivor'. This term is utilised throughout this guide as it is most accepted and respected by those with lived experience.



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Statement of Intent Assistant Commissioner

Victoria Police regard family violence and sexual offending as extremely serious and will respond to and investigate criminal and non-criminal behaviours involving Victoria Police employees. The primary responsibility of police action is the safety and welfare of the affected family member and children. Victoria Police will respond to family violence and sexual assault involving employees consistent with that provided to the community.

We recognise we have not always got it right, but the organisation is determined to improve. Therefore, we have committed to extensive and significant work to reaffirm organisational expectations when responding to and managing family violence incidents.

Victoria Police has developed a standalone policy for family violence involving Victoria Police employees. This policy aims to improve practice, oversight, and compliance in terms of the organisational response to incidents. This includes improved oversight and management of conflicts of interest to encourage reporting and to ensure privacy, safety, support and accountability. Professional Standards Command has invested in the Sexual Offences and Family Violence Unit, establishing new investigative teams to investigate serious family violence matters. This unit adopts a victim-centric approach and seeks to minimise re-traumatisation associated with the reporting and investigation by focusing on the needs and concerns of the victim survivor to ensure compassionate and sensitive delivery of services.

The development of this guide is part of Victoria Police's commitment to ensure all victim survivors of family violence or sexual assault perpetrated by Victoria Police employees have the information, support and service to keep them safe.

Tess Walsh APM

**Assistant Commissioner
Professional Standards Command**



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Privacy and Confidentiality

Victoria Police is committed to maintaining your privacy and safety.

When a family violence incident or sexual assault is reported against an employee of Victoria Police, the investigator is required to record this information.

The information collected is stored on a secure police database. Whilst this database is accessible to police officers, it is auditable and accountable. Unauthorised access will result in the police officer being prosecuted criminally.

Victoria Police will investigate and prosecute any Victoria Police employee who accesses information or discloses information unlawfully. This includes the disclosure of any information that breaches your privacy or confidentiality.

Action will also be undertaken where Victoria Police employees do anything to endanger you in support of the perpetrator. If you believe your information has been wrongfully accessed or leaked, you can make a report to your investigator or the Police Conduct Unit, Professional Standards Command.

The Family Violence Information Sharing and Child Information Sharing Schemes.

The Family Violence Information Sharing and Child Information Sharing Schemes allow your information to be shared to manage a range of wellbeing and safety needs. This includes managing risks for children, family members and individuals.

For information sharing guidelines, visit: vic.gov.au/family-violence-information-sharing-scheme

Your investigator will inform you when a referral for support or wellbeing assistance is being made, so you are aware that a support service will be in contact to see how they can help.

SOFVU Confidential Investigations.

In some circumstances, SOFVU may need to delay recording information about your circumstances on their usual police databases. This only occurs to improve the safety of those involved or to protect information or investigation planning.

This means we will wait until we have investigated further before we record the matter formally, however a SOFVU investigator will still be taking action and we will only undertake confidential investigations in this way with your consent.



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As part of the services provided by SOFVU for confidential investigations, we refer you and any children to our SOFVU Witness Support Unit to ensure you have any support and well-being needs met.

If you feel your confidentiality has been breached, a complaint can be made to the Police Conduct Unit or to the Independent Broad-based Anti-corruption Commission (IBAC).

Victoria Police will not tolerate breaches of privacy and will thoroughly investigate and prosecute any identified breach of privacy and confidentiality.

What are your Reporting and Support Options?

If you are a victim survivor of family violence, sexual offence or sexual harassment and the perpetrator is an employee of Victoria Police, to seek help and support you have the following options:

You can report to Victoria Police as follows:

By phone

- In the event of an emergency call Triple Zero (000). If you are in danger and need help immediately always use this option.
- Report to Crime Stoppers.
- Report to Professional Standards Command's Police Conduct Unit.

In person at multidisciplinary centres (MDCs)

- Visit police.vic.gov.au/reporting-sexual-offences-child-abuse#multi-disciplinary-centres

Via online portal or website

- police.vic.gov.au/complimentsandcomplaints

Directly to a specialist unit

- Professional Standards Command's Sexual Offences and Family Violence Unit (SOFVU)



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What to Expect When Calling Triple Zero (000)

When you call Triple Zero (000) for urgent police attendance, you will speak to an emergency dispatcher who will ask you questions about your situation and arrange for police to attend your location.

- Usually, police in uniform will be the first to attend and speak with you. They will speak to you in private, away from anyone else at the location (including away from children where safe to do so).
Depending on the circumstances they may also need to speak to any children or others present at the time.
If you need an interpreter or have any accessibility requirements police will arrange this.
- Police will turn on their body-worn cameras and record all the conversations. It is important to tell the police as much information as possible about what has occurred.
- The incident will be reported to Professional Standards Command, who will determine whether the report of family violence or sexual offence will be allocated to the SOFVU or to a qualified regional investigator.
- A qualified investigator will tell you about what will happen next as part of the investigation process and what your options are. They will also let you know if they are making referrals after completing a Family Violence Report.
- It is normal practice for a senior police officer (sergeant or higher ranking) to attend incidents or call outs that involve Victoria Police employees.
They may also ask to speak with you about what you've experienced and refer you to a specialist investigator.
- Police must take action to ensure you and your children are safe and protect any property. Refer to the Victoria Police Response (Options) Model page for what happens next.

Reporting Via Online Portal or Website

Police Conduct Unit, Professional Standards Command

All reports made against Victoria Police employees are recorded by the Police Conduct Unit.

The Police Conduct Unit will review and assess the complaint, before allocating the complaint to either a qualified regional investigator or a specialist unit such as SOFVU.



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The Police Conduct Unit can be contacted as follows:

- Call 1300 363 101
- Write to the Police Conduct Unit, GPO Box 913, Melbourne Vic 3001
- Submit an online form at police.vic.gov.au/complimentsandcomplaints

If you are of Aboriginal and/or Torres Strait Islander descent you may request to directly speak with a Police Aboriginal Liaison Officer at the Police Conduct Unit.

When you contact the Police Conduct Unit, they will ask you for a lot of information about when and where things happened.

It is helpful to have information about any witnesses, vehicle registrations or other supporting documents available to help us assess your complaint quickly.

Reporting Directly to a Specialist Unit

Sexual Offences and Family Violence Unit (SOFVU), Professional Standards Command

The Sexual Offences and Family Violence Unit (SOFVU), formally known as Taskforce Salus, specialise in the investigation of sexual offences and family violence committed by police employees.

SOFVU offers independent and specialist resourcing to keep you safe and your information secure.

SOFVU investigators maintain objectivity and ensure there is no bias towards police. By adopting a victim-centric approach, SOFVU investigators seek to minimise re-traumatisation associated with the reporting and investigation by focusing on your needs, privacy and safety.

The types of matters that SOFVU can investigate include family violence which are of a complex nature and/or involves criminal (serious indictable) offences perpetrated by Victoria Police employees.

Complex family violence investigations include any incident where:

- strangulation is alleged
- repeat family violence behaviours by the employee is alleged
- there is a need for independence to manage a conflict of interest
- there is a requirement for a confidential investigation.



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SOFVU also investigate Victoria Police employees who commit sexual offences, stalking, any intimate relationship the police employee has formed using their position as a Victoria Police employee (misconduct in public office) and serious misconduct involving sexual harassment (predatory behaviour).

If your matter does not fit the SOFVU criteria it will be allocated to a qualified regional investigator by the Police Conduct Unit. This may be a detective at a Family Violence Investigation Unit (FVIU), Sexual Offences and Child Abuse Unit (SOCIT) or a uniform member above the rank of sergeant.

All investigations allocated to qualified regional investigators require Professional Standards Command oversight to ensure there is no conflict of interest and that the investigation is appropriately managed.

SOFVU investigators can be contacted to provide advice on investigations involving police employees regardless of who your matter is allocated to.

Contact SOFVU:

Call: 8335 6700

Email: PSC-SOFVU-OIC@police.vic.gov.au

Witness Support Unit - SOFVU

Support and welfare are vital ingredients in assisting you to manage your situation. The SOFVU Witness Support Unit (WSU) employs dedicated and experienced workers who are trained to provide specialised assistance in these types of matters. Their role is to support you. They also assist the investigators in developing a management plan to ensure you are safe and supported.

Although SOFVU WSU predominately support SOFVU investigations they can provide support to you if your matter is investigated by a regional investigator. Speak to your investigator or to SOFVU if you are seeking additional support.



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Reporting In person at Multidisciplinary Centres

Multidisciplinary Centres

There are several multidisciplinary centres (MDCs) across Victoria. These sites collocate a range of agencies in the one building to provide a victim-centred, integrated and holistic response to victim survivors of sexual assault, child abuse and, in some locations, family violence too.

These agencies include:

- Victoria Police specialist investigators (SOCITs and in some locations FVIUs)
- Child Protection staff from Department of Families, Fairness and Housing, counsellors and advocates from sexual assault
- Family violence response services and community health nurses.

Some MDCs also have forensic medical officers attend from the Victorian Institute of Forensic Medicine (VIFM) who may be able to provide expert forensic opinions or undertake forensic examinations on-site to support police investigations.

MDC buildings are deliberately located away from police stations and are carefully designed to provide a safe, welcoming and confidential environment for you and your support people. MDCs are discreetly located with minimal external signage to enhance the privacy and security of clients.

Extensive consideration is given to ensure that the buildings are culturally respectful, support your wellbeing, are accessible and facilitate a high level of confidentiality. Police officers working from the MDC are not in uniform. All agencies located within the MDC work together to ensure they provide a victim-centric and holistic response.

MDCs are a 'one stop shop' providing safe and discreet access to:

- Specially trained police investigators
- Counselling and advocacy support
- Private counselling rooms and group therapy spaces
- Video audio recorded evidence (VARE) rooms where child victim survivors and adults with cognitive impairments can provide their statement to police
- Clinic rooms where victims can have their general health and wellbeing needs assessed by qualified community health nurses



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- Treatment programs for children and young people up to 18 years of age who are displaying or engaging in sexually abusive behaviours
- Forensic medical suites (at some locations) to enable forensic examinations on site
- Remote witness facilities (at some locations) so you can provide your evidence to court.

For more information refer to the MDC information sheet.

When you attend or contact an MDC to make a report, please ask to speak to the officer in charge (OIC) or any available detective sergeant on duty at the time.

After speaking with you, police will refer you to additional crisis support services.

It is best to ring the MDC ahead of your visit so the right services can be coordinated to assist you.

Anonymous Reporting and Safety Plans

There are community services available to you that allow for anonymous reporting. These services also specialise in providing advice to assist with improving your safety through safety planning and can provide counselling support or further referral assistance.

The following agencies will assist you on an anonymous basis:

- Lifeline
- 1800Respect
- Crime Stoppers.

Anonymous complaints can also be made directly to the SOFVU, Professional Standards Command and IBAC.

Safety Plans

A safety plan is a set of actions that can help you lower your risk of being hurt by a family member. It includes information specific to you and your personal circumstances that will increase your safety.

Safety planning is a way to work on increasing safety when someone is experiencing family violence. The best way to make a safety plan is with the help of a support service. If you report family violence or sexual assault to Victoria Police, the investigator as part of risk assessment and investigation planning, will prioritise your safety needs. At SOFVU, a victim management plan will be drafted with the assistance of the Witness Support Unit. Ask your



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investigator for information and options that may assist in your own safety planning strategies.

Advice for safety planning can also be found at 1800respect.org.au/help-and-support/safety-planning

Victoria Police Family Violence Response (Options) Model

Victoria Police Family Violence policy outlines how police must respond to any incident of family violence including when Victoria Police employees are involved. The options model includes criminal, civil and referral actions.

Civil Process

Investigators will make an application for an intervention order when you or your children's safety and welfare appears to be endangered and if there is property damaged or there are threats to your safety or your children or your property. The type of intervention order sought will reflect the unique complexities and risks associated with Victoria Police employees.

See the Courts-Intervention Order/Family Violence Safety Notice section of this guide.

Criminal Process

If an offence is identified, police must undertake a criminal investigation. Dependent on the circumstances and available evidence, the Victoria Police employee perpetrator may be arrested, interviewed, charged and taken to court. In most cases a statement will be required from all witnesses, including children. Children's statements are taken by video (using VARE technology) by members who are specifically trained to do so. See the Criminal Complaint and Investigation section of this guide.

Referral

All Victoria Police investigators and uniform police officers make referrals when they complete the Family Violence Report. The investigator must tell you the referral has been made and explain how services can help.



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Children are referred to Child Protection or Child FIRST depending on the circumstances. Child Protection is a statutory body legislated to protect children. Child FIRST is a family focused support agency.

Police are mandated to report to Child Protection any instances where they believe children are at risk of harm as a result of physical or sexual abuse.

Referrals to community service providers will also be made for the Victoria Police employee perpetrator, this may include for alternative accommodation options if removed from the home, referral to behavioural change programs or counselling. See the Family Violence and Sexual Offence Services Crisis and Support section of this guide.

For more information regarding Victoria Police's response to family violence involving Victoria Police employees go to police.vic.gov.au/family-violence

Courts

Family Violence Intervention Orders

A family violence intervention order (FVIO) is a legal order issued by a court that aims to protect you from further family violence.

There are a number of ways to obtain a family violence intervention order. You can make an application yourself by contacting the Magistrates' Court or Children's Court to obtain advice on a family violence intervention order (Civil Process).

For more information refer to mcv.vic.gov.au/family-matters/family-violence-intervention-orders-fvio

Police Initiated Intervention Order

To determine what kind of family violence intervention order is required, investigators will assess the nature of the allegations to determine the most appropriate intervention order.



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Courts

Family Violence Safety Notice

Investigators can apply for a family violence safety notice (FVSN) if you need immediate protection. A safety notice can protect you before an intervention order application is heard in court.

Only a police officer above the rank of sergeant can issue a family violence safety notice. A safety notice can make sure you and any children are safe from the perpetrator and assist to protect property from damage.

An investigator can apply for a family violence safety notice even if you do not want them to. If this occurs, the investigator will ensure the police employee perpetrator is notified that the application for the safety notice is the investigator's decision.

Service of Family Violence Safety Notice

Once a family violence safety notice is issued, a police officer must serve a copy to the perpetrator and explain what the notice means. You will also get a copy.

A family violence safety notice is also a summons for the perpetrator to go to court and will have the time, date and location of the first court date.

The first court date must be within 14 days of the safety notice being served on the perpetrator.

How a Safety Notice Works

A family violence safety notice starts once it has been served on the police employee perpetrator by a police officer.

A safety notice has conditions (rules) to stop the police employee perpetrator from using family violence. They may include the same conditions as a court issued intervention order. If the perpetrator disobeys the conditions, any police officer can arrest them.

A safety notice continues until a magistrate decides:

- to make a family violence intervention order and it is served on the police employee perpetrator or,
- not to make a family violence intervention order.



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Leaving the Family Home

To protect family members, the police can include a condition in the safety notice that the police employee perpetrator must leave the family home immediately, even if it is a police provided property. This means the police employee perpetrator must not live in, re-enter or visit the home until a magistrate decides what will happen next.

A referral can be made for a perpetrator to a community services provider for alternative accommodation if required. If the police employee perpetrator refuses to leave or returns to the family home, any police officer may arrest them. The police can also charge the police employee perpetrator with a criminal offence for breaching the conditions of the safety notice.

Civil Action

Family Violence Intervention Order

In circumstances where a family violence safety notice has not been issued or a variation is required, police may initiate other ways to take an intervention order on your behalf.

Family Violence Intervention Order Process

Police will first determine that a family violence intervention order is required and then determine what kind is appropriate.

Police will then prepare the application to the courts for the family violence intervention order either by summons or warrant dependent on the specific circumstances of each incident.

Summons Interim

This process is used for after-hours applications.

Summons

This application is undertaken in business hours.

If a summons interim or summons in required, the below follows:

Service of Family Violence Intervention Order on the Victoria Police Employee Perpetrator

Once issued by the court, the family violence intervention order will be sent by the court to the investigator for service.



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The serving police officer is required to notify the Victoria Police employee's manager to ensure a notification to Professional Standards Command is completed.

When a Victoria Police employee is involved in a family violence incident as the perpetrator, and there are grounds for a family violence intervention order application or the incident results in an alleged breach of an existing family violence intervention order, the Operations Safety Tactics Training (OSTT) suspension process is activated to limit the employee's access to operational equipment (this includes firearms).

An ongoing risk assessment will be made by the OSTT Suspension Panel regarding any decisions to return OSTT equipment to the employee.

If you are concerned regarding the perpetrator's access to operational equipment please speak to your investigator.

Warrant

Application made when a perpetrator is not in custody of police and urgent action is required to keep you safe.

If a warrant is required, the below follows:

Warrant executed on the Victoria Police Employee Perpetrator

Police will arrest and bail (release the from police custody) with formal conditions tailored to ensure you and your children are safe.

The court date will be within five days for the family violence intervention order hearing.

All processes then receive the following:

Notification of Victim Survivor

Once the police employee perpetrator has been served with the family violence intervention order, the investigator will advise you of the court date and family violence intervention order conditions the perpetrator must abide by.

Attendance at Court

The court expects you and the perpetrator to attend on the nominated date.

If you are concerned about your safety at court, there are options available to you. Please speak with your SOFVU WSU or a family violence liaison officer about your concerns. You



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will be represented by a police prosecutor or police lawyer who will prosecute all family violence intervention order applications involving Victoria Police employees as perpetrators.

You will be supported at court either by the SOFVU WSU, family violence liaison officer, your investigator or another appointed support person. Further information can be found at victimsofcrime.vic.gov.au

Criminal Complaint and Investigation

Investigation

In addition to civil responses for intervention orders, there are criminal investigations that occur for incidents involving Victoria Police employees where a crime is alleged. The following investigation processes apply for family violence, sexual offences and child abuse matters.

The investigator will be required to declare and document any actual or perceived conflict of interest to ensure impartiality throughout the investigation. If a conflict of interest is identified the investigation will be transferred to another investigator.

A criminal investigation involves taking the matter to court:

- As part of evidence collection, you will be asked to make a statement and may also need to attend court.
- Once you have made a statement it is referred to as a formal report.
- The court requires evidence to be strong to prove the charge 'beyond reasonable doubt'.
- Police will gather evidence for a Brief of Evidence. This may take some time.
- You have the right to be kept informed about how the investigation is going.
- The investigator will provide you with updates on the progress of the investigation. These include things such as arrest and interview of the perpetrator, when or if they will be charged, brief authorisation and time frames, court dates and outcomes.
- The investigator must comply with the *Victims Charter Act 2006*. For further information regarding the investigator's responsibilities in complying with the *Victims Charter Act 2006* see victimsofcrimecommissioner.vic.gov.au/the-victims-charter

Charged with a Criminal Offence

If there is sufficient evidence, the police employee perpetrator will be interviewed. After the interview there are several outcomes:



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- Charge and remand - the perpetrator will be held in custody of police until a specified court date.
- Charge and bail - the perpetrator is charged with the offence and is released to attend a court date with certain bail conditions.
- Charge and summons - the perpetrator is served with charges and given a date to appear at court.
- Intent to summons - the investigator intends to charge however collection and assessment of further evidence is required first to meet the threshold to authorise criminal charges.
- Released with enquires pending (EP) - this means that further investigation is required to ensure there is sufficient evidence to charge the police employee perpetrator.
- No further police action (NFPA) following submission of a brief for insufficient evidence or the complaint was withdrawn by you.
- Exonerated - the evidence did not support the allegation.

Authorisation of Criminal Charges

All Victorian initiated criminal charges against Victoria Police employees require authorisation by the Assistant Commissioner, Professional Standards Command. The Office of Public Prosecutions (OPP) assists Victoria Police to determine if there is sufficient evidence to recommend or not recommend charging the Victoria Police employee.

If the perpetrator is charged with a criminal offence:

- You have the right to know what the charges are, the court location and date of the hearing.
- If you are required to go to court, you will receive a witness summons.
- At court you will be treated with respect and the investigator and/or support person will explain the process to you.
- The matter will be prosecuted by a police lawyer or may be referred to the Victorian Government Solicitor's Office (VGSO) for independent legal advice if a conflict of interest is identified.

Police and OPP will consider your preference not to participate in a criminal investigation. You can choose to opt out of the criminal process at any time by making a statement of no complaint, which withdraws your co-operation in the criminal proceedings. You should never be pressured to make a statement of no complaint by police.



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Charges are not progressed

If there is insufficient evidence this may result in no person being charged with an offence. If there is insufficient evidence for a criminal charge, Victoria Police may still consider a discipline charge for the alleged offence(s).

When charges are not progressed, you have the right to know why. The investigator should explain this to you and provide written correspondence of the result. Children may also be asked to make a statement and provide evidence.

If you wish to request a case review regarding the outcome you can do this by writing to the officer in charge of the investigating unit and request a case review meeting. Within one month of the request, you should be contacted by a resolution officer to discuss.

Discipline Investigation Internal Misconduct

For police officers, discipline investigations are undertaken in compliance with the *Victoria Police Act 2013*. For other police employees, misconduct is managed by the *Victoria Public Service Agreement 2020*.

It is important to understand, where there is a criminal offence disclosed, the investigator must investigate this and have the charges assessed by the Assistant Commissioner of Professional Standards Command (see criminal investigation section).

Professional Standards Command undertake a thorough and consistent assessment of whether a complaint is required to be managed through the Victoria Police Discipline System.

Discipline Process for Police and Protective Services Officers

A discipline investigation for police officers and protective services officers, if proven, can result in several disciplinary sanctions. These can include formal sanctions which are recorded on the police employee perpetrator's Victoria Police Employment Record as:

- formal workplace guidance
- written admonishment
- for more serious misconduct a 'Discipline Charge Notice' (DCN).

The Discipline Charge Notice approved by the Assistant Commissioner of Professional Standards Command

- A Discipline Charge Notice requires a police employee perpetrator to attend a Discipline Inquiry.



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- The investigator will update you regarding the Discipline Inquiry dates.
- You may be required to attend the inquiry for the purpose of giving evidence.

Discipline Inquiry

The inquiry officer's role is to hear evidence and make a finding as to whether a charge for a breach of discipline against an officer has been proven and make a determination.

You can make a submission to the inquiry officer regarding the impact of the Victoria Police employees conduct for consideration when determining the appropriate sanction.

The standard of proof required to prove a discipline charge is 'on the balance of probability'.

Outcome of Discipline Inquiry

If the allegations are determined as proven by the discipline inquiry officer, the sanctions available include, but are not limited to:

- dismissal of the perpetrator
- demotion of the perpetrator
- transfer of duties
- a monetary fine or good behaviour bond
- impose a period of time the perpetrator cannot be promoted
- reduce the perpetrator's remuneration
- direct the perpetrator to undergo an appropriate behavioural course.

Discipline Process for Victorian Public Service (VPS) employees

Victoria Police Workplace Relations Division is responsible for the investigation of misconduct by Victorian Public Service employees.

An investigation will be undertaken by an investigator nominated from within the Workplace Relations Division. Once the investigation is complete, the employee will be notified of the allegations and has 10 days to respond before a discipline outcome is determined. Possible outcomes include:

- No action
- Performance management
- Formal counselling
- Formal warning
- Final warning
- Assignment to a lesser role



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- Transfer to another role
- Termination of employment.

For further information regarding the VPS Enterprise Agreement and management and investigation of misconduct by VPS employees visit vpsc.vic.gov.au or speak to your investigator from Workplace Relations Division.

Interim Action

Suspending or Transferring Victoria Police Employees

Interim action is the process undertaken by Victoria Police to direct an employee to take leave, suspend them or transfer them to another work location or alternative duties.

Any Victoria Police employee who is under criminal or discipline investigation can be subjected to a direction by the interim action process.

The Assistant Commissioner, Professional Standards Command, decides what action is undertaken for all police and protective services officers for interim action. The Director, Workplace Relations Department, decides what action is taken against a Victorian Public Service employee under interim action.

In considering interim action the Assistant Commissioner or Director evaluates your view or concerns, seriousness of the allegations, strength of the evidence, community expectations, impact on the reputation of Victoria Police and the risk to you, the community and Victoria Police if the Victoria Police employee remains in the workplace.

If the Victoria Police employee is suspended, it can be with pay or without pay. Once suspended, their access to police systems, facilities and operational equipment is restricted.

Victoria Police's primary concern is your safety and that of your children. If you have concerns regarding loss of family income, you can speak to your investigator about the interim action process. As part of the welfare and support assessment, investigators can assist you to make referrals to support agencies for financial assistance. You can also speak to your witness support worker regarding referrals and assistance options.



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Frequently Asked Questions regarding the Investigation Process

My perpetrator says Victoria Police look after their own and that no one will believe me, is that true?

No. Perpetrators commonly discourage victims from reporting by misleading them about police and how the system works. It is also common for perpetrators to discredit victims and convince them that no one will believe them. Victoria Police has established a standalone policy on employee perpetrated family violence and a specialised investigation unit (SOFVU) for responses to family violence, sexual offences, and sexual harassment to ensure employee perpetrators are held accountable.

Trust the information provided to you by SOFVU and your investigating officer, not your police employee perpetrator. If you have concerns about what your police perpetrator has told you, fact check with your investigator or SOFVU.

How does the process differ for me as the victim of a Victoria Police employee perpetrator?

When your perpetrator works for Victoria Police, the investigation process for your complaint against them differs to that applying to non-police perpetrators. The main differences are:

- Your complaint is taken as a complaint against a police employee and triggers three response options: civil interventions, a criminal investigation and an internal misconduct investigation.
- Your complaint or FVSN application will have oversight from Professional Standards Command.
- Your complaint will be recorded and assessed by Professional Standards Command and either allocated to a regional officer to investigate or to SOFVU if it involves a sexual offence or family violence incident involving a crime, serious or persistent and ongoing offending.
- A specific Victoria Police policy applies to your complaint of family violence involving Victoria Police employees. Victoria Police also have a policy for sexual offence investigations.
- Investigating your complaint and charging your police employee perpetrator (if applicable) may take longer than normal due to the requirement for additional legal advice.



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- If your police employee perpetrator is charged, the charges will need to be authorised by the Assistant Commissioner of Professional Standards Command.

For further details on the investigation pathways your complaint may take read the Criminal Complaint and Discipline Investigation section of this guide.

What are the expected time frames around criminal and discipline investigations?

Each incident, allegation and investigation are different therefore time frames may differ due to the complexity of each matter. There are strict guidelines for investigators to adhere to and the investigator should keep you regularly updated. Victoria Police Policy for Complaint Management outlines time frames for the investigation phase as follows: civil process 90 days, minor misconduct 90 days, misconduct connected to duty 90 days, criminality not connected to duty 90 days and corruption 152 days. An investigator may apply for an extension if delays are experienced in the gathering of evidence.

Once the investigator has finished the investigation and submits a brief for authorisation, that process will take longer than the process for authorising charges against an offender who does not work for Victoria Police. Charges proposed against police employees require several approvals by the investigator's superior officers, senior officers in Professional Standards Command including the Assistant Commissioner, and often consultation with the Office of Public Prosecutions.

If you are not satisfied with the progress of your investigation, you can:

- Ask to speak to the officer in charge of the investigator's work location.
- Contact the Police Conduct Unit - Call 1300 363 101 Email: complaints@police.vic.gov.au
- Contact the Independent Broad-based Anti-corruption Commission (IBAC) - Call 1300 735 135 Email: info@ibac.vic.gov.au
- You may also make a complaint to the Victims of Crime Commissioner. Go to victimsofcrimecommissioner.vic.gov.au for further information.

What do I do if there is further offending or breaches of intervention orders?

It is always recommended that reports of further offending are immediately reported to Triple Zero (000) at the earliest opportunity.

If you prefer, you can speak to your current investigator. If your matter is finalised speak with the Police Conduct Unit (Call 1300 363 101 Email: complaints@police.vic.gov.au) who will do their best to connect you with the investigator you have previously dealt with. This may not always be possible depending on where the investigator is working at that time.



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Will further offending impact the progress of my other matters?

This is dependent on the nature and number of further offences. In some instances, the current offending can be added to the original matters, but in some circumstances they will be separated. There can be an impact on the timeliness of the progression of matters when further offending is identified or reported.

If I get a family violence intervention order or make a criminal complaint, can my police employee perpetrator still work?

If you get an order or make a criminal complaint, whether your police employee perpetrator has to take leave, is suspended, or can keep working will depend upon the individual circumstances, allegations, and risks. If you have safety and risk related concerns about your perpetrator working, not working, or abusing Victoria Police systems access, you can raise these with your investigator or make a report to the Police Conduct Unit.

What can I do if I am not satisfied with my interaction with SOFVU, my investigator or their investigation?

Initially, it is encouraged for you to engage with the investigator managing your file. If you are still not satisfied, you can make a complaint as follows:

- Contact the Police Conduct Unit - Call 1300 363 101 Email: complaints@police.vic.gov.au
- Contact IBAC - Call 1300 735 135 Email: info@ibac.vic.gov.au
- You may also make a complaint to the Victims of Crime Commissioner by going to victimsofcrimecommissioner.vic.gov.au

Will I have to see the perpetrator at court for the family violence intervention order application or if I have to give evidence in a criminal court process?

In most circumstances attendance at court can be arranged with your safety and security as a priority. Evidence can be given from a remote room at the court and in some special circumstances via a video link from an alternate location. A police prosecutor or lawyer and the investigator will be present. Witness support employees, social workers, counsellors, and family may also attend to support you. For more serious criminal matters, you will be allocated a support officer by the Office of Public Prosecutions and there are support workers available to sit with you in court and support you at most Magistrates' Courts in Victoria.



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How long does the court process take?

The time frames for FVIO matters to be heard in court and the process for hearing them is fairly predictable and can be found on the Magistrates' Court website mcv.vic.gov.au/family-matters/family-violence-intervention-orders-fvio

The time frames for criminal matters in court are difficult to predict. The time frame will be dependent upon which court you are in, where the court is, the nature of the charges, and the behaviour of your perpetrator. It is not uncommon for there to be adjournments for various reasons.

There will be some court appearances that are just administrative, such as mention dates. You do not need to attend these or to attend court unless your investigator tells you to be there.

Other Victoria Police employees may informally attend court in support of your police employee perpetrator and this can be distressing and disconcerting for some victim survivors. Their support does not mean that you are not believed or that you are not taken seriously. If you have concerns about the behaviour of any Victoria Police employee who attends court (or towards you generally) please let your investigator know.

I'm not sure if I want to report what my police employee perpetrator did to me, can I report it later?

It is common for victim survivors, once they feel safe or have better support, to change their mind about reporting something they were not going to report. In most cases, where there is a delay in reporting, an investigation can still proceed. However, for some offences (summary offences), assaults (unlawful assaults) or threatened assaults (where you weren't injured) and breaches of an order, there is a 12 month expiry. For those offences, your police employee perpetrator needs to be charged within 12 months of what they did, and if you delay reporting, it may mean that police cannot charge them for what they've done.

I feel really alone, and made to feel that I am bad for reporting and that it's just me. Is that normal?

It is normal to have a range of feelings when you or your children are experiencing harm or have experienced violence, particularly if the perpetrator is a Victoria Police employee. Feelings of fear, isolation, embarrassment or guilt are all normal responses to this type of stressful situation. Wellbeing supports like counselling can help you manage these feelings.



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We want you to know that you and your children have the right to feel safe all the time. The community has the right to expect Victoria Police employees will not perpetrate family or sexual violence.

Victoria Police is committed to holding its employees to account for any criminality and misconduct.

Please see the Family Violence and Sexual Offence Services section of this guide for support and counselling options. Your investigator and support person can also make referrals on your behalf.

Lawyers Advice and Support

Lawyers can provide advice and assistance in helping you to negotiate the complex and sometimes confusing aspects and interaction of the family law system and Victoria's family violence protection regime. Victoria Police will provide a police prosecutor or lawyer for criminal or civil matters reported to Victoria Police.

For other advice, lawyers are to be independently engaged and can assist with safety planning and holistic strategy in relation to:

- Family law matters
- Child support agency
- Family violence intervention orders
- Criminal complaint options
- Child protection concerns
- Designing safety plans
- Referring to domestic family violence support services, refuges, etc. as appropriate.

Lawyers can help you in drafting statements, gathering evidence and planning for court appearances, as well as helping with varying and applying for a family violence intervention order.

Medical Professionals Treatment and Support

Disclosure to Medical Professional

A disclosure can be made to your medical professional. If you are not comfortable disclosing all of your experiences to police, then you might prefer to talk to your trusted medical professional about any harm you've experienced.



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It is also important to look after yourself or any children and get treatment for any injuries caused from family violence or sexual violence.

Your medical professional will be able to make a record of any injuries or safety concerns you have.

If needed, these records can be used by police investigators later to assist with evidence against your perpetrator.

Mandatory Reporting for Medical Professionals

In Victoria, under the *Children, Youth and Families Act 2005*, medical professionals must make a report to Child Protection if:

- in the course of practising their profession or carrying out duties of their office, position or employment they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

Independent Broad-based Anti-corruption Commission (IBAC)

Independent Broad-based Anti-corruption Commission (IBAC) is Victoria's anti-corruption agency with jurisdiction over the public sector. IBAC has jurisdiction to investigate serious corruption and police misconduct. This includes where police have failed to act in line with community expectations.

IBAC do not investigate complaints of family violence, however it can initiate a complaint on your behalf, referring the matter to Professional Standards Command for investigation regarding:

- duty failure or lack of action
- concerns their reported matter was not investigated thoroughly
- the informant failing to notify you on the progress of an investigation
- the informant failing to provide you with advice or assistance.

IBAC may investigate matters where it is alleged a Victoria Police employee has acted in an unprofessional or unlawful manner while on duty.

Victoria Police employees and community members can lodge a complaint about a Victoria Police employee directly to IBAC by contacting them via: Call 1300 735 135 Email: info@ibac.vic.gov.au.



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Victims of Crime Commissioner

The *Victims' Charter Act 2006* sets out principles for how agencies should treat you or your family members. The Commissioner can only investigate complaints that relate to an agency's compliance with these principles. The Victims of Crime Commissioner cannot accept or investigate complaints about an individual's conduct or the outcome of a criminal case.

If you believe Victoria Police has not treated you or a family member in line with the *Victims' Charter Act* and are unable to resolve the matter with Victoria Police directly, you can also make a complaint to the Victims of Crime Commissioner.

For further information regarding the *Victims' Charter Act 2006* see legislation.vic.gov.au/in-force/acts/victims-charter-act-2006/022 and to contact the Victims of Crime Commissioner Call 1800 010 017 or email enquiries@vocc.vic.gov.au

Family Violence and Sexual Offence Services Sexual Offences Crisis and Support

Community service providers are available for anyone who has experienced harm or violence. They can talk to you about getting support, creating a safety plan or provide information on:

- Court processes (criminal and civil)
- Family court legal advice
- Risk assessments and safety planning
- Emotional and material support
- Advocacy
- Information and referrals.

The following is a list of referral agencies for you if you are seeking support for sexual offences.

Better Pride LGBTQIA+

Counselling support and mediation. 1800 531 919
betterpride.com.au



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Centres Against Sexual Assault (CASA)

Metropolitan CASA crisis line numbers

Crisis support, counselling, information for people who have been sexually assaulted.

CASA House – 9635 3600

Carlton Sexual Assault Crisis Line – 1800 806 292

Gatehouse Centre – Flemington – 9345 6391

West CASA – Werribee – 9216 0411

Northern CASA – Heidelberg – 9496 2240

Eastern CASA – East Ringwood – 9870 7310

South Eastern CASA – East Bentleigh – 9928 8741

Rural CASA crisis line numbers

Ballarat CASA – 5320 3933

The Sexual Assault and Family Violence Centre Geelong – 5222 4318

West Gippsland CASA – Morwell – 5134 3922

Goulburn Valley CASA – Shepparton – 5831 2343

Loddon Campaspe CASA – Bendigo – 5441 0430

The Sexual Assault and Family Violence Centre – Wimmera – 5381 1211

Centre Against Violence – Wangaratta – 5722 2203

South Western CASA – Warrnambool – 5564 4144

Mallee Sexual Assault Unit – Mildura – 5025 5400

Child Protection Emergency Service (DHHF)

Child Protection Emergency Service (DHHF) – After Hours

To report concerns of physical injury and/or sexual abuse of a child after hours, where the matter is urgent and cannot safely be left until the next working day.

Contact 131 278 (toll free)



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Child Protection (DHHF) – Business Hours

To make a mandatory report where the child or young person has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the parents have not or are unlikely to protect the child. To make a report where a child or young person is in need of protection and has or is likely to suffer significant harm due to emotional abuse, neglect or abandonment and the parents have not or are unlikely to protect the child. During business hours contact the DHHF Regional Intake.

providers.dffh.vic.gov.au/making-report-child-protection

Child FIRST

Child FIRST is an easily accessible, community-based point of entry for children, young people and families needing support.

services.dhhs.vic.gov.au/referral-and-support-teams

Djirra (Formerly Aboriginal Family Violence Prevention and Legal Service)

1800 105 303 (toll free, 9am–5pm, Monday to Friday)

Email: info@djirra.org.au

Legal Service team: info.afvls@djirra.org.au

Website: djirra.org.au

Family Violence and Sexual Offence Services Sexual Offences Crisis and Support

A full list of family violence information and support can be found here:

The Orange Door

The Orange Door provides family violence crisis response and coordinate referrals across multiple agency services for multiple violent issues including family violence, sexual assault and child abuse. See orangedoor.vic.gov.au/find-a-service-near-you

Melbourne Metropolitan Outreach Services

Offer women and children who are enduring or escaping from a violence partner practical support and information about safe accommodation options, obtaining legal advice, accessing financial entitlements, referrals to counselling and other services.



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Eastern Metropolitan – 9259 4200

Northern Metropolitan – 9450 4700

Southern Metropolitan – 9791 6111

Western Metropolitan – 9689 9588

Rural Outreach Services

A full list of outreach services can be found here:

dvrcv.org.au/support-services/victorian-services

Department of Justice and Community Safety (DJCS), Victim Services, Support and Reform (VSSR) Victim Support Agency

The victims of crime helpline is a free telephone service that provides information, advice and referrals to help you manage and recover from the effects of crime. This is recognised as the state-wide entry point if you are a male victim survivor.

Victims of Crime Helpline

Call 1800 819 817

Text 0427 767 891

Email vsa@justice.vic.gov.au

Domestic Violence Resource Centre Victoria (DVRCV)

Publications, training, resources and referral to local and national services, and to Victorian Family Violence Networks.

Information covers violence and women with disabilities, and older women and family violence.

8346 5200 (9am–5pm, Monday to Friday)

Drummond Street Services

Queerspace: ds.org.au/our-services/queerspace/

(03) 9663 6733



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Elizabeth Morgan House Aboriginal Women's Service

Elizabeth Morgan House Aboriginal Women's Service provides specialist family violence support to Aboriginal women and their children who are currently experiencing or have experienced family violence.

Staff office hours: 9am–5pm, Monday to Thursday. 9am–4pm, Friday

9482 5744

emhaws.org.au

Federation of Community Legal Centres

Will refer to local Community Legal Centres who can provide legal assistance on family violence, family law and support in applying for intervention orders.

9652 1500 (9am–5pm, Monday to Friday)

Gay and Lesbian Switchboard

Telephone counselling for lesbians and gay men, referral to face-to-face counselling and other services.

9663 2939 - 1800 184 527 (toll free for country callers)

inTouch Multicultural Centre Against Family Violence

Services, programs and responses to issues of family violence in Culturally And Linguistically Diverse (CALD) communities, developing and implementing a number of culturally sensitive and holistic models for the provision of services to you and also the perpetrator of family violence.

9413 6500 (9am–5pm, Monday to Friday)

Free call 1800 755 988

Kids Help Line

Telephone counselling for children and young people.

kidshelp.com.au

Free call 1800 551 800



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LifeLine

Telephone counselling (general)

lifeline.org.au

131 114

Men's Referral Service

Telephone counselling and referral for men who use violence towards family members. Provides initial counselling and referral for partners and advice to agencies requiring assistance.

9487 4500. (9am–5pm, Monday to Friday)

Free call 1800 065 973.

National Phone and Online Service

1800 RESPECT

Commonwealth government funded 24/7 counseling helpline, online counselling and information and support for people experiencing sexual assault or family violence.

1800 737 732 Online counselling: 1800respect.org.au/get-help/

Rainbow Door

Rainbow Door is a free specialist LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender and Gender Diverse, Intersex, Queer, Asexual, BrotherBoys, SisterGirls) helpline providing information, support, and referral to all LGBTIQ+ Victorians, their friends and family during the COVID-19 crisis and beyond. This service is run by Switchboard Victoria.

Phone: 1800 729 367

Visit rainbowdoor.org.au/family-violence

Seniors Rights Victoria (SRV)

Seniors Rights Victoria phone and advisory service aimed to help prevent elder abuse and safeguard the rights, dignity and independence of senior Victorians.

1300 368 821 (10am–5pm, Monday to Friday)

seniorsrights.org.au



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The Police Association Victoria (TPAV)

Counselling and referral advice for members of The Police Association only.

Phone: (03) 9468 2600 - 1800 800 537 (toll free)

Victoria Police - Police Psychology Unit

The Police Psychology Unit is a confidential counselling and support service staffed by psychologists and social workers who provide professional and comprehensive psychological services to meet the needs of employees and their immediate families. The office is staffed from 9am until 5pm, outside of these hours it has an 'on call' professional to assist employees experiencing a work or personal related crisis who can be accessed via the 24-hour support line. 9247 3344.

Thorne Harbour Health (formerly VAC)

Equinox, PRONTO!, Therapeutic Services (Counselling, family violence, alcohol/other drug services), Health Promotion and Operations (03) 9865 6700.

Safe Steps

Crisis support, information, referral to safe accommodation (refuge) for women and children.

9322 3555 (24 hours) 1800 015 188

Victorian Aboriginal Child Care Agency Co-Operative Limited (VACCA)

VACCA provide assistance and support to Aboriginal children and families who are experiencing social and economic problems which may contribute to a breakdown in the family structure.

Head Office – 9287 8800

Chirnside Park – 8727 0200

Dandenong – 9108 3500

Frankston – 8796 0700

Morwell – 5135 60055

Melton – 8746 2776

Preston – 9480 7300



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Werribee – 9742 8300

Victorian Aboriginal Legal Service

Professional legal advice and representation to the Aboriginal community.

Free call 1800 064 865

Victims Support Agency (VSA)

8684 6700 Call 1800 819 817

Women's Information and Referral Exchange (WIRE)

Telephone information, support and referral for women incorporating Women's Information Centre.

1300 134 130. (toll free, 9am–5pm, Monday to Friday)

Women's Legal Service Victoria

Legal phone advice line concerning family violence and family law.

8622 0600 (legal advice) Free call 1800 133 302

Terminology

Affected Party – Is the person who is impacted by the offending or behaviour of the perpetrator of family violence. This term is used in the place of victim or affected family member in this document.

Affected family member (AFM) – Defined in s.4, *Family Violence Protection Act 2008* (FVPA). The family member whose person or property is the subject of an application for an order. Once an intervention order is granted the person is known as the protected person. Used interchangeably to refer to victims of family violence as an intervention order is not always sought or granted.

CIU – Crime Investigation Unit.

Family Violence Report (FVR Form L17) – Victoria Police Risk Assessment and Risk Management Report.

FVI – Family Violence Incident.

FVIU – (Regional) Family Violence and Investigation Units.



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Interim Action – The Assistant Commissioner, Professional Standards Command or the Director, Workplace Relations Division reasonably believes an employee to have committed a criminal offence or a discipline offence. They may either transfer the employee to other duties, direct the police officer or protective services officer to take any accrued leave (other than sick leave) or suspend the police officer or protective services officer with or without pay.

Intervention order – General term to refer to all types of orders; being family violence safety notices (FVSN), interim family violence intervention orders (interim FVIO) and final family violence intervention orders (FVIO).

Investigator – A Victoria Police employee who is allocated your complaint for either criminal or discipline investigation.

Police member (or member) – Any person, excluding VPS employees, employed by Victoria Police in accordance with s.7, *Victoria Police Act 2013*. This means police officer, protective services officer (PSO), recruit, and reservist except where an instruction specifically states otherwise. However, any authority or responsibility may only be exercised within the limits of the duties of the position and their legal authorities and responsibilities.

Police employee perpetrator – A Victoria Police employee who is the party to the family violence incident who, by their actions in the incident and through known history and actions, has caused the most physical harm, fear, and intimidation against the other.

PSC – Professional Standards Command.

Respondent – Defined in Section 4, *Family Violence Protection Act 2008*. The person against whom an application for, or actual intervention order has been, made or issued. Used interchangeably to refer to a perpetrator of family violence as an intervention order is not always sought or granted.

ROCSID – Register of Complaints Serious Incidents and Discipline. This is a comprehensive complaints management and investigation database that records and monitors complaints against Victoria Police employees.

SOCIT – Sexual Offences and Child Abuse Team.

Subject Employee – The Victoria Police employee who has had an allegation of complaint and is under investigation.

VARE – Video and Audio Recorded Evidence according to the *Criminal Procedure Act 2009*.



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Victorian Public Service (VPS) employees – Any person employed by Victoria Police, including police custody officers (PCOs) in accordance with the *Public Administration Act 2004*.

Victoria Police employees – All Victoria Police personnel, including police members, reservists, protective services officers, recruits, and VPS employees.

VPM – Victoria Police Manual policies and procedures.

Acknowledgment to Traditional Custodians

Victoria Police pays its respects to the Traditional Custodians of the lands on which we live and work.

We pay our respects to Elders and all Aboriginal and Torres Strait Islander People who continue to care for their country, culture and people.

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