



CODE OF PRACTICE FOR THE INVESTIGATION OF FAMILY VIOLENCE

Edition 4 ∴ Version 1



Contents

1. Introduction.....	6
1.1 About this document.....	7
1.2 Legislative and policy context	7
1.3 What is family violence	8
1.4 The role of police in family violence.....	8
1.5 Police partnerships with other agencies	9
1.6 A note on language	9
Definitions	11
2. Initial Police Action	16
2.1 About initial police action.....	16
2.1.1 How family violence is reported to police	16
2.1.2 Timeliness of police response	16
2.1.3 Prior to police attending the scene	16
2.1.4 Upon police attendance.....	16
2.1.4.1 Entry to premises.....	17
2.1.4.2 Search powers.....	17
2.1.4.3 Speaking to people	17
2.1.4.4 Use of interpreters	17
2.1.5 Family Violence Options Model.....	18
2.1.6 Predominant aggressor	18
2.1.6.1 Identifying the predominant aggressor	18
2.1.6.2 Misidentification of the predominant aggressor.....	18
2.1.6.3 Strengthening capability and the initial police response	19
2.1.7 Police action relating to adult and child victims	19
2.1.8 Police action relating to the perpetrator.....	19
2.2 Children and young people	20
2.2.1 Responding to adolescents who use family violence	20
2.3 Responding to priority populations.....	22
2.3.1 Aboriginal communities	22
2.3.2 Diverse cultural, linguistic and faith communities.....	23
2.3.3 LGBTIQ+	23
2.3.4 Older people	24
2.3.5 People who work in the sex industry	24
2.3.6 People with disabilities	24
2.3.7 Women in rural communities	25
2.4 Family violence involving Victoria Police employees	25
2.4.1 Safety and welfare of adult and child victim	26
2.4.1.1 Prohibited persons.....	26
2.4.1.2 Operational Safety and Tactics Training	26
2.4.2 Holding employees who perpetrate family violence to account	26
2.4.2.1 Prosecution of a Victoria Police employee	26
2.4.2.2 Criminal charges and authorisation of briefs	27

2.4.2.3	Discipline action.....	27
2.4.3	Privacy and Confidentiality	27
2.5	Managing conflicts of interest.....	27
3.	The Family Violence Response Model	29
3.1	About the Family Violence Response Model.....	29
3.2	Family Violence Investigation Units	29
3.2.1	Family violence roles and responsibilities	29
3.2.1.1	Investigators	29
3.2.1.2	Family Violence Liaison Officers	29
3.2.1.3	Family Violence Court Liaison Officers	30
3.2.1.4	Family Violence Analysts.....	30
3.2.1.5	Family Violence Training Officers.....	30
3.2.2	Concerns about police action	31
3.2.2.1	What people can do if they are concerned about the police response	31
3.2.2.2	Complaints against police.....	31
3.3	The Family Violence Report	31
3.3.1	What is covered in the Family Violence Report?.....	32
3.3.1.1	Information about family violence	32
3.3.1.2	Information about children	32
3.3.1.3	Information about the relationship and the perpetrator's background.....	32
3.3.1.4	Information about drug and alcohol use	32
3.3.1.5	Information about the victim's background.....	32
3.3.1.6	Information from LEAP	32
3.4	The Case Prioritisation and Response Model	33
3.4.1	Scoring of the Family Violence Report	33
3.4.2	Risk management of high risk and/or complex cases	33
3.5	Education program.....	33
4.	Criminal Options	35
4.1	The investigation of family violence.....	35
4.1.1	Information police might record	35
4.1.1.1	Initial Action	35
4.1.1.2	Statements.....	35
4.1.1.3	Interview	35
4.1.2	Evidence collected by police	36
4.2	Perpetrator processes	36
4.2.1	Initiation of criminal proceedings	36
4.2.1.1	Adolescents who use family violence	36
4.2.2	Remand or bail	36
4.2.3	Charge and remand.....	36
4.2.4	Charge and bail	37
4.2.5	Charge and summons	37
4.2.6	Charge and warrant.....	37
4.2.7	No further police action following submission of a brief	37
4.2.8	Timeframes for criminal matters	37

4.3	Role of the victim in the pursuit of criminal options	38
4.3.1	Obtaining evidence	38
4.3.1.1	Statements.....	38
4.3.1.2	Forensic and clinical evidence.....	38
4.3.2	What happens if the victim does not want police to charge the perpetrator? .	38
4.3.3	Withdrawal of complaint	39
4.3.3.1	Statement to withdraw the complaint	39
4.3.3.2	Police report.....	39
4.3.3.3	Police supervisor considerations.....	39
4.3.3.4	Proceeding with criminal charges when a victim does not wish to proceed ...	39
4.4	Case conference	40
4.5	Case review.....	40
4.6	Court	40
4.6.1	Court and the victim.....	40
4.6.1.1	Before court	40
4.6.1.2	At court	40
4.6.2	Court and the perpetrator	41
4.6.2.1	Before court	41
4.6.2.2	At court	41
4.7	Contravention of an IVO	41
4.7.1	When a contravention occurs	41
4.7.1.1	How a victim can collect evidence if an order is contravened.....	41
4.7.2	What police do if a contravention is reported	42
4.7.2.1	When police attend the scene and the perpetrator is present.....	42
4.7.2.2	Investigation.....	42
4.7.2.3	Continuing protection of adult and child victims	42
4.7.2.4	Contravention of a FVIO with a property clause.....	42
4.7.2.5	Contravention of a FVIO from within prison	42
4.7.3	The decision to prosecute a contravention.....	42
4.7.3.1	Consent is not a defence.....	43

5. Civil Options.....45

5.1	Civil options in response to family violence	45
5.2	Family Violence Safety Notices.....	45
5.2.1	Limitations on issuing a FVSN.....	45
5.2.2	Conditions on the FVSN	45
5.2.2.1	Exclusion conditions	46
5.2.3	Service of the FVSN	46
5.3	Family Violence Intervention Orders.....	46
5.3.1	Application and summons	47
5.3.1.1	Adolescents who use family violence	47
5.3.1.2	Child victims.....	47
5.3.2	Application and warrant.....	47
5.3.3	Who attends court?	47
5.3.4	Court issued FVIOs	48
5.3.4.1	Interim FVIOs.....	48
5.3.4.2	When the victim does not consent to a FVIO	48
5.3.5	Conditions on a FVIO	48
5.3.5.1	Exclusion conditions and property collection.....	48
5.3.6	FVIOs and firearms	48

5.3.7	Service of FVIOs.....	49
5.3.8	Revoking, varying, extending or appealing the FVIO.....	49
5.3.8.1	Appealing an intervention order.....	49
5.3.8.2	Extending, varying or revoking an intervention order.....	49
5.4	Intervention orders from other jurisdictions	50
5.4.1	Interstate and international orders.....	50
5.4.2	Family Law Act 1975 (Cth).....	50
5.4.2.1	Victoria Police powers when a Family Law Act Order is in place.....	50
5.4.2.2	Parenting plans.....	51
5.4.2.3	Recovery order for children	51
6.	Referrals	53
6.1	Victoria’s integrated family violence service system	53
6.1.1	Information sharing schemes and referrals.....	53
6.1.1.1	When information can be shared/requested under the FVIS scheme	53
6.1.1.2	Consent requirements under the FVIS scheme	53
6.1.1.3	When information can be shared/requested under the CIS scheme	54
6.1.1.4	Consent requirements under the CIS scheme	54
6.1.1.5	Voluntary information sharing.....	54
6.1.1.6	Information requests involving Victoria Police employees	54
6.1.2	Requesting police information	54
6.1.2.1	Information Victoria Police will share.....	54
6.2	Referrals	55
6.2.1	Formal referral pathway.....	55
6.2.1.1	Immediate formal referral for a victim	55
6.2.1.2	The person does not want assistance	55
6.2.2	Informal referral pathway.....	55
6.2.2.1	The person does not want assistance	56
6.2.2.2	Referral to The Orange Door or Child FIRST.....	56
6.3	Child safety	56
6.3.1	Child Protection	56
6.3.2	Mandatory reporting	56
6.3.3	Non-mandated reporting to Child Protection	57
6.3.4	Critical protective cases.....	57
6.4	Integrated response for high risk families	57
6.5	Perpetrator welfare and interventions.....	57
7.	Services.....	60
7.1	The Orange Door	60
7.2	State-wide and national services.....	60
7.3	Local specialist services	66
7.4	Child FIRST and Child Protection.....	66
7.4.1	Child FIRST	66
7.4.2	Child Protection	66
7.4.2.1	North and Inner West Division Intake.....	66
7.4.2.2	South Division Intake.....	67
7.4.2.3	East Division Intake	67
7.4.2.4	West Division Intake (rural and regional only).....	67

7.4.2.5	After hours Child Protection emergency service	67
7.5	Interpreter services	67
7.5.1	Multilingual interpreter services	67
7.5.2	Interpreter services for people living with a disability	68



Chapter 1

INTRODUCTION

Introduction

1.1 About this document

In 2004, Victoria Police first developed this *Code of Practice for the Investigation of Family Violence* (Code of Practice) to govern our investigation and response to family violence. Following significant developments across the Victorian integrated family violence system, including legislative reform and the Royal Commission into Family Violence, this Code has continually evolved to reflect best practice and strengthened policing responses.

In 2021, the *Victoria Police Manual* (VPM) for Family Violence was significantly revised to reflect updated police policy and practice including the relocation of relevant parts of the Code of Practice considered more appropriately captured in the VPM. The VPM is the primary policy document governing police responses to family violence supported by Practice Guides that provide additional detailed guidance to police officers and support good practice.

The Code of Practice reflects Victoria Police policy and is our key external facing document providing additional information for stakeholders regarding the roles and responsibilities of Victoria Police and how Victoria Police respond to and manage family violence related incidents. This document will be updated on a regular basis to reflect changes to legislation and to Victoria Police policy through the VPM as they occur to ensure consistency.

1.2 Legislative and policy context

The *Family Violence Protection Act 2008* (FVPA) is the primary piece of legislation covering family violence in Victoria. The FVPA also establishes the Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework and the Family Violence Information Sharing Scheme. Other related Victorian Acts are the *Child Wellbeing and Safety Act 2005*, which establishes the Child Information Sharing Scheme, and the *Children, Youth and Families Act 2005* which provides for the protection of children. The Victims' Charter, contained in the *Victims' Charter Act 2006*, sets out principles for victims of crime to be treated with respect, courtesy and dignity by investigatory, prosecuting and victim support agencies. In compliance with the *Charter of Human Rights and Responsibilities Act 2006*, Victoria Police must act in a way that is compatible with human rights and ensure proper consideration is given to relevant human rights in the decisions that we make. This legislative framework is the basis for Victoria Police's response to family violence.

Victoria Police's *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023* outlines the organisational initiatives and commitments, set out under four strategic priorities: victim safety, offence and offender management, child safety, and a safe and capable workforce. The strategy recognises that family violence, sexual offences and child abuse often occur together. The strategy is underpinned by a Family Violence, Sexual Offences and Child Abuse Performance Measurement Framework which supports continuous improvement and accountability at all levels across the organisation.

The *Victoria Police Manual* (VPM) is issued under the authority of the Chief Commissioner of Police in section 60 of the *Victoria Police Act 2013*, and is a collection of all the policy instruments that sets the behaviour, operational and administrative standards for all employees. Supported by a suite of practice guides the VPM - Family Violence provides the policy that governs the police response to and investigation of family violence, outlining the role and responsibilities of Victoria Police in providing effective intervention to prevent and reduce family violence. A copy of the current policy (VPM - Family Violence) is available for purchase on the Victoria Police website.

A range of agreements, memoranda of understanding and protocols are developed and maintained to guide how Victoria Police's processes and practices intersect with other agencies and organisations.

1.3 What is family violence

Family violence is a violation of human rights and is unacceptable in any form.

The *Family Violence Protection Act 2008 (FVPA)* recognises that family violence extends beyond physical violence and may involve sexual, emotional, psychological, or economic abuse.

In Victoria, we understand family violence as an ongoing pattern of coercive controlling, or violent behaviour that occurs in current or past family, domestic or intimate partner relationships, and may include carers (paid or unpaid). This can include not only physical abuse but an array of power and control tactics, such as direct or indirect threats, sexual, emotional and psychological torment, economic control, property damage, social isolation, withholding of children and behaviour which causes a person to live in fear. Victoria Police recognise there may be threats to manipulate the police response in an effort to cause further harm to the victim, which can include threats to have children removed, threats to have the victim deported, threats to have the victim charged, threats to have the victim's employment terminated, or threats to prevent the victim from accessing benefits they are entitled to.

We also understand family violence to include violence between people in a range of family relationships. It can include adolescents who use family violence, abuse of children by family members or guardians, abuse of older people by family members, abuse within Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex and Queer (LGBTIQ+) relationships, and, for Aboriginal people, abuse within extended families and kinship networks.

The *FVPA* recognises the evidence-base that shows family violence disproportionately affects women and children, and a disproportionate number of men are perpetrators of family violence. The *FVPA* also recognises that the definition of family violence includes behaviour by a person that causes a child to hear, witness or otherwise be exposed to the effects of family violence.

We understand that gender inequality creates the social conditions that enable violence to occur. The following expressions of gender inequality have been shown to be most consistently associated with higher levels of violence against women:

- condoning of violence against women;
- men's control of decision-making and limits to women's independence;
- rigid gender roles and stereotyped constructions of masculinity and femininity;
- male peer relations that emphasise aggression and disrespect towards women.

We recognise that some people in our community are subject to significantly higher rates of family violence than others, such as Aboriginal people, people with disabilities, people who identify as LGBTIQ+, and people who are pregnant or have recently given birth. Some people are especially at risk due to isolation, whether by language, geography, disability, mental health issues, or if they are concerned about their residency rights in Australia.

1.4 The role of police in family violence

Victoria Police regards family violence as extremely serious and is dedicated to responding to, investigating, and ultimately preventing such matters.

Victoria Police forms a key component of a state-wide effort to act, respond to, and ultimately prevent family violence. Victoria Police's role is to ensure a safe, secure and orderly society by serving the community and upholding the law. We do this by preserving the peace, preventing offences, detecting and apprehending offenders, protecting life and property, and helping those in need of assistance.

The role of Victoria Police in responding to, investigating, and preventing family violence is to:

- encourage reporting of family violence by responding to all reports of family violence, regardless of where the report originated from;

- minimise harm experienced by families during the process of police response;
- provide safe spaces for victims of family violence to disclose harm;
- be cautious of undue influence, power imbalances, and possible manipulation by the perpetrator;
- optimise the level of safety and support to all involved by investigating all detected and reported family violence and pursuing all enforcement opportunities which increases perpetrator accountability;
- provide early intervention and disruption to break the cycle of family violence;
- provide an appropriate, consistent, transparent and accountable response to family violence;
- support victims to stay safely in their own homes where it is their wish to do so;
- in partnership with other government and service sector agencies use referral pathways to support an integrated response to victim safety and family violence.

1.5 Police partnerships with other agencies

Victoria Police is committed to working together with the organisations and services that make up Victoria's integrated family violence service system to provide better outcomes for all adult and child victims. We recognise that working collaboratively and sharing information with our government partners and the community sector is the most effective way to respond to family violence.

Victoria Police is a prescribed organisation under the Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework. We take this responsibility seriously and are committed to deeply embedding MARAM principles in our policy and practices.

1.6 A note on language

In line with the Victorian Government's Ending Family Violence; Victoria's plan for change and the Gender Equality Strategy Safe and Strong, Victoria Police recognises that at its core, family violence is a deeply gendered issue, grounded in structural inequalities and an imbalance of power between women and men, and any gendered language used throughout this document reflects this understanding.

This Code uses the term victim to refer to a person who has suffered harm as the result of family violence. We acknowledge that victims are also resilient survivors, and in using the term victim we do not intend to diminish the strength, identity or diversity of people who have experienced family violence.

The word family has many different meanings. Our use of the word family is all-encompassing and acknowledges the variety of relationships and structures that can make up a family unit and the range of ways family violence can be experienced, including through family-like, kinship and carer relationships.

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

Throughout this document the acronym LGBTIQ+ is used to refer to the Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex and Queer community. Victoria Police acknowledges that language and attitudes continuously evolve, and some expressions which were commonly used in the past are no longer considered appropriate to describe LGBTIQ+ people.

Diverse cultural, linguistic and faith communities is the term used in the Code to describe people living in Australia who were born overseas, or whose parents or grandparents were born overseas, in non-English speaking countries. It is an umbrella term that covers many different groups, with different identities, experiences, cultures, languages and faiths.

Intersectionality describes how multiple forms of power, privilege and oppression overlap or intersect to reinforce and produce power hierarchies, inequality, and discrimination. Discrimination and power imbalances may relate to an individual's age, gender identity, sexual orientation, ethnicity, cultural background, language, religion, visa status, class, socioeconomic status, ability (including physical, neurological, cognitive, sensory,

intellectual or psychosocial impairment and/or disability) or geographic location. Structural inequality and discrimination can create and amplify family violence risk and barriers to safety.

Adolescents who use family violence is used to describe a pattern of violent or abusive behaviour used by an adolescent within their family, towards an intimate partner, or in the context of a family-like relationship as defined within the *FVPA*. This term recognises that adolescents who use family violence require a different response to adults who use family violence, because of their age, stage of development, dependence on caregivers, and that they may also be victims of family violence.

The word perpetrator is used to describe an adult person who commits family violence. Police officers may also refer to a person who commits family violence as the respondent when civil action is taken or, in the context of criminal charges, as the offender or the accused.

Victoria Police use the term repeat attendance and define it as two or more separate family violence incidents responded to by police within a 12-month period where the same party is identified as the perpetrator.



Definitions

The definitions below are intended to assist the reader in understanding the police response to family violence. Not all terms below have been used within the Code, but they are terms that readers may come across when speaking with Victoria Police. Some terms cannot be defined simply; in these instances, the reader is directed to the relevant sub-section where further detail has been provided.

Accused person	A person charged with committing a criminal offence.
Adolescent	A young person up to the age of 18 years.
ACLO	Aboriginal Community Liaison Officer.
AFM	Affected Family Member. Victoria Police will use this term to describe a person who has suffered harm as a result of family violence. In a policing context, AFM is interchangeable with victim (of family violence).
Bail decision maker	The person empowered under the <i>Bail Act 1977</i> to grant, extend or revoke bail, or vary the amount/conditions of bail.
Brief of Evidence	A compilation of all documents relevant to the prosecution of a particular case. In conversation, this term may be shortened and referred to as a brief. A brief of evidence relates to criminal charges and is distinct from an FVIO Brief which relates to any civil application.
BWC	Body Worn Camera.
CALD	Culturally and Linguistically Diverse. In line with the Victorian government, Victoria Police are transitioning to the term Diverse cultural, linguistic and faith communities.
CDEB	Central Data Entry Bureau (the area within Victoria Police responsible for electronically recording information).
CFV	Centre for Family Violence, Victoria Police.
Child	A person who is under the age of 18 years.
CIU	Criminal Investigation Unit, Victoria Police.
Cognitive Impairment	Used to refer to people with a cognitive impairment caused by things such as intellectual disability, dementia, Autism or brain injury.
Contravention	A contravention occurs when a respondent for an active and served intervention order breaks the conditions of that intervention order. Contravening an intervention order is synonymous with breaching an intervention order. This is relevant to all intervention orders, including FVIOs and FVSNs. See Section 4.8 for further information.
CRAF	Common Risk Assessment Framework. This has been replaced by the MARAM Framework.
Cross-Application	The act of police members applying for family violence orders (including FVIOs and FVSNs) against both or all parties in relation to the same incident. Police must not make cross-applications.
CYFA	<i>Children, Youth and Families Act 2005.</i>

DFFH	Department of Fairness, Families and Housing, Victoria.
Directed person	The person directed to remain at a place or detained by an officer of Victoria Police to protect a family member or property while the officer obtains a FVIO or FVSN. This definition is in line with section 12 of the <i>FVPA</i> .
Directing officer	The police officer giving or who gave the direction for a person to remain at a place or remain with the police officer while the officer obtains a FVIO or FVSN.
DNA	Deoxyribonucleic acid.
DREC	Digitally Recorded Evidence in Chief.
DVO	Domestic Violence Order.
Family member	<p>Defined in Section 8 of the <i>FVPA</i> and in relation to a person means:</p> <ul style="list-style-type: none"> ▪ a person who is, or has been, the spouse or domestic partner of that person ▪ a person who has, or has had, an intimate personal relationship with that person ▪ a person who is, or has been, a relative of that person. This includes brothers, sisters, aunts, uncles, cousins, nephews, nieces, and in-laws ▪ a child who normally or regularly resides with that person or has previously resided with that person on a normal or regular basis ▪ a child of whom that person is a guardian ▪ a child of a person who has, or has had, an intimate personal relationship with that person ▪ any other person who the person regards as being like a family member having regard to the circumstances of the relationship as outlined in Section 8 (3) of the <i>FVPA</i>.
FMO	Forensic Medical Officer.
FTI	Fast Track Initiative.
FVC	Family Violence Command, Victoria Police.
FVCLO	Family Violence Court Liaison Officer, Victoria Police.
FVIO	Family Violence Intervention Order.
FVIO	Family Violence Interim Intervention Order.
FVIO Brief	A brief in support of an intervention order application. This is distinct from a Brief of Evidence which relates to criminal charges.
FVIU	Family Violence Investigation Unit, Victoria Police.
FVLO	Family Violence Liaison Officer, Victoria Police.
FVPA	<i>Family Violence Protection Act 2008</i> .
FVR / FVR (L17)	Family Violence Report
FVSN	Family Violence Safety Notice.

Holding powers	The authority by which the directing officer can direct an adult person to go to or remain at a specified place while the officer makes an application for an intervention order. For further information please see Part 3 of the <i>FVPA</i> .
ITP	Independent Third Party.
L17 Portal	The L17 Family Violence Portal (L17 portal) is an electronic, web-based system for Victoria Police to make family violence referrals to The Orange Door network, specialist family violence services, Child FIRST, the Victims of Crime Helpline and to make reports to Child Protection. A number of Aboriginal Community Controlled Organisations also receive L17 reports directly or as on-referrals from another support service.
LEAP	Law Enforcement Assistance Program (the Victoria Police system of electronically recording police records, such as criminal histories and incidents attended).
MARAM Framework	Multi-Agency Risk Assessment and Management Framework.
MLO	Multicultural Liaison Officer.
NDVOS	National Domestic Violence Order Scheme.
Officer in Charge	Officer in Charge of a Police Station.
OSTT	Operational Safety & Tactics Training. Police officers must possess current OSTT qualifications in order to perform certain duties.
Options Model	The Options Model provides two streams (criminal and civil) of intervention that police officers will consider to break the cycle of family violence. Any criminal or civil intervention should be accompanied by appropriate referrals.
PACPAFV	Police and Aboriginal Community Protocols Against Family Violence.
Perpetrator	The party who commits the most harm during an isolated incident. In a policing context, this term is interchangeable with respondent.
Person Whereabouts	A digital 'flag' recorded on LEAP that indicates that police are trying to locate this person.
POI	Person of Interest.
Police Applicant	The police officer making a civil application such as a FVIO or FVSN.
Police Informant	The police officer in charge of an investigation.
Police Lawyer	A lawyer employed by Victoria Police.
Predominant Aggressor	The party who uses a pattern of coercion, power and controlling behaviours against the other party. See Section 2.1.6 for further information.
Protected Person	A person who is protected by a Family Violence Intervention Order or a Family Violence Safety Notice.
PSC	Professional Standards Command, Victoria Police.

Recidivism	Repeat criminal activity. This is a generic term used across Victoria Police crime themes. The term repeat attendance is specific to family violence.
Respondent	<p>Defined in section 4 of the <i>FVPA</i> and means a person against whom:</p> <ul style="list-style-type: none"> ▪ an application for an intervention order has been made; ▪ an intervention order has been made; or ▪ a family violence safety notice has been issued. <p>In relation to a recognised DVO, a respondent is a person against whom the recognised DVO has been made.</p> <p>In a policing context, this word is interchangeable with perpetrator.</p>
SOCIT	Sexual Offences and Child Abuse Investigation Teams, Victoria Police.
SOFVU	Sexual Offences and Family Violence Unit, Professional Standards Command, Victoria Police.
VARE	Video and Audio Recorded Evidence according to the <i>Criminal Procedure Act 2009</i> .
VCAT	Victorian Civil and Administrative Tribunal.
Victim	Throughout this Code of Practice, a victim refers to a person who has suffered harm as a result of family violence. In a policing context, the term victim is interchangeable with AFM (Affected Family Member).
Victims' Charter	The Victims' Charter sets out principles for victims of crime to be treated with respect, courtesy and dignity by investigatory, prosecuting and victim support agencies. It is contained within the <i>Victims' Charter Act 2006</i> .
Victoria Police Employee	All Victoria Police personnel and any person employed by Victoria Police, including police officers, Reservists, PSOs, recruits, and VPS employees.
VIFM	Victorian Institute of Forensic Medicine.
VP Form L17	This term was previously used to refer to the form used by Victoria Police when a family violence incident is reported. In 2019, a new form was introduced. To distinguish, Victoria Police refer to the current version as the FVR or the FVR (L17).
VPM	Victoria Police Manual. The collection of all the policy instruments that sets the behaviour, operational and administrative standards for all employees.
Young person	A person who is between 12 – 25 years of age.



Chapter 2

INITIAL POLICE ACTION

Initial Police Action

2.1 About initial police action

The safety and welfare of adult victims and child victims are the primary concern of any police action in relation to reported and detected family violence.

To encourage reporting and minimise trauma experiences of victims and families during the police response, Victoria Police:

- responds to and acts on all reports of family violence, regardless of where the report originates from;
- acts in a manner that is understanding, reassuring, caring, and respects the privacy of victims;
- provides a level of service in line with the standards set out in the *Victims' Charter Act 2006* for victims of crime.

2.1.1 How family violence is reported to police

In an emergency, family violence can be reported by calling Triple Zero (000) or by going to a police station.

Police may receive reports of family violence directly from the victim or member of their family, including children, or from a friend, neighbour, another agency or anonymously. The report may be made by telephone, in person, or by some other means. Police may also detect family violence in the course of their normal duties including during welfare checks.

When police receive information regarding a family violence incident (including information regarding a contravention of an intervention order) over the telephone, they must assess the need for police attendance. Telephone reporting is not considered appropriate where an offence against a person is identified or property damage has occurred, including serious offending, stalking, or persistent breach of an intervention order. In circumstances where telephone reporting is not considered appropriate or has not been approved by a supervisor, police attendance will be arranged. A Family Violence Report (FVR) is completed and uploaded onto LEAP when a family violence report is safely reported over the telephone.

2.1.2 Timeliness of police response

Police officers will respond to reports of family violence as a priority unless the report relates to a past incident and there is no risk of imminent danger or if the person is seeking advice only.

2.1.3 Prior to police attending the scene

Before attending the scene, police officers:

- conduct LEAP checks on the location and persons involved (including a National Police Reference System check);
- determine if there is a history of family violence, including any intervention orders in place;
- check if there are firearms recorded at the location, or if persons involved are recorded as having access to firearms;
- conduct a risk assessment of the scene and formulate a safety plan;
- consider the need for additional police officers, including senior police officers;
- consider the need for medical attention for all parties.

2.1.4 Upon police attendance

Family violence incidents are always a potential crime scene. Police officers activate body worn camera in accordance with the VPM Body worn cameras and are responsible for preserving the scene and ensuring that all possible evidence has been secured.

When police officers attend a report of family violence, they:

- take immediate action to identify and ensure the safety of everyone who is present, both adults and children;
- check if anyone needs urgent medical attention and take note of any property damage;
- separate the people present, where possible, and speak to each person on their own, outside the line of vision and hearing of the other person. This may include speaking to children if safe, reasonable, and appropriate to do so;
- remain aware of potential manipulation by the perpetrator of the victim and/or police officers;
- ask each person involved whether they identify as Aboriginal. This is a requirement under Victoria Police policy as it informs culturally safe responses and expedites culturally appropriate referrals;
- conduct a risk assessment. This includes asking questions to determine what family violence has occurred, now and in the past, and assess the risks of future family violence using all the information available;
- identify who has been harmed (the victim) and who is causing the harm (the perpetrator);
- confirm the whereabouts of any children or young people who usually reside at the address;
- refer all parties involved to appropriate services;
- investigate all offences by gathering background information and physical evidence, regardless of whether the victim makes a complaint or statement;
- follow up with any parties that are believed to be involved but no longer present.

Police must respond and take action in accordance with the VPM Family Violence.

2.1.4.1 *Entry to premises*

Police officers have the power to enter and search a property without a warrant to ensure the safety and welfare of all people present when they reasonably believe a person has assaulted or threatened to assault a family member, when they reasonably believe someone inside has contravened an intervention order, when a person is refusing or failing to comply with a direction, or when express or implied consent is provided. This is in accordance with section 157 of the *FVPA*.

2.1.4.2 *Search powers*

Police officers have the power to search a person, vehicle, package or thing in a person's possession if the person is subject to a police direction, are apprehended or detained and if they believe on reasonable grounds that the person has any object which may cause injury or damage or be used to escape. This is in accordance with section 16 of the *FVPA*.

2.1.4.3 *Speaking to people*

Police officers make every effort to separate parties and speak individually to everyone involved, to ensure that the victim(s) can speak to police without being overheard by the perpetrator. This may include speaking to children if safe, reasonable, and appropriate to do so.

2.1.4.4 *Use of interpreters*

Independent interpreters are engaged if a person does not speak English as their first language, or if the person has a disability and requires the support of an interpreter. Depending on the circumstances and availability, the interpreters may work on the telephone or in person.

Where possible, National Accreditation Authority for Translators and Interpreters (NAATI) accredited interpreters with specialist family violence training are sought. Every effort is made for the interpreter to be the same gender as the victim.

Victoria Police is committed to not using children as interpreters.

Police may only use neighbours or other persons present (with the exception of perpetrators, family members and friends) in an emergency situation. An accredited interpreter must be used as soon as practicable.

2.1.5 Family Violence Options Model

The Family Violence Options Model provides two streams (criminal and civil) of intervention that police officers will consider to break the cycle of family violence. Any criminal or civil interventions should be accompanied by appropriate referrals.

The flowchart on page 21 of this Code of Practice provides a visual of the Options Model.

2.1.6 Predominant aggressor

The predominant aggressor is the term used to describe the person who through known history and actions within the relationship is exerting the greatest amount of harm and control over their partner or family member. This could be through any number of abusive behaviours including physical and sexual violence, coercive control, threats, intimidation, emotional abuse, stalking and isolation.

2.1.6.1 *Identifying the predominant aggressor*

In most situations, police will identify who the predominant aggressor is by professional judgement and observation. Police consider the history of family violence as well as the current incident when deciding who is the predominant aggressor.

To identify the predominant aggressor, police assess:

- how fearful each person is;
- any historical pattern of coercion, intimidation and/or violence;
- the nature of any injuries;
- the capacity to inflict injury;
- the need for protection;
- any information from other agencies.

Police officers must not make assumptions when assessing and determining who is the predominant aggressor. Police officers should be alert to:

- attempts to influence, the presence of power imbalance and/or possible manipulation by the predominant aggressor;
- the predominant aggressor can appear calm and reasonable, whereas the victim may appear agitated or potentially violent;
- the predominant aggressor using the incident to minimise their actions and create doubt about the victim's version of events, and thereby would be using the justice system to carry out family violence;
- violence may be normalised so the victim may appear to 'choose' to remain in a violent relationship.

Police officers must not make cross applications for an intervention order as a result of identifying both people as the predominant aggressor.

2.1.6.2 *Misidentification of the predominant aggressor*

Correctly identifying the predominant aggressor is a priority for Victoria Police to optimise safety for adult and child victims, to prevent perpetrators from using the system to further control and traumatise their victims, and to facilitate an appropriate referral pathway to support services. It also ensures police hold perpetrators to account for their actions and provides access to perpetrator interventions.

Police receive training to identify the predominant aggressor. Identification can be complicated by a range of factors including:

- neither person will tell police what has happened;
- one person isn't present;
- the victim of ongoing family violence has committed a crime during an incident or series of incidents;
- there is a pattern of both parties being named as the victim or perpetrator in LEAP records;
- the predominant aggressor uses psychological violence and coercive control against the victim, preventing the victim from freely disclosing harm;

- the predominant aggressor alleges they are the victim and the victim does not feel comfortable or safe when questioned by police;
- both people say the other person is the predominant aggressor.

Victoria Police understand the consequences of misidentification can be very serious. These consequences can include:

- criminalisation and wrongful imprisonment;
- child removal or loss of custody;
- limiting access to family violence support services;
- exposure to further harm.

If you believe that misidentification has occurred, you can contact your local station and speak to the Family Violence Liaison Officer (FVLO) or one of the station supervisors (Officers in Charge) to discuss the case.

2.1.6.3 *Strengthening capability and the initial police response*

Victoria Police are committed to continuous practice improvement to reduce the likelihood of misidentification of the predominant aggressor.

Victoria Police is implementing a program of work in consultation with the organisations and services that make up Victoria's integrated family violence service system, focusing on improving training, policy and guidance; including corrective actions when misidentification occurs to strengthen the protection of adult and child victims of family violence.

As part of this program of work, Victoria Police will set out a clear process for specialist family violence services to contact police when they believe misidentification has occurred. As outlined above, Family Violence Liaison Officers (FVLOs) or police supervisors (OICs) can be contacted on occasions where specialist family violence services believe misidentification has occurred.

2.1.7 **Police action relating to adult and child victims**

Police action is taken based on the individual circumstances of the incident and the family violence history. All families are different and each need a response targeted to their safety and their needs.

Where there is an immediate threat to any adult victim or child victim, police will issue a Family Violence Safety Notice (FVSN). Police will apply for a Family Violence Intervention Order (FVIO) whenever the safety, welfare or property of any adult victim or child victim appears to be endangered by the perpetrator. Further information on civil options can be found in section 5 of this Code of Practice.

Police make every effort to support any adult victims and any child victims to remain in their home. Police will however seek accommodation for victims at serious risk who require immediate protection if there is concern for their safety when the whereabouts of the perpetrator is unknown, or when a perpetrator's behaviour is determined as not likely to be influenced by a FVIO or FVSN.

Police officers assist with the safe removal of persons from the premises, and encourage the collection of enough clothing, personal items and identification documents.

Police officers refer adult victims, child victims, and the perpetrator to appropriate services via submission of the case details and risk assessment through the L17 Family Violence Portal.

Victoria Police are required to comply with obligations pursuant to the *Victim's Charter Act 2006* for victims of crime.

2.1.8 **Police action relating to the perpetrator**

Police officers:

- investigate all offences to hold the perpetrator to account by pursuing criminal and/or civil actions as circumstances require;
- refer the perpetrator to appropriate services.

Police officers may refer the perpetrator to emergency accommodation services if the perpetrator has been excluded from the home by FVIO or FVSN for the safety of the other family members.

To issue a FVSN or serve a FVIO, police officers may need to use holding powers, in accordance with sections 13-15 of the *FVPA* to detain or direct a perpetrator.

2.2 Children and young people

Victoria Police is sensitive to the fact that children and young people can be victims of family violence in their own right. Victoria Police consider infants, children and young people and unborn children as victims if they experience, witness, or are present at a family violence incident or are being withheld from a parent.

Speaking to children and young people separately and understanding the cumulative effects of ongoing exposure to family violence has on their safety, stability and development assists police officers in assessing the extent to which children and young people are impacted by family violence. Police officers seek the views and wishes of children and young people when it is safe, reasonable and appropriate to do so.

Victoria Police assess the safety of children and young people independently to adult victims.

Police officers consider the age, level of maturity and emotional state of all children and young people impacted by family violence when assessing the best interest of the child, including seeking an intervention order and determining the most appropriate risk management strategies.

Police officers are required under section 184 of the *Children, Youth and Families Act 2005* to report to Child Protection when they form the belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury and/or sexual abuse. Police officers will advise the parent(s) or guardian of any child whenever a referral is going to be made and the circumstances of the referral.

Consideration in these circumstances should include referral to The Orange Door (or Child FIRST where The Orange Door is not yet in operation) or Child Protection.

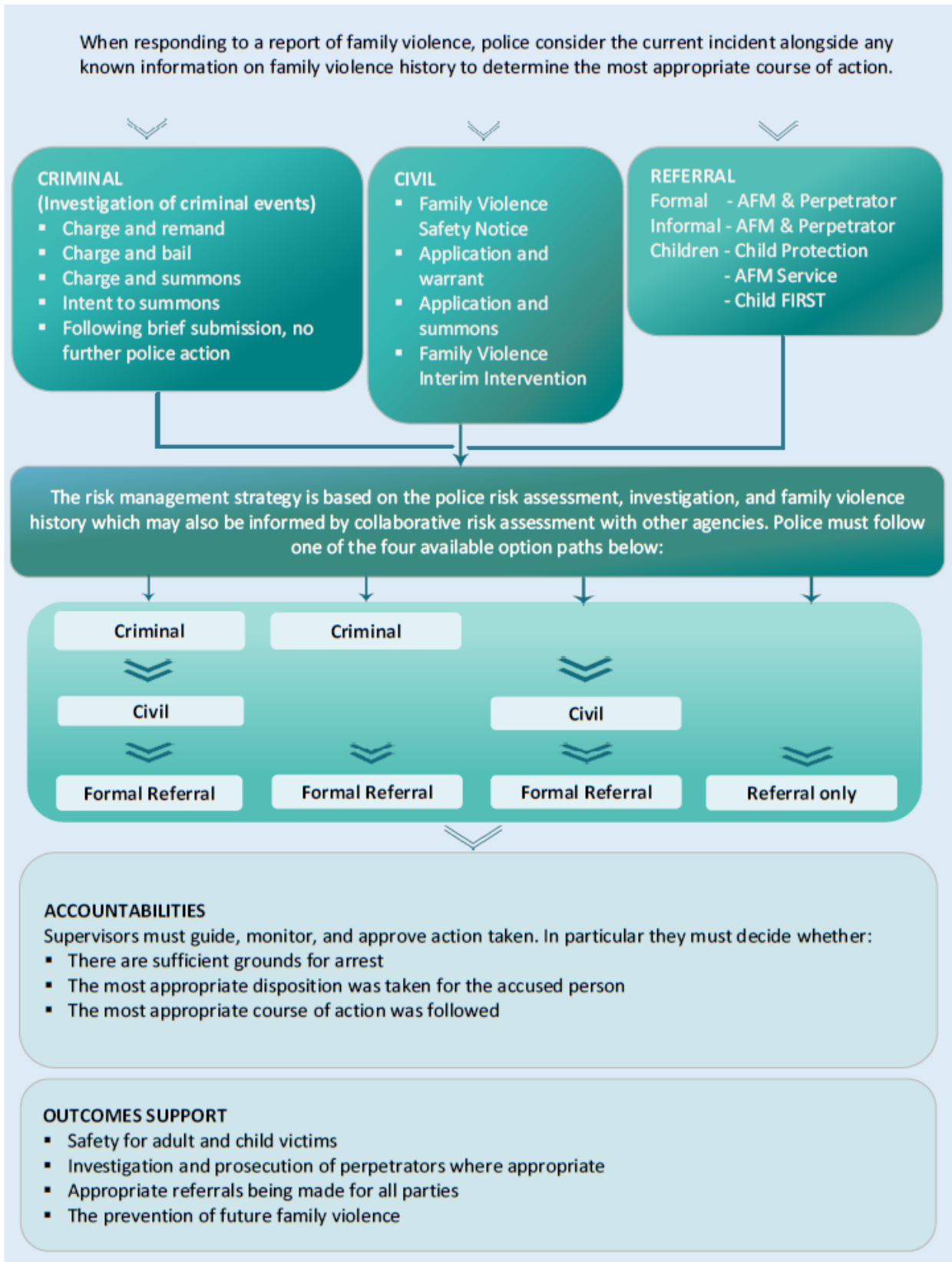
2.2.1 Responding to adolescents who use family violence

Family violence used by adolescents is a distinct form of family violence and requires a different response to family violence used by adults. This is because of the age and developmental stage of the adolescent and the likelihood that they are or have also been victims of family violence.

Adolescents who use family violence is a term used to describe a pattern of violent or abusive behaviour used by an adolescent towards their family or intimate partner. It may involve property damage; financial, psychological and emotional abuse; physical intimidation; and assaults, including sexual assaults. Adverse childhood events or trauma are major contributors to the use of family violence by adolescents, and adolescent family violence may co-occur with intergenerational family violence, child abuse, or adult perpetrated family violence. Victims of adolescents who use family violence are most often parents or other caregivers and siblings. Adolescents may also use family violence against intimate partners.

Victoria Police is aware of the negative implications of propelling adolescents who use family violence into the criminal justice system and are committed to positively impacting victimised children and young people who go on to use family violence through intervention and targeted referral. Victoria Police are supportive of and make referrals for a therapeutic response for adolescents who use family violence in recognition that they are often highly vulnerable with a history of trauma.

Image 1 – Section 2.1.5 - Family Violence Options Model



2.3 Responding to priority populations

Victoria Police recognises the importance of an intersectional approach when responding to and investigating family violence across our diverse Victorian community. The power imbalance resulting from the intersection of multiple forms of power, privilege and oppression can lead to inequality and discrimination. Discrimination and power imbalances may relate to an individual's age, gender identity, sexual orientation, ethnicity, cultural background, language, religion, visa status, class, socioeconomic status, ability (including physical, neurological, cognitive, sensory, intellectual or psychosocial impairment and/or disability) or geographic location.

Perpetrators may use legal and statutory processes and the justice system to threaten, punish, disadvantage, isolate and further harm victims, exploiting systemic bias and service gaps and controlling engagement through police and court processes.

Victoria Police are committed to identifying perpetrators employing these behaviours, and to being accessible, inclusive, non-discriminatory and responsive to the needs of priority populations.

This section focuses on adult and child victims across priority populations.

2.3.1 Aboriginal communities

Victoria Police recognises that family violence is not part of Aboriginal culture and that family violence against Aboriginal people is perpetrated by both non-Aboriginal and Aboriginal people.

Aboriginal definitions of the nature and forms of family violence are broader than those used in non-Aboriginal communities. The Victorian Indigenous Family Violence Task Force defines family violence in the context of Aboriginal communities as:

*"An issue focused 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."*¹

The Dhelk Dja: Safe Our Way, Strong Culture, Strong Peoples, Strong Families Agreement definition of family violence also acknowledges the impact of family violence by non-Aboriginal people against Aboriginal partners, children, young people and extended family on spiritual and cultural rights which manifests as exclusion or isolation from Aboriginal culture and/or communities. The Dhelk Dja definition includes elder abuse and the use of lateral violence within Aboriginal communities. It also emphasises the impact of family violence on children.

There are multiple complex factors contributing to the high levels of family violence in Victorian Aboriginal communities. The ongoing impacts of colonisation for Aboriginal people, including intergenerational and collective trauma, systemic oppression and racism, destruction/disruption of family and community relationships, and personal experience of/exposure to violence, all contribute to the disproportionate levels of family violence against Aboriginal people.

The Police and Aboriginal Community Protocols Against Family Violence (PACPAFVs) are an agreement between local Aboriginal communities and Victoria Police that document the local police response to family violence where a person identifies as Aboriginal. The protocols aim to build a positive relationship between Victorian Aboriginal communities and Victoria Police in order to strengthen the police response to family violence in Aboriginal communities.

As a law enforcement agency for all Victorians, Victoria Police is committed to working collaboratively with the Aboriginal community to:

- reduce harm to the Aboriginal community because of family violence;
- improve Victoria Police responses to Aboriginal victims; and

¹ Department of Planning and Community Development (2008) Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities 10 Year Plan

- positively impact the over-representation of Aboriginal people in contact with the criminal justice system.

When responding to family violence impacting an Aboriginal person, Victoria Police will offer the choice of referral to Aboriginal support services or mainstream support services according to their preferences. Their preference is recorded by police on the FVR. Responding police officers may also refer to or consult with an Aboriginal Community Liaison Officer.

2.3.2 Diverse cultural, linguistic and faith communities

Victoria Police is sensitive to the needs of diverse cultural, linguistic and faith communities and is committed to understanding and reducing the barriers for victims of family violence to access a police response. Police officers are aware that no matter what they are told, there is no religious or cultural justification for family violence.

The police response to diverse cultural, linguistic and faith communities considers:

- the need for interpreters being used at the earliest opportunity and at every stage of the police investigation;
- the importance of not using children or other family members as interpreters;
- clear and culturally sensitive communication with all parties;
- understanding that some forms of family violence such as visa abuse, dowry abuse and forced marriage may be more likely to occur in some communities;
- working towards all communities understanding that family violence behaviours are against Victorian and Australian law;
- reassuring victims, particularly women and any children, that the government will assist with access to financial, housing and visa support and that the role of the Department of Families, Fairness and Housing (DFFH) is to strengthen and support families and is not to break them up;
- the need for time and rapport building to gain the victim's trust and cooperation and to overcome perceptions that police are agents for persecution, corruption and/or they do not possess the authority, skills or sensitivities to handle family matters;
- the need to refer to agencies that specialise in cultural, linguistic, and faith diversity, or that align specifically with the culture, language and faith of the party.

2.3.3 Lesbian, Gay, Bisexual, Trans and gender diverse, Intersex and Queer communities

Victoria Police will sensitively enquire to establish the nature of the relationship between the people in family violence incidents and are also respectful if the victim chooses not to disclose their gender identity or sexual orientation.

Some forms of abuse are unique to adults and young people who identify as LGBTIQ+, for example the perpetrator may:

- threaten to or expose the victim's gender identity or sexual orientation to friends, family, employer, police, church or others in the wider community;
- tell a victim that they deserve the abuse because of their gender identity or sexual orientation;
- question or diminish the validity of the victim's gender identity or sexual orientation;
- carelessly or deliberately misgender the victim, including using incorrect pronouns or refusing to use their affirmed name;
- insist that the victim presents as a certain gender;
- withhold or restrict access to medication or tools that the victim uses to express their gender;
- portray the family violence as mutual or consensual;
- tell a victim that the behaviour is not abuse but rather an expression of masculinity or femininity;
- threaten that if the relationship breaks down, the victim will be excluded from the LGBTIQ+ community.

Victoria Police routinely make referrals for people who are experiencing family violence and identify as LGBTIQ+ to assist in overcoming the barriers LGBTIQ+ victims face in accessing help and support. Responding police officers may also refer to or consult with an [LGBTIQ Liaison Officer](#).

2.3.4 Older people

Victoria Police takes all reports of elder abuse seriously and will investigate all matters.

Victoria Police acknowledges that elder abuse is often a form of family violence that is hidden by the victim due to their dependence on the perpetrator, feelings of shame, or desire to protect their family member or intimate partner from legal consequences. The *FVPA* recognises that a paid or unpaid carer may, on a case by case basis, be regarded as being like a family member.

Elder abuse can include:

- financial abuse, abusing power of attorney, accessing bank accounts or coercively taking the older person's money, assets, or possessions;
- ageist abuse, such as stopping the older person from making their own decisions or blaming the older person for care needs;
- hitting, rough handling, or neglectful care;
- withholding medications, food, glasses, hearing or mobility aids;
- social isolation;
- unwanted sexual touching, including rape.

2.3.5 People who work in the sex industry

Victoria Police acknowledges that people who work in the sex industry are disproportionately affected by family violence and face unique barriers when seeking assistance and obtaining support. These barriers are a direct result of poor community attitudes and systemic discrimination against people who work in the sex industry.

It is crucial that people who work in the sex industry and are victims of family violence receive appropriate responses and support from police. The police response to reports of family violence from people who work in the sex industry should be respectful, sensitive to their needs and aim to strengthen the victim's confidence in the system. People working in the sex industry will receive the same level of understanding and consideration as any other victim of family violence and be provided with access to appropriate support services to ensure their safety and aid in their recovery.

Following the passing of the *Sex Work Decriminalisation Bill* in Victorian Parliament, Victoria Police are revising the relevant *Victoria Police Manuals*. Training will be delivered to provide Victoria Police members with an overview of the sex work decriminalisation reforms and how they impact policing.

Decriminalisation of sex work will roll out in two tranches to allow time to transition to a different model of regulation. Tranche Two of the decriminalisation of sex work will commence by December 2023. Prior to the commencement of Tranche Two, Victoria Police understand that people who work in the sex industry may hold concern that they will be charged with a licensing offence if they are working illegally and are subject to family violence. Victoria Police also understand that this concern is a barrier for sex workers in reporting family violence to police. The safety and welfare of all victims is the primary concern of any police action in relation to reported and detected family violence, and Victoria Police will work closely with the victim alongside appropriate support services in these instances.

2.3.6 People with disabilities

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Victoria Police is sensitive to the needs of people with disabilities and is committed to understanding the unique nature of disability-based violence in family and family-like relationships, and to reducing the barriers to access police responses. Police understand that women with disabilities in particular experience all types of violence at higher rates, with increased severity and for longer than other women².

Threats by perpetrators to punish, abandon or institutionalise victims compound the impact of violence and present barriers for people with disabilities to access police responses.

The police response to people with disabilities considers:

- the need for extra time to allow people with disabilities to communicate in their preferred way, and to engage the services of an interpreter, a support person or an Independent Third Person (ITP), preferably a trained ITP or Guardian/Advocate from the Office of the Public Advocate;
- where appropriate, the taking of a statement via Video Audio Recording of Evidence (VARE), and engaging an intermediary where the victim is eligible;
- the safety of any adult or child victims;
- understanding that some forms of family violence behaviours are more likely to be experienced by victims with disabilities, for example withholding food, water, equipment, medicine, assistance with basic living and controlling income;
- the need to take extra caution to look for signs of coercive control and to avoid misidentification of the predominant aggressor, as it is common for people with disabilities to be dismissed as lacking credibility or capacity;
- the need to refer to services that are accessible to the victim – note the Disability Crisis Response funding available through Safe Steps which can purchase emergency disability support workers and equipment.

Victoria Police understand our obligations under the *Commonwealth Disability Discrimination Act 1992* to provide 'reasonable adjustments' to make communication, information, buildings and other services accessible to people with disabilities.

2.3.7 Women in rural communities

Victoria Police is committed to reducing the barriers for women living in rural communities from being able to report family violence due to social and geographic disadvantages, access to public transport and alternative accommodation, and difficulties in maintaining confidentiality and safety in smaller communities.

Police officers must remain impartial when investigating family violence in communities where they know one or more of the people involved. Further information regarding how Victoria Police manages real or perceived conflicts of interest can be found in section 2.5 of this Code of Practice.

2.4 Family violence involving Victoria Police employees

Victoria Police regards family violence involving Victoria Police employees as extremely serious and will provide a response to family violence involving employees consistent with that provided to the community.

When family violence involves Victoria Police employees, Victoria Police responds both as an employer and as a law enforcement agency. To address these additional complexities and obligations, Victoria Police has developed the VPM Family violence involving Victoria Police employees. This policy provides specific guidance for responding to family violence involving Victoria Police employees to clearly set out requirements and responsibilities, provide oversight and manage conflicts of interest, while encouraging reporting to ensure safety, support and accountability.

When a Victoria Police employee is identified as a perpetrator, policy states that police officers must respond as per the Family Violence Response Model. This includes: investigating the circumstances, conducting a risk

² State of Victoria, Department of Health and Human Services (May 2016): 'A discussion Paper of the Victorian State Disability Plan 2017-2020', page 9.

assessment, prioritising the safety of any adult or child victims, taking appropriate civil actions, investigating any criminal offences and holding the perpetrator to account.

Victoria Police responds to all reports of family violence perpetrated by employees. When a Victoria Police employee is identified as a perpetrator of family violence, the report must be treated as a complaint against police. This will result in a notification to Professional Standards Command.

In addition to civil intervention and criminal investigation, police employees who perpetrate family violence will be subject to disciplinary action, welfare intervention and/or supervisory oversight. Disciplinary action will take into account past disciplinary, misconduct or management interventions. Consideration will be given to suitability for duties and employment.

Responding to police employees who are victims of family violence will take a supportive approach, maintaining confidentiality as far as practicable, and ensuring employees can feel safe and engaged in their workplace.

Further information can be located in the [Options Guide for Victim Survivors of Victoria Police Perpetrated Family Violence or Sexual Offences](#).

2.4.1 Safety and welfare of adult and child victim

When the perpetrator is a Victoria Police employee, police will identify if the perpetrator has a firearm in their possession or if they have access to any firearm, including those that are police issued. This is a primary component of ensuring immediate and ongoing safety for any adult and child victims.

2.4.1.1 *Prohibited persons*

When a final FVIO or final nationally recognised Domestic Violence Order (DVO) has been granted against an employee, the employee who perpetrated family violence is a prohibited person for the duration of the order and for five years after cessation. It is an offence for a prohibited person to possess, carry or use a firearm (section 5 of the *Firearms Act 1996*), including Victoria Police issued firearms. Perpetrators can apply to the court for a review of their prohibited person status except where the FVIO specifically includes a firearms condition. Victoria Police and the victim will be notified of any such application.

2.4.1.2 *Operational Safety and Tactics Training*

Police may only access operational safety equipment (including a firearm) if they hold a current Operational Safety and Tactics Training (OSTT) qualification. In situations where an employee is either a perpetrator or a victim of family violence, the employee's OSTT qualification may be suspended under the following circumstances:

- the employee may use Operational Safety Equipment to harm the victim, themselves, or another person;
- Victoria Police has made application for an intervention order against the police employee;
- a family violence incident results in a contravention of an existing intervention order.

2.4.2 Holding employees who perpetrate family violence to account

The Sexual Offences and Family Violence Unit (SOFVU) is part of Professional Standards Command (PSC) and was launched in November 2021. SOFVU's qualified detectives will provide a specialised and independent response to the sensitive and complex issue of employee-perpetrated sexual offending and family violence. The Assistant Commissioner of PSC has oversight for all employees who perpetrate family violence when they are charged with a criminal offence, or criminal charges are being considered.

2.4.2.1 *Prosecution of a Victoria Police employee*

Police prosecutors or police lawyers prosecute FVIO applications against employees who perpetrate family violence where there is no conflict of interest. Victoria Police Legal Services Department will engage independent legal counsel in circumstances where a real or perceived conflict of interest is identified.

2.4.2.2 *Criminal charges and authorisation of briefs*

A police employee of the rank of Assistant Commissioner of PSC or above will decide whether any charges should be prosecuted at court and will also decide whether any interim disciplinary action is appropriate in consultation with the Office of Public Prosecution (OPP). The exception to this is where the employee is subject to arrest. In this case, the brief must be referred to a police employee of the rank of Assistant Commissioner of PSC or above following arrest. Charges relating to an employee associated with PSC require the approval of a Deputy Commissioner in consultation with the OPP.

The OPP will prosecute employees charged with criminal offences arising from their use of family violence.

2.4.2.3 *Discipline action*

Perpetrating family violence does not align with Victoria Police's organisational values. In most instances perpetrating family violence will be considered misconduct under the *Victoria Police Act 2013* and *Public Administration Act 2004*. Discipline action may be taken against an employee who has perpetrated family violence, regardless of whether criminal offences have been identified or proven.

2.4.3 Privacy and Confidentiality

Victoria Police is committed to maintaining the privacy and safety of all adult and child victims.

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 information that breaches a victim's privacy or confidentiality.

Action will also be undertaken where Victoria Police employees do anything to endanger an adult or child victim in support of the perpetrator.

2.5 Managing conflicts of interest

Maintaining the confidence and trust the community has in Victoria Police and its employees is of paramount importance. Active management of conflicts of interest is integral to ensure all victims can have confidence in the Victoria Police response and to ensure perpetrator accountability. All employees are required to identify any actual, potential or perceived conflicts of interest in the response to family violence.

To manage actual or perceived conflict of interest, police officers must not undertake any duties in relation to a family violence police response, investigation or prosecution where:

- they are the victim;
- their relatives or friends are involved (e.g. as a victim or perpetrator);
- they have a connection to a party in the matter (e.g. if they have work or social history with the victim or perpetrator);
- they undertake secondary employment with the victim or perpetrator.





Chapter 3

The Family Violence Response Model

The Family Violence Response Model

3.1 About the Family Violence Response Model

The Family Violence Response Model (FVRM) was developed to improve police responses to victims of family violence and responds to the recommendations arising from the Royal Commission into Family Violence (2016), several Coronial inquiries, and the 2017 Victorian Government Community Safety Statement.

The FVRM has four interdependent components:

- Family Violence Investigation Units (FVIUs) and supporting roles;
- Family Violence Report (FVR L17), a risk assessment and risk management tool for frontline police;
- Case Prioritisation and Response Model;
- mandatory force-wide education program.

Frontline police officers will initially respond to the report of family violence as outlined in section 2.1 of this Code, and most incidents of family violence will be investigated by the first responding police officers.

3.2 Family Violence Investigation Units

The most serious, complex and high-risk cases are investigated by Family Violence Investigative Units (FVIUs). The FVIUs have been established within each police division and include detectives who specialise in victim-centric approaches to hold perpetrators to account, manage risk, and promote adult and child victim recovery and ongoing safety.

The FVIUs assess family violence cases that meet a threshold score for risk of future family violence in the Family Violence Report (FVR), as section 3.4.1 of this Code of Practice refers. The FVIUs assess the unique circumstances of each case to determine the primary investigative unit.

3.2.1 Family violence roles and responsibilities

Each FVIU is led by a Detective Senior Sergeant and supported by a team of investigators, an intelligence analyst, a Family Violence Training Officer (FVTO), and a Family Violence Court Liaison Officer (FVCLLO).

3.2.1.1 *Investigators*

The role of Investigators embedded within the FVIU is to:

- sensitively engage victims and witnesses when taking reports and statements to inform investigations of reported and suspected incidents of family violence;
- arrest, charge and give evidence against people believed to have committed offences;
- avail themselves to support general duties and other specialist units in the investigation of family violence;
- develop good working relationships with local government agencies, relevant interest groups and the community;
- maintain up to date knowledge of local issues, relevant legislation, operational policy and procedures;
- proactively engage with perpetrators and victims to minimise repeat attendance, and promote adult and child victim safety and recovery.

3.2.1.2 *Family Violence Liaison Officers*

The role of Family Violence Liaison Officer (FVLO) is performed by a supervisor and is located at all 24-hour police stations. The FVLO is responsible for the following activities within their station, or within a cluster of stations that constitute a Police Service Area (PSA). The role of the FVLO includes:

- ensure a consistent high quality and coordinated response to family violence;

- provide quality assurance by monitoring and reviewing Family Violence Reports (L17);
- coordinate further responses where family violence involves a person from diverse cultural, linguistic and faith communities;
- coordinate responses for victims where there are multiple family violence incidents;
- monitor and coordinate investigations by responding police officers to investigate family violence incidents that have not been taken over by the FVIU;
- provide quality assurance of Family Violence Briefs of Evidence;
- oversee the timely service of FVIOs;
- be the station contact point for FVIUs and local referral agencies.

3.2.1.3 *Family Violence Court Liaison Officers*

The duties of the FVCLOs include to:

- act as a nexus between the prosecutor or police lawyer, police informants, legal representatives, victims, perpetrators, court staff, and support agencies;
- assist prosecutors and police lawyers by liaising with relevant stakeholders to ensure that intervention order briefs have been prepared, submitted, and are available for prosecution;
- ensure all victims are supported and that all parties are kept fully informed of criminal or civil proceedings and available resources;
- notify all relevant parties about court outcomes, and update these outcomes to the LEAP narrative;
- participate in local Court User Groups convened by the Magistrates Court;
- liaise with the Divisional FVTO regarding family violence issues and court-related training needs.

3.2.1.4 *Family Violence Analysts*

Family Violence Analysts are embedded within the FVIU to undertake duties including:

- assist FVIU investigators to triage family violence risk, and aid decision-makers with prioritisation including tasks related to the Case Prioritisation and Response Model (CPRM);
- support family violence investigations through the collation and analysis of information;
- identify and evaluate emerging patterns and trends;
- identify, assess and report on specific persons of interest;
- make high quality recommendations based on the analysis of information and statistical data;
- liaise with and develop good working relationships with potential sources of information from within Victoria Police and externally.

3.2.1.5 *Family Violence Training Officers*

Family Violence Training Officers (FVTO) are located within each police division and provide tailored training to address divisional needs. They deploy a range of teaching methods, from practical one-on-one advice to formal training sessions. FVTOs visit stations regularly and consult with divisional leadership groups on specific issues impacting their division.

As part of their duties, FVTO's will:

- design learning materials, assessment systems and evaluation templates in accordance with the Centre for Family Violence (CFV) curriculum standards;
- assist with the quality control of education products including maintaining consistency with State and Commonwealth legislation, the MARAM Framework, Victoria Police policy and procedure, and Victoria Police IT applications and programs;
- deliver contemporary family violence training;
- monitor operational practices in order to identify potential or recurring issues that may indicate a need for change in training, policy and procedure and investigate remedial action at the local level;
- identify, monitor, and analyse issues, trends, and developments in Victoria Police operations, police training methods, social conditions or community attitudes and ensure that the training needs of the region are addressed;

- establish and maintain effective lines of communication with and between the CFV, management, investigators, other FVTOs, relevant community groups and government agencies;
- assist their FVIU in addressing issues with Family Violence Reports (L17) submitted by frontline or other areas. FVTOs will address the concerns with the police officer involved and coach/mentor them to ensure future compliance with policy and procedure.

3.2.2 Concerns about police action

3.2.2.1 *What people can do if they are concerned about the police response*

Issues concerning the police response to family violence cases should be directed to a FVLO or the Officer in Charge of the relevant police station.

3.2.2.2 *Complaints against police*

Issues concerning inappropriate or unethical police behaviour should be reported to a police supervisor or the Professional Standards Command. Information on how to do this can be found at <https://www.police.vic.gov.au/compliments-and-complaints>. Any investigation and action are pursued as required by police internal procedures.

If you are not happy with how your complaint was handled, there are organisations that can review or investigate your complaint further.

The investigation that these organisations might conduct about your complaint is separate from any review or grievance process that takes place inside Victoria Police.

Contact details are:

Independent Broad-based Anti-corruption Commission (IBAC)
GPO Box 24234, Melbourne, VIC 3001
Phone: 1300 735 135
Fax: (03) 8635 6444
Website: www.ibac.vic.gov.au

Victorian Equal Opportunity & Human Rights Commission (VEOHRC)
Level 3, 204 Lygon Street, Carlton 3053
Phone: 1300 891 848
Fax: 1300 891 858
Email: enquiries@veohrc.vic.gov.au
Website: www.humanrightscommission.vic.gov.au

3.3 The Family Violence Report

Developed in partnership with Swinburne University and Forensicare, the Family Violence Report (FVR) is an objective, evidence-based actuarial family violence risk assessment and risk management tool completed after every reported or detected incident of family violence.

The FVR operationalises the Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework for Victoria Police and incorporates evidenced based risk factors, including those that are:

- specific to an adult victim's circumstance;
- caused by a perpetrator's behaviour towards an adult victim or child victim;
- additional risk factors caused by a perpetrator's behaviour specific to children.

The FVR guides information collection by police officers at family violence incidents but is also informed by historical records from the police database (LEAP). Scored data fields on the FVR objectively guide the police response to minimise the risk of further family violence and optimise victim safety. Qualitative information data fields on the FVR are used to tailor the police response to the individual parties, and combined with demographic information they automate specialist and culturally relevant referrals for the victim(s) and the

perpetrator. Updates to the FVR within 14 days will be visible in the L17 Family Violence Portal. LEAP can be updated after 14 days however any updates after 14 days will not reflect in the L17 Family Violence Portal.

3.3.1 What is covered in the Family Violence Report?

Police officers attending family violence incidents record their observations and ask questions on the FVR of the perpetrator, victim(s) and witness(es) to assess the severity of risk of future family violence.

The structured questions about family violence supplements the observation, investigation and interviewing skills that police officers must use multiple times a day when responding to a report of any potential crime.

The questions on the FVR are divided into the following headings:

- Information about family violence;
- Information about children;
- Information about the relationship and perpetrator's background;
- Information about drug and alcohol use;
- Information about the victim's background;
- Information from LEAP.

3.3.1.1 *Information about family violence*

Police officers will seek information about physical violence towards victims, family members and pets as well as threats of violence towards the victim or family members or pets, stalking and harassing behaviours and the perpetrator's access to weapons. There will also be questions about the onset and history of abusive behaviour and changes in frequency and severity of family violence incidents. Past or recent strangulation is included.

3.3.1.2 *Information about children*

It is important to understand the situation for children and young people who are victims of family violence. Details of all children who normally reside with the adult victim and/or perpetrator will be recorded for all FVRs. Police will ask if the children have ever been a victim of actual or threatened physical harm, whether the children have intervened in family violence incidents, whether there have been incidents of withholding children, and existing orders or ongoing proceedings relating to child custody.

3.3.1.3 *Information about the relationship and the perpetrator's background*

Police officers will ask for information about the relationship such as financial problems and unemployment, pregnancy or recent birth, and recent or imminent separation. Police officers will also ask questions about the perpetrator's background, such as any mental health issues affecting the perpetrator and whether the perpetrator has made threats of suicide to the victim.

3.3.1.4 *Information about drug and alcohol use*

Information relating to possible or definite alcohol or illicit drug use by the perpetrator is collected to inform the risk assessment and to inform safety planning and expediate appropriate referrals. Information relating to possible or definite alcohol or illicit drug use by the victim is collected to inform safety planning and expediate appropriate referrals.

3.3.1.5 *Information about the victim's background*

Information is recorded about the victim's circumstances, including disabilities, mental illness, isolation from significant others and if the victim's Australian residency is dependent on the perpetrator. This information is collected to inform safety planning and expediate appropriate referrals.

3.3.1.6 *Information from LEAP*

Relevant data from LEAP is automatically populated into the FVR and includes information about previous family violence between the victim and the perpetrator as well as family violence alleged to have been committed against other victims. The perpetrators criminal history and contraventions of court-imposed orders, including intervention orders is also populated.

3.4 The Case Prioritisation and Response Model

Developed in consultation with Swinburne University, the Case Prioritisation and Response Model (CPRM) is a framework for FVIUs to identify and prioritise the highest risk cases and tailored intervention to prevent serious harm.

3.4.1 Scoring of the Family Violence Report

The FVR incorporates an actuarial tool which assesses the likelihood of further family violence involving the same two people. Family violence cases which meet a threshold score are assessed by the FVIU.

If the FVR score does not align with the perceived risk by the responding police officers, the FVR can be escalated to attract a review of the case by the FVIU. The FVR does not permit police officers to change the score generated by the actuarial tool.

In addition to the police response and investigation, higher scores on the FVR indicate to police officers the need for proactive strategies to optimise the safety of any adult or child victims and reduce the risk of future family violence offending by the perpetrator.

The FVR is a point in time assessment for police and is not intended to be used for triage by the service sector when received through the L17 Family Violence Portal.

3.4.2 Risk management of high risk and/or complex cases

All FVRs scored as high risk are triaged by the FVIU. Analysis of the qualitative data fields on the FVR assist the FVIU to identify the highest and most complex risk cases, for which they will take over the investigation and case management.

FVIUs are available for specialist advice to frontline police who retain the investigation and case management for all other family violence cases.

3.5 Education program

The Centre for Family Violence at the Victoria Police Academy is responsible for developing and delivering, both online and in the classroom, a mandatory, force-wide education program that ensures all police officers understand:

- the FVR and how it is used to assess risks, optimise adult and child victim safety and hold perpetrators to account;
- the importance and meaning of the family violence risk factors;
- perpetrator tactics;
- identifying the predominant aggressor;
- counter-intuitive victim and perpetrator behaviours.





Chapter 4

CRIMINAL OPTIONS

Criminal Options

4.1 The investigation of family violence

Where criminal offences are reported or detected, responding police officers will conduct a thorough investigation and, where sufficient evidence exists, police will pursue criminal charges in accordance with the evidence. This will occur for all reported family violence incidents, even if the victim is reluctant for charges to be pursued. Police may use an arrest power for criminal offences or holding powers for civil matters to provide immediate safety for the victim and any child victims. With regard to adult perpetrators of family violence, Victoria Police has a pro-arrest and pro-charge policy. Victoria Police will support any police officer who makes an arrest or implements the holding powers in line with the *Victoria Police Manual*, provided the arrest, direction or detention was lawful and the police involved acted in good faith and also in accordance with the *Victoria Police Code of Conduct* and the *Code of Ethics*.

When there is sufficient evidence to charge the perpetrator of a criminal offence, a brief of evidence is compiled with all relevant documents. Police will complete a brief of evidence, even in the circumstances of the victim wanting no further police action. Only a supervising police officer will decide if a brief is authorised to progress to prosecution. The decision to authorise the brief of evidence should take account of the relevant prosecutorial tests, namely the sufficiency of evidence and the public interest. For clarity, it is the position of Victoria Police that any criminal offence arising from a family violence incident satisfies the public interest test and therefore all matters in which sufficient evidence exists should have criminal proceedings commenced.

Contravention of an intervention order is a criminal offence and is relevant throughout section 4 of this Code of Practice. Section 4.7 contains information specific to contraventions and provides further detail on how contravention offences will be investigated by Victoria Police.

4.1.1 Information police might record

4.1.1.1 Initial Action

The police officers responding to the family violence incident will take notes of all conversations and observations as part of the investigation, to decide the best course of action and to complete the FVR.

Police officers wearing a Body Worn Camera (BWC) must start a recording to capture any family violence incident occurring, likely to occur, or which has occurred unless the matter is historical in nature. BWCs capture direct and objective audio and visual recordings and can be used to collect contemporaneous evidence of the crime scenes, pursuant to the *Surveillance Devices Act 1999* and the VPM Body worn cameras.

4.1.1.2 Statements

Police officers will request that victims of family violence make a detailed statement of what has happened as soon after the incident as possible. Police officers may also request that all witnesses of the family violence incident make a formal statement.

The Digitally Recorded Evidence in Chief (DREC) was recommended by the Royal Commission into Family Violence and is being piloted by Victoria Police. Where victims consent to doing so, Victoria Police undertake a DREC in place of, or in addition to, a traditional written statement and will be played in court as the victim's evidence-in-chief in a proceeding for a family violence offence. The use of DREC is intended to reduce victim trauma at court by preventing the need to retell their story multiple times.

4.1.1.3 Interview

The perpetrator of any criminal offences is interviewed in accordance with the *Crimes Act 1958* and VPM - Interviews and statements to collect information about their version of events, including incriminating information and admissions. The record of interview must be digitally (audio and video) recorded in the case of alleged indictable offences and a copy of the recording must be provided to the perpetrator as soon as

practicable but no later than 7 days after the recording was made pursuant to section 464(3)(a) of the *Crimes Act 1958*.

4.1.2 Evidence collected by police

Police officers responding to the family violence incident will photograph, seize and preserve physical evidence relevant to the investigation. With the victim's consent, police officers will take photographs of injuries and obtain medical evidence.

4.2 Perpetrator processes

In the pursuit of criminal charges Victoria Police consider the most appropriate course of action from the following options:

- charge and remand, whereby the perpetrator remains in custody;
- charge and bail, whereby the perpetrator is released under their promise to attend court per the conditions of their undertaking of bail;
- charge and summons, whereby the perpetrator is released under no conditions;
- charge and warrant, whereby the perpetrator is unable to be located;
- no further police action (NFPA) following submission of a brief for authorisation/non-authorisation;
- NFPA following no detection of a criminal offence.

Victoria Police will undertake to keep victims informed at all stages and for each of these courses of action.

4.2.1 Initiation of criminal proceedings

In Victoria, it is the decision of the police, not the victim, to arrest and charge the perpetrator of criminal offences based on the available evidence. The decision to issue criminal charges is authorised by a police supervisor.

In instances where a Victoria Police employee has perpetrated family violence, the decision to issue criminal charges is authorised by a police employee of the rank of Assistant Commissioner of Professional Standards Command or above.

4.2.1.1 *Adolescents who use family violence*

Victoria Police will prioritise the safety of adult and child victims and take a "whole of family" approach when considering their response to adolescents who use family violence.

The responding police officers will consider early intervention options including cautions and diversions and ensure that the family receive appropriate referrals for support.

4.2.2 Remand or bail

The decision to bail or remand a perpetrator accused of committing a criminal offence is based on finding a balance between maximising the safety of victims and considering the principles of the presumption of innocence and the right to liberty. The decision is considered in line with the principles in the *Bail Act 1977* and the VPM - Bail and remand.

Victoria Police recognise that remanding the perpetrator may benefit the victim by increasing their safety, allowing the victim time to make decisions without the presence or influence of the perpetrator and by giving the victim time to engage with support services. It also sends a clear message to the perpetrator that they will be held accountable for their behaviour.

4.2.3 Charge and remand

Charge and remand is the most severe action that can be taken when police have enough evidence to charge the perpetrator following the interview, and should only happen where charge and bail is not appropriate. The

Bail Act 1977 stipulates that the perpetrator is entitled to be granted bail unless there is a risk that the perpetrator, if released on bail, would:

- endanger the safety or welfare of any person;
- commit an offence;
- interfere with witnesses or otherwise obstruct the course of justice; or
- fail to surrender themselves into custody in answer to their bail.

Depending on the current charges and criminal history of the perpetrator, the *Bail Act 1977* may require that the perpetrator first demonstrate exceptional circumstances or a compelling reason prior to any grant of bail. The Bail Decision Maker is also required to inquire whether an intervention order, FVSN or DVO has been issued and consider specifically the risk of future family violence when deciding to grant bail.

4.2.4 Charge and bail

Charge and bail occurs when police have enough available evidence to charge the perpetrator following the interview, and the application of the *Bail Act 1977* by the bail decision maker concludes that the perpetrator can demonstrate exceptional circumstances or a compelling reason if required to do so and that any unacceptable risk posed by the perpetrator can be ameliorated to an acceptable level with appropriate conditions.

When proceeding by way of charge and bail, Victoria Police align the conditions of bail with the conditions of an FVIO, FVSN or recognised DVO. If the victim can be better protected by further civil conditions, Victoria Police will make an application to vary the original order.

Pursuant to the *Victims' Charter Act 2006*, police must advise the victim if the perpetrator is released on bail.

4.2.5 Charge and summons

On occasion police need to conduct further investigations, after the perpetrator has been interviewed, to determine if a criminal offence has occurred and/or collect additional evidence. The perpetrator is released into the community whilst the investigation continues.

Proceeding by way of charge and summons occurs when police are satisfied that a criminal offence has occurred and there is enough evidence to proceed.

There are no conditions attached to the freedom of the perpetrator, however there may be conditions associated with any FVIO that the perpetrator must adhere to.

4.2.6 Charge and warrant

Charge and warrant will occur when police have conducted their investigation and have determined that a criminal offence has occurred, and yet are unable to locate the perpetrator to serve the charge.

4.2.7 No further police action following submission of a brief for authorisation/non-authorisation

Victoria Police conduct thorough investigations to collect as much evidence of criminal offending as possible, however sometimes there is insufficient evidence to prosecute the perpetrator. The supervising police officer will make this assessment after the investigating police officer collates and submits the brief of evidence. Non-authorised briefs are filed with information regarding the decision not to proceed to prosecution.

If additional evidence comes to light, and any statute of limitations for the offence has not lapsed, Victoria Police can charge the perpetrator for the offence at a later date.

Closing a criminal investigation does not preclude any civil options being pursued.

4.2.8 Timeframes for criminal matters

Family violence Fast Track Initiative (FTI) timelines apply to criminal matters that involve family violence. The first mention date should be within the following timeframes:

- remand – next sitting day;
- bail – within 1 week of the date the perpetrator was interviewed;
- summons – within 4 weeks of the date the perpetrator was interviewed;
- warrants – within 1 week of execution.

All subsequent listings should occur within the following 28 day period.

If a court date cannot be selected within FTI timeframes or is unsuitable, police officers can contact the Magistrates' Court Victoria After-Hours Service for direction.

4.3 Role of the victim in the pursuit of criminal options

4.3.1 Obtaining evidence

4.3.1.1 Statements

The victim statement is an important piece of evidence that assists the police prosecution even though the victim does not have to answer questions or make a statement to the police.

Police take statements in a range of ways and the purpose of the statement is to form evidence for potential court proceedings. Statements will typically be taken at the relevant police station, however an appropriate alternative location may be agreed upon in some circumstances.

An independent interpreter is engaged if a person does not speak English as their first language, or if the person has a disability and requires the support of an interpreter.

A parent/guardian or ITP is present when police take statements from children and young people. The perpetrator or predominant aggressor is not permitted to be the accompanying adult.

Video Audio Recording of Evidence (VARE) statements are taken in accordance with section 366 of the *Criminal Procedure Act 2009* when the person making the statement is under 18 years of age or has a cognitive impairment. Only qualified police that meet the requirements of a prescribed person under the *Criminal Procedure Regulations 2009* can conduct a VARE.

4.3.1.2 Forensic and clinical evidence

Police require the informed consent of a victim to obtain medical evidence. If the victim receives medical treatment, police will ask the victim to sign a Medical Release in order to obtain relevant information for the police brief of evidence. If medical treatment is not urgent and forensic or criminal evidence is or might be required, police obtain the services of a Forensic Medical Officer.

If a sexual offence is alleged, any action taken must comply with the VPM - Sexual offence investigations and the relevant SOCIT is contacted immediately. After discussion with the SOCIT and if necessary, police take possession of any clothing and obtain other physical evidence or forensic samples such as a buccal swab for DNA comparison

4.3.2 What happens if the victim does not want police to charge the perpetrator?

Victoria Police acknowledges that some victims do not want the perpetrator to be criminally charged. The reasons for this are varied but can be due to fears of retribution or not having alternative accommodation. It is the responsibility of Victoria Police to decide whether a perpetrator is charged, even if the victim is reluctant for charges to be pursued. A police supervisor will decide if there is enough evidence, with or without the victim's agreement, and will weigh up the likelihood of a successful prosecution. Police must not encourage victims to request no further action or to sign a statement of no complaint.

It is the duty of the court to determine the guilt or otherwise of the perpetrator, not the attending police.

When a victim requests that police not charge the perpetrator, the police will:

- continue to take a statement from the victim, and if the victim still does not want the perpetrator to be charged, the victim's request for no further action will be recorded at the end of the statement or in a further statement;
- ask the victim to sign a statement which outlines their desire for police to take no further action and any reasons for this decision. This statement is sometimes referred to as a statement of no complaint;
- complete a brief of evidence to be considered by a police supervisor for authorisation;
- conduct a thorough risk assessment and develop a risk management plan;
- consider civil options to optimise the safety of adult and child victims;
- convene a case conference (see section 4.4 of this Code of Practice).

4.3.3 Withdrawal of complaint

Victims are informed that their request to withdraw a complaint will be considered but the investigation may continue. The supervising police officer will review the brief of evidence and consider the reason why the victim has requested to withdraw the complaint before deciding if there is sufficient evidence to commence prosecution.

4.3.3.1 *Statement to withdraw the complaint*

Key elements to include in the victim statement to withdraw the complaint are:

- if the victim reported an offence to police and now desires no further police action;
- the reasons why the victim does not desire any further police action;
- that the statement has been made in the exercise of the victim's free will and not under any duress or intimidation.

4.3.3.2 *Police report*

The police report that accompanies the victim's statement to withdraw the complaint will include:

- details of the offence;
- details of the witnesses;
- available evidence to identify and prosecute the perpetrator in the absence of assistance from the victim.

4.3.3.3 *Police supervisor considerations*

Before deciding whether the investigation or the prosecution will continue or cease the police supervisor considers:

- the seriousness and the nature of the offence;
- whether the offence is one of a series of offences;
- the solvability of the offence, particularly in view of the attitude of the victim;
- the allocation of investigative resources;
- the sufficiency of evidence.

4.3.3.4 *Proceeding with criminal charges when a victim does not wish to proceed*

The initiation of charges in circumstances where a victim does not wish to proceed must take account of the potential admission of evidence collected during the investigation. *The Evidence Act 2008* has provisions which allow for the tender and admission of hearsay evidence in circumstances where a witness is unavailable to give evidence. In circumstances where there is a reluctance by the victim to support a criminal prosecution, police may seek specialist legal advice from the Prosecution Frontline Support Unit (pre-charge) or the relevant Prosecutions unit for proceedings which have commenced.

4.4 Case conference

When a victim is unsure, reluctant or does not want to proceed with criminal proceedings, police can invite the victim to partake in a case conference. The purpose of a case conference is to provide further advice and support to the victim and address any concerns they may have.

Police officers relevant to the case will attend; this may include the FVLO, the informant, and/or the supervisor. Other attendees may include a family violence support worker or advocate, and/or a friend/family or support person for the victim.

4.5 Case review

Case reviews can occur in two circumstances:

- when a police supervisor has made the decision not to proceed to prosecution;
- when the victim is reluctant to proceed and requests no further police action in either of the following circumstances:
 - there is enough evidence to proceed but criminal charges have not been laid;
 - criminal charges have been laid.

Attendees for the case review may consist of, but is not limited to: the victim, a family violence support worker or advocate, a friend/family or support person for the victim, relevant police officers, and a police prosecutor/police lawyer.

The victim can initiate the case review by writing to the Officer in Charge of the relevant police station, detailing their reasons for requesting a review. Within one month of the notification the relevant FVLO will conduct the review at a time convenient for all parties.

4.6 Court

When the brief of evidence is authorised, the prosecutor will present the case in court against the perpetrator. Court attendance and procedures follow the requirements of the *Magistrates' Court Act 1989*, the *CYFA* and the *FVPA*.

More information regarding court can be found via [Magistrates' Court of Victoria](#) and [Victims of Crime](#).

4.6.1 Court and the victim

4.6.1.1 Before court

The victim is contacted by the FVLO, police lawyer or prosecutor prior to confirm that they will be attending court, inform them of court processes and procedures and how to access the support services available to them.

The victim will be sent a letter of summons or subpoena if they are required to give evidence in court. The letter of summons or subpoena will inform the victim of the date, time and location that they are required to give evidence in court.

Victim's Assistance Programs can assist victims to exercise their right to make a Victim Impact Statement.

Consideration should also be given to the victim's eligibility for support from the Child Witness Service and access to the Intermediary Program.

4.6.1.2 At court

Support services are available at court to assist the victim.

It is up to the judiciary to decide what special arrangements will be provided, upon request, for children, young people, and people with a cognitive impairment. This can include having a support person in court, having a

screen in court so the victim does not have to see the perpetrator, having the court closed to the public, or giving evidence remotely.

4.6.2 Court and the perpetrator

4.6.2.1 *Before court*

Bail or summons documents will inform the perpetrator of the date, time and location of the first court hearing. The perpetrator should also receive an Information and Support Referral booklet (available in 21 languages) which includes contact details for legal assistance, counselling, and support services. Where police have contact with the perpetrator and they are facing criminal charges, they are encouraged to seek legal advice as soon as possible.

4.6.2.2 *At court*

The perpetrator must attend court at the date and time provided. Failure to attend may result in a warrant for the perpetrator's arrest being issued.

4.7 Contravention of an IVO

Victoria Police will investigate any behaviour that contravenes an FVIO, including a FVSN, as it is a criminal offence.

Victoria Police recognise the implications of not investigating contraventions, including the potential for continued abuse, further police involvement in subsequent contraventions, and possible harm to adult and/or child victims. Like other criminal offences, the consent of the victim is not required to charge the perpetrator with contravening the FVIO or FVSN. In all cases the police supervisor will consider the brief of evidence when deciding if there is enough evidence to authorise prosecution.

Summary contraventions of FVSN and FVIO are strict liability offences, meaning that the prosecution does not have to prove intent. Indictable contraventions of a FVSN or FVIO are used in situations where the perpetrator repeatedly shows disregard for the intervention order or intentionally contravenes the order knowing that it will likely cause physical or mental harm to the victim.

Further information on intervention orders can be found in section 5 of this Code of Practice.

4.7.1 When a contravention occurs

In cases of emergency call Triple Zero (000). If there is no immediate danger, contraventions can be reported to the local police station by telephone or in person.

4.7.1.1 *How a victim can collect evidence if an order is contravened*

If it is safe to do so, it is helpful to the police prosecution when the victim collects evidence of the perpetrator's contravention of the FVIO or FVSN by:

- making written notes i.e. keeping a diary of individual contraventions whether the victim reports them to police or not. Basic details should include dates, times, location, actions of people involved, conversations, threats, assaults and injuries, vehicle descriptions and registration numbers as well as how the contravention made them feel;
- keeping emails, voice messages, SMS messages, or other forms of digital contact. If unable to retain the original, a copy or screenshot may suffice;
- recording face to face conversations using their mobile phone;
- recording telephone conversations, if they are a party to the conversation;
- date stamping photographs.

4.7.2 What police do if a contravention is reported

4.7.2.1 *When police attend the scene and the perpetrator is present*

Police will ensure the safety and wellbeing of all persons, and this can include using their arrest power under the *FVPA* or other relevant Act. Police will conduct a thorough investigation of all allegations of contravention of FVIO or FVSN.

4.7.2.2 *Investigation*

A contravention of a FVIO or FVSN constitutes a family violence incident and a criminal offence.

Police will complete the FVR and identify risk indicators and management strategies.

The impact of the contravention is included in the victim or witness statement and the police summary. This information assists the court to understand the context of the contravention and seriousness of the offence.

Police will interview the perpetrator for the contravention offence as soon as practicable, and if unable to locate the perpetrator, police will submit a LEAP alert for a Person Whereabouts.

4.7.2.3 *Continuing protection of adult and child victims*

Police will continually assess the ongoing safety needs of adult and child victims whilst the investigation is being carried out. The police will consider the status of the existing FVIO and if there is a requirement for further applications to:

- extend the existing FVIO;
- apply for a variation to the conditions of an existing FVIO;
- ensure any children are included on the FVIO if not already;
- make application for a further FVIO.

4.7.2.4 *Contravention of a FVIO with a property clause*

A FVIO may include a condition directing the perpetrator to return personal property belonging to the victim or the victim's family; or shared property if the property will enable the victim's everyday life to continue with as little disruption as possible. This may apply to basic personal property such as clothes, cooking equipment, medicine, pets or children's possessions.

The court will specify 'essential' property items when including a personal property condition in a FVIO, and a reasonable timeframe within which the items should be returned.

Police assistance is available for some property retrieval, especially those matters where there is an escalated concern for the safety of the victim. Police do not arbitrate disputes over property exchange but can maintain the peace when both parties are in attendance.

Failure to return the property specified in a FVIO can constitute a contravention of the order. Police will investigate the contravention of the FVIO relating to property and consider applying for a search warrant under section 160 of the *FVPA*.

4.7.2.5 *Contravention of a FVIO from within prison*

Perpetrators held in prisons may contravene the conditions of their FVIO by contacting the victim from prison. Police may make an application for a warrant pursuant to Section 160 of the *FVPA* or Section 465 of the *Crimes Act 1958* to seize items such as phone records to be used as evidence of a contravention of a FVIO.

4.7.3 The decision to prosecute a contravention

Like all criminal offences, the decision to prosecute is based on the police supervisor's assessment that there is enough admissible evidence in the brief. The seriousness of the contravention is not a factor in the police supervisor's decision making.

4.7.3.1 *Consent is not a defence*

Consent can never be a defence to a contravention of a FVIO. No person protected by an order can authorise a contravention of a court order.

A person protected by an FVIO may still seek to have some form of ongoing contact or relationship with the perpetrator. In these instances, it may be appropriate to vary or revoke the FVIO in accordance with the wishes of the protected person. For further detail on processes for varying or revoking FVIOs, please refer to section 5.3.8 of this Code of Practice.

If a contravention occurs, the person protected by the FVIO is not committing an offence. This holds true in situations where the person protected by an FVIO agrees to or initiates contact that is in contravention of the conditions contained within the FVIO.





Chapter 5

CIVIL OPTIONS

Civil Options

5.1 Civil options in response to family violence

The civil response to family violence involves issuing a Family Violence Safety Notice (FVSN) or making an application for a Family Violence Intervention Order (FVIO) under the *FVPA*.

Police officers responding to a family violence incident will make observations and ask questions to understand the nature of the relationship between parties and identify the predominant aggressor. The collected information is entered into the FVR and assists police in deciding if a FVSN should be issued or if an application for a FVIO is more appropriate.

Victoria Police understand that sometimes a victim will be reluctant for police to issue a FVSN or apply for an FVIO against the perpetrator, and that any reluctance may be due to the victim being fearful of consequences from the perpetrator and/or the involvement of Child Protection. Police officers will consider the preferences of the victim, however the decision to issue a FVSN or apply for an FVIO is ultimately made by police and based on the risk assessment and whether the safety, welfare, property or pets of the victim appear to be endangered.

5.2 Family Violence Safety Notices

A FVSN places temporary conditions on the perpetrator of family violence to provide immediate protections to any adult victims and/or child victims, and simultaneously acts as an application for a FVIO which is decided by a Magistrate. A police sergeant will issue a FVSN based on an application made by the police officers responding to a family violence incident. Victoria Police use their holding powers to issue and serve the FVSN on the perpetrator.

A FVSN acts as a summons and compels the perpetrator to attend court on a specified date, usually within 14 days, when a Magistrate will decide whether or not to issue an interim or full FVIO.

Victoria Police can issue a FVSN where immediate and additional protection is required for the victim, even when a National Domestic Violence Order Scheme (NDVOS) order exists.

5.2.1 Limitations on issuing a FVSN

FVSN is not a suitable protection for the victim when the perpetrator:

- is under 18 years;
- has a cognitive impairment;
- is subject to orders made by Child Protection or under the *Family Law Act 1975 (Cth)* that is inconsistent with the conditions that Victoria Police would impose on the FVSN;
- is subject to an existing FVSN protecting the same victim.

Victoria Police will make an application for a FVIO, during business hours or using the after-hours service, when a FVSN is not appropriate but the victim requires immediate protection.

5.2.2 Conditions on the FVSN

The conditions on the FVSN are selected by police to optimise the safety of any adult or child victims. Common examples of intervention order conditions include those that prohibit the perpetrator from:

- committing family violence towards any adult or child victims;
- intentionally damaging any property of any adult or child victim, or threatening to do so;
- publishing on the internet, by email or other electronic communication any material about any adult or child victims.

5.2.2.1 Exclusion conditions

Exclusion conditions are conditions that prohibit the perpetrator from doing something, and the most common ones are:

- contacting or communicating with any adult or child victims;
- approaching or remaining within five metres of any adult or child victim;
- going to or remaining within 200 metres of any adult or child victims, or any other place where the victim lives, works or attends childcare/school;
- attempting to locate or follow any adult or child victims or keep them under surveillance;
- getting another person to do anything the perpetrator is prohibited from doing under the order.

Victoria Police can include an exclusion condition to make the perpetrator leave the family home immediately to protect any adult victims or child victims. The perpetrator must not enter, visit or live in the home until the Magistrate decides what will happen next.

Victoria Police supervise perpetrators to gather their basic belongings and any necessary documentation at the time of the exclusion condition coming into effect.

Victoria Police assist the perpetrator to find alternative accommodation if they have nowhere to stay and will try and expedite when the matter will be heard in court.

Victoria Police will charge the perpetrator with the criminal offence of contravening the FVSN if the FVSN has been served on the perpetrator and they refuse to leave, or if they return to the family home before the Magistrate has decided about what will happen next.

Police will take reasonable steps to ensure the safe accommodation needs of any adult and child victims are met if the order does not include a condition to exclude the perpetrator from the family home.

5.2.3 Service of the FVSN

Police officers personally serve the FVSN on the perpetrator and explain the following in accordance with the FVPA:

- that it is a police decision to take out the FVSN and that it is occurring due to the perpetrator's behaviour;
- the nature, purpose, duration and conditions of the FVSN;
- the consequences if the perpetrator contravenes the FVSN;
- the victim cannot consent to the perpetrator contravening the FVSN;
- the FVSN acts as a summons for the perpetrator to attend court on the first mention date specified in the notice and the consequences for failing to attend court at that time on that date;
- that it is advisable to seek legal advice prior to attending court.

Victoria Police will engage an independent interpreter to assist with the explanation if the perpetrator does not speak English as their first language or has a disability and requires the support of an interpreter.

Police officers wearing Body Worn Camera must start recording when serving a FVSN in accordance with VPM Body worn cameras.

Police officers also provide the victim with a copy of the FVSN and explain the conditions. Police officers will subsequently notify the victim when the perpetrator has been served the FVSN.

5.3 Family Violence Intervention Orders

The courts can make FVIOs in response to police issued FVSNs or a police application for a FVIO. Police will make an application for a FVIO when the safety, welfare, property or pets of the victim are endangered by the perpetrator but there is no need for the immediate protections of a FVSN. A victim can apply for a FVIO to protect themselves and any children independently from any police involvement.

5.3.1 Application and summons

Police proceed by way of application and summons when they apply to the court to issue a FVIO and the whereabouts of the perpetrator is known.

If the perpetrator of family violence is under 18 years or has a cognitive impairment or is mentally unwell, police will apply for a FVIO and summons the perpetrator to court.

Police provide the victim with a copy of the summons, so they know when to attend court.

Victoria Police will seek to serve the summons on the perpetrator as soon as possible. If the police are unable to serve the summons, they complete a certificate of inability to serve and may make an application for substituted service or the police can ask the Registrar to issue a warrant for the perpetrator's arrest.

5.3.1.1 *Adolescents who use family violence*

When an adolescent uses family violence the only civil option available to police is to apply for a FVIO and to proceed by way of application and summons. Police liaise with Child Protection prior to making an application for a FVIO.

5.3.1.2 *Child victims*

Victoria Police assess the safety of children and young people independently to adult victims. In most circumstances children and young people will be named on the application for FVIO with the adult victim. A separate application for a FVIO is made by the police in situations where the child or young person requires unique conditions that are not required for the adult victim.

5.3.2 Application and warrant

Police proceed by way of application and warrant when they apply to the court to issue a FVIO but the whereabouts of the perpetrator is unknown.

Victoria Police takes immediate steps to execute the warrant to arrest the perpetrator after the Registrar of the court has issued the warrant. When the police arrest the perpetrator, the next steps depend on the circumstances.

- the police will notify the victim when the warrant has been executed, and inform the victim that they must attend the hearing in relation to the application for the FVIO;
- the police may bring the perpetrator directly before the court, or bail them to appear at court as directed;
- police will notify the victim if they bail the perpetrator;
- the Registrar at the court will notify the victim if the perpetrator is bailed by the court;
- the bail conditions will align with the conditions applied for on the FVIO if bailed by the police.

5.3.3 Who attends court?

The perpetrator must attend court if appearing by bail and is advised to attend court if appearing by FVSN or summons. The victim is requested to attend court and witnesses are asked to be available on stand-by if required by the court.

The police will seek an adjournment from the court to locate the victim if they do not attend court. The police may be able to give evidence and seek an interim FVIO on behalf of the victim if the victim is unable to attend court.

If the perpetrator fails to attend court, the police application will proceed and the Magistrate will determine whether to issue a warrant, an Interim FVIO, or to adjourn until a future date.

Victoria Police is represented in court by the police prosecutor/police lawyer who is responsible for presenting the evidence in support of the FVIO. Prior to the hearing, a police officer will speak to the victim about:

- the role of police in the court;

- court processes and procedures;
- their circumstances and needs to tailor the conditions of the FVIO;
- any safety concerns;
- available support services;
- the possibility of the FVIO being made without their consent, due to the safety concerns of the police.

5.3.4 Court issued FVIOs

The court can issue an interim FVIO or a final FVIO.

5.3.4.1 *Interim FVIOs*

Victoria Police will seek an interim FVIO if the perpetrator fails to attend court. The court may issue an interim FVIO if the Magistrate is satisfied that any adult or child victims needs immediate protection from the perpetrator. This holds true regardless of whether the victim attends court.

Interim FVIOs are valid until:

- a final FVIO is made and served; or
- the matter is returned to court for a final hearing and is struck out; or
- the interim FVIO is revoked; or
- the FVIO application is withdrawn;
- where an interim FVIO is returned to court for a final hearing and the matter is adjourned, the protection of the interim FVIO continues.

5.3.4.2 *When the victim does not consent to a FVIO*

In situations where the victim has not consented to the FVSN or the FVIO being made, the responding police officers will ensure that this is communicated to the FVCSO or police prosecutor/police lawyer. Final FVIO orders will have limited conditions in situations where the victim has not consented. Exceptions to this include when the victim is a child, when the victim has a cognitive impairment, and/or when the victim is a person with a guardian who has consented to the conditions.

5.3.5 Conditions on a FVIO

The conditions available on a FVIO are like those for a FVSN, which are outlined in section 5.2.2 of this Code of Practice.

5.3.5.1 *Exclusion conditions and property collection*

With Body Worn Camera turned on, Victoria Police supervise perpetrators to collect their basic belongings and necessary documentation in an effort to protect the victim's safety, minimise further distress and ensure the perpetrator does not contravene the FVIO. Police officers will intervene if required to keep the peace.

5.3.6 FVIOs and firearms

When an interim FVIO is issued by the court, police will hold any seized firearms or act to seize any firearms in accordance with the *FVPA*. The court can also suspend any firearms license for the duration of the interim FVIO.

If a final FVIO is issued by the court, the perpetrator's firearms license will be revoked and the perpetrator will become a prohibited person as defined in the *Firearms Act 1996*. Police will seize, or act to seize any firearms not previously seized and dispose of the firearms as directed by the court. Perpetrators can apply to the court for a review of their prohibited persons status except where the FVIO specifically includes a firearms condition. Victoria Police and the victim will be notified of any such application.

If no final order, final recognised DVO or final interstate DVO is issued, and the firearm is not otherwise required as evidence, or required to be disposed of under the *Firearms Act 1996*, *Control of Weapons Act 1990* or another Act, then the firearm will be returned to the person as directed by section 165 of the *FVPA*.

5.3.7 Service of FVIOs

Victoria Police aim to personally serve the FVIO on the perpetrator as soon as possible, which is usually within 14 days of the application being made. In cases where there is serious threat to the victim or any child victims, a FVSN will be issued by police which provides immediate protection (further information on FVSNs can be found in section 5.2 of this Code of Practice). Alternatives to Victoria Police personally serving the FVIO on the perpetrator include when the court:

- has made an order for alternative service, such as registered or prepaid post, email or leaving it at the perpetrator's address;
- has made an order for substituted service.

Personal service gives the court confidence that the perpetrator is aware and understands the requirements of the FVIO, promotes compliance by the perpetrator and optimises victim safety.

Police officers may contact the victim, where safe to do so, to assist in locating the perpetrator and guide possible reactions to the FVIO.

On occasion it takes longer for police to serve the FVIO on the perpetrator, because:

- the perpetrator is avoiding service or trying not to be found by police;
- police need to engage an independent interpreter to explain the conditions of the order;
- the perpetrator is an inpatient at a mental health facility;
- the perpetrator is subject to a Community Treatment Order under the *Mental Health Act 2014*.

Police officers may be required to use a variety of methods to locate the perpetrator for service of the FVIO. Victoria Police recognise the potentially increased risk for victims if a perpetrator becomes aware that judicial processes are underway regarding family violence.

Prior to serving the FVIO, police officers should consider all the circumstances, including but not limited to:

- time and location of serving the FVIO;
- history of violence;
- access to weapons or firearms;
- specific risk factors, including but not limited to:
 - if the FVIO excludes the perpetrator from the address;
 - if the FVIO limits contact between the perpetrator and any children.

Police officers should consider documenting these considerations as part of their risk assessment.

Police officers will consider how best to manage risk for victims during this time, which may include notifying the victim when police action has the potential to result in the perpetrator becoming aware of any judicial processes.

Where appropriate and safe to do so, police officers may contact the victim to confirm that the victim has engaged with a specialist family violence service who will be able to support safety planning as well as legal advocacy and other supports.

Victoria Police notifies the victim when the order has been served and if it cannot be served.

5.3.8 Revoking, varying, extending or appealing the FVIO

5.3.8.1 *Appealing an intervention order*

The perpetrator may appeal against the making of a FVIO.

Under section 114 of the *FVPA*, the police, or the victim if they made the application directly to the court, may appeal against the court's refusal to grant an order.

5.3.8.2 *Extending, varying or revoking an intervention order*

Any party to a FVIO may apply to have the order or its conditions extended, varied or revoked.

The court must be satisfied that there has been a change in circumstances since the FVIO was made to hear an application for variation or revocation.

Notice to extend, vary or revoke the FVIO must be served on the other party and the police if they made the application for the FVIO before the hearing.

Any agreement to extend, vary or revoke the FVIO should be appropriate in the circumstances and based on an assessment of the present and future risks.

The police will ensure that children and young people are still protected, and appropriate services are in place.

5.4 Intervention orders from other jurisdictions

To optimise civil protection for adult and child victims of family violence, Victoria Police will recognise orders that originate from any state or territory in Australia as well as Family Law Orders.

5.4.1 Interstate and international orders

The National Domestic Violence Order Scheme (NDVOS) commenced nation-wide on 25 November 2017. All active Victorian FVSNs and FVIOs, regardless of when they were issued, are nationally recognised under this scheme. Any interstate order made after the commencement date is a nationally recognised DVO and enforceable in Victoria. Any interstate DVO issued prior to 25 November 2017 may be 'declared' as nationally recognised by any party via application to the Magistrates' Court.

New Zealand protection orders are enforceable in Australia if they have been registered with a court in any Australian state or Territory under the NDVOS.

Police members can assist in providing advice and guidance to register an interstate or overseas order that is not automatically recognised under the scheme. Further information can be located via the [Magistrates' Court of Victoria](#).

5.4.2 Family Law Act 1975 (Cth)

Victoria Police are alert for any escalation of family violence when there is both a Family Law Act Order and a FVIO in place.

To avoid complexity in complying with two orders, police may consider making two applications concurrently to the Magistrates' Court of Victoria:

- an application to seek that the Family Law Act Order, injunction or arrangement be varied, discharged or suspended under section 68R of the *Family Law Act 1975 (Cth)* and;
- an application to make an FVIO.

A Magistrate may do any of the following:

- suspend, vary or revoke the Family Law Act Order if a child has been exposed or is likely to be exposed to family violence during a contact visit;
- grant an interim intervention order, irrespective of the parties' wishes;
- on making the final FVIO, revoke the Family Law Act Order.

5.4.2.1 Victoria Police powers when a Family Law Act Order is in place

Victoria Police has the power to arrest when an injunction has been made under the *Family Law Act 1975 (Cth)* and the perpetrator has contravened the order by:

- causing, or threatening to cause, bodily harm to the victim; or
- harassing, molesting or stalking the victim.

Victoria Police refer contraventions of Family Law Act Orders to the Australian Federal Police.

If there is an apparent inconsistency between an existing FVIO and a Family Law Act Order or injunction relating to the time a child spends, or is authorised or required to spend, with the perpetrator, police officers will:

- check that the Family Court has identified that the order or injunction is inconsistent with the existing FVIO;
- understand that given the inconsistency, the existing FVIO is only invalid to the extent of the inconsistency and the Family Law Act Order or injunction prevails;
- take urgent action asking the Magistrates' Court of Victoria to vary or suspend the Family Law Act Order under section 68R of the *Family Law Act 1975 (Cth)*.

5.4.2.2 *Parenting plans*

Parenting plans are not legally enforceable, but they are often a part of negotiations when the Family Court of Australia is involved. A parenting plan does not preclude the police from issuing a FVSN or applying for a FVIO. Any court order overrides a parenting plan if inconsistent.

5.4.2.3 *Recovery order for children*

Family Violence can include the perpetrator withholding children to cause significant distress and fear to a parent victim.

Victoria Police are authorised to find, recover, or deliver a child to the parent victim when a recovery order has been made by the Family Court or Federal Court of Australia.





Chapter 6

REFERRALS

Referrals

6.1 Victoria's integrated family violence service system

Victoria Police is committed to working collaboratively with government and sector partners in an integrated family violence service system to optimise the safety of adult and child victims as well as the success of perpetrator interventions to break the cycle of family violence.

6.1.1 Information sharing schemes and referrals

To promote the wellbeing and safety of children and provide better protection from family violence, it is important that Victoria Police and other agencies have access to relevant information when assessing and managing risk.

The Family Violence Information Sharing (FVIS) scheme enables information sharing to support effective assessment and management of family violence risk. The timely sharing of relevant information supports information sharing entities (ISEs) to hold perpetrators to account and promote the safety of adult and child victims of family violence.

The Child Information Sharing (CIS) scheme assists professionals and organisations to better perform their roles and responsibilities by expanding the circumstances in which they can share information to promote the wellbeing and safety of children.

In recognition of the necessity for services to provide a holistic response to the range of needs and risks experienced by children and families, the CIS scheme complements the FVIS scheme.

Police can locate further detail in the VPM Family violence and child information sharing.

6.1.1.1 *When information can be authorised to be shared/requested under the FVIS scheme*

Information may be requested or shared once all of the following has been confirmed:

- an agency is a prescribed family violence ISE or risk assessment entity (RAE);
- the purpose of the request is for family violence risk assessment (RAE's only) or protection;
- applicable consent requirements have been met;
- the requested information is not excluded.

6.1.1.2 *Consent requirements under the FVIS scheme*

Consent is required when requesting or sharing information about adult victims of family violence. When sharing information, including from other sources, Victoria Police verify that consent has been provided in each request.

Consent is not required when requesting or sharing information about alleged perpetrators of family violence.

Consent is not required when requesting information about adolescents who use family violence.

Consent is not required when requesting information to assess or manage risk of family violence to a child.

Information may be requested about any person (including an adult victim or third party) without their consent if one of the following exceptions apply:

- the information will be used to assess or manage family violence risk to a child;
- third party information has been de-identified;
- there is reasonable belief that the collection, use or disclosure of the confidential information is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare;
- sharing the information is required or authorised by another law.

Victoria Police recognise that a person's privacy should only be overridden to the extent that it is necessary to assess and manage family violence risk. If it is not necessary to share a person's information in an identifiable way, then information should only be shared in a de-identified manner to maintain that person's privacy.

6.1.1.3 *When information can be authorised to be shared/requested under the CIS scheme*

Any information about a person that is relevant to promoting child safety and wellbeing can be shared under the CIS scheme, provided that the information is not excluded and does not contravene another law.

6.1.1.4 *Consent requirements under the CIS scheme*

Consent is not required to request relevant information under the CIS scheme. However, when it is appropriate, safe and reasonable to do so, Victoria Police employees who are requesting information should seek and take into account the views of the child or non-offending family member about sharing their confidential information, and/or inform the child or non-offending family member that information was shared.

6.1.1.5 *Voluntary information sharing*

Under both the FVIS scheme and the CIS scheme, any prescribed ISE is permitted to share information with another ISE on a voluntary basis (proactively, without a request) relevant to each ISE's prescribed powers under the *FVPA* and *Child Wellbeing and Safety Act 2005*. The requirements for the respective schemes and record keeping obligations still apply.

6.1.1.6 *Information requests involving Victoria Police employees*

When a Victoria Police employee becomes aware that the subject of a request is another Victoria Police employee, they must assess and respond to the information request in accordance with the standard procedure outlined above. The Victoria Police employee completing the request must notify Professional Standards Command and attach the completed information request. Professional Standards Command will identify if any further information is relevant to the information request and will provide that information to the requesting ISE.

If the Victoria Police employee subject to the request is identified as the perpetrator of family violence, the notification to Professional Standards Command will be treated as a complaint against police and will be responded to and investigated as per the Family Violence Response Model. More information on Victoria Police employee perpetrated family violence can be found in section 2.4 of this Code of Practice and the VPM Family Violence involving Victoria Police employees.

6.1.2 Requesting police information

Requests for Victoria Police information under the Child Information Sharing and Family Violence Information Sharing Schemes are managed by the Inter-agency Information Sharing Service team in the Police Enquiry and Data Sharing Department.

For standard requests for information under the schemes, contact the Inter-agency Information Sharing Service at INFORMATION-SHARING@police.vic.gov.au or on (03) 8335 5902 8:00am to 4:00pm Monday to Friday. When the information request is urgent or an operational response is required, contact the relevant local police station directly. Go to www.police.vic.gov.au/location for contact details.

6.1.2.1 *Information Victoria Police will share*

The information that police record during their investigation is subject to legislative provisions and Victoria Police policy. With respect to family violence, police may disclose information in the following circumstances:

- referrals;
- family law matters;
- Intervention Order hearings as requested by the court, however the location of the victim and perpetrator will not be disclosed to the other party unless directed by the court;
- the victim and any witnesses are provided with copies of their own statement;
- the perpetrator is provided with a copy of their recorded interview with the police;

- VARE statements can only be released within the parameters of the legislation;
- in response to an information request under the FVIS scheme or CIS scheme, whereby information is released to a prescribed ISE provided it is not excluded information, the appropriate consent thresholds have been met and recordkeeping obligations are followed.

6.2 Referrals

The information entered into the FVR by the responding police combined with the automatic population of historical records from the police database (LEAP) helps police in objectively assessing if there are immediate concerns for the safety and welfare of any adult or child victims. The demographic data in the FVR enables the referral to be tailored to specialist services, such as those focused towards Aboriginal people, children and young people.

6.2.1 Formal referral pathway

Victoria Police make formal referrals to The Orange Door, community agencies and/or reports to Child Protection when there is an immediate concern for the safety and welfare of any adult victims or child victims. The web based L17 Family Violence Portal routes the FVR to service(s) based on the information entered by Victoria Police. The referral pathway is based on the geographical area where the incident occurred, demographic information of the victim and the perpetrator and if the referrals are made outside of business hours. Police do not choose what agencies the parties are referred to.

Upon receipt of the FVR, the referral agency will screen and assess in order to determine the best course of action, which in most cases will involve contacting the referred person. Victoria Police make formal referrals even when there is no immediate concern for the safety of adult or child victims when they believe that the victim is more likely to engage with the referral service if the service initiates the contact.

6.2.1.1 *Immediate formal referral for a victim*

If a victim needs immediate assistance, such as needing to relocate to a refuge or alternative accommodation, or immediate assistance with safety planning, Victoria Police will make an immediate formal referral. These are made via direct telephone call and/or submission of the FVR to The Orange Door or local service during business hours, and Safe Steps if it is outside business hours. Formal referrals for male victims of family violence are made to the Victims of Crime Helpline.

6.2.1.2 *The person does not want assistance*

Victoria Police will refer all parties involved in a family violence incident when there are immediate concerns for the safety and welfare of any adult victims or child victims even if they do not disclose that they want assistance. Victoria Police is sensitive to the heightened emotional state of parties immediately after a family violence incident and how this may influence parties consenting to referrals being made. Victoria Police understands that fear of escalation or retribution from the perpetrator means that victims may be unwilling to engage with police or referral agencies.

6.2.2 Informal referral pathway

Victoria Police makes informal referrals when there are no immediate concerns for the safety and welfare of any adult victims. The responding police officers provide the victim/s and the perpetrator with the contact details of The Orange Door or local service and encourage them to initiate contact.

The onus is on the individuals involved in the family violence incident to voluntarily contact the relevant referral agency in the informal referral pathway. The FVR is available to the referral agency through the L17 Family Violence Portal, which assists them in conducting accurate and up-to-date risk assessments if the service is engaged by one of the parties of the family violence incident.

6.2.2.1 *The person does not want assistance*

Victoria Police does not refer the parties without their consent if there are no immediate concerns for the safety and welfare of the adult victim. However, the FVR will be stored in the L17 Family Violence Portal to assist in the accurate and up-to-date risk assessment if either of the parties of the family violence incident seek assistance from the sector in the future.

6.2.2.2 *Referral to The Orange Door or Child FIRST*

Victoria Police refer families to The Orange Door (or Child FIRST where The Orange Door is not yet in operation) in situations where the responding police officers are concerned for the wellbeing of an unborn child, child or young person but don't have immediate concerns for the safety and welfare for any adults or children associated with the family violence incident.

6.3 Child safety

Victoria Police consider infants, children and young people and unborn children as victims of family violence if behaviour by a person causes a child to hear, witness or otherwise be exposed to the effects of family violence, or if they are being withheld from a parent. Responding police officers undertake a risk assessment to the safety and wellbeing of children and young people independent to the adults involved in the family violence incident.

Victoria Police should consider the views and wishes of children and young people when safe, reasonable, and appropriate to do so.

To optimise child safety, the responding police officers will consider laying criminal charges, applying for an intervention order and formal reports to other government agencies and referrals to support agencies.

Police officers will advise the parent(s) or guardian of any child whenever a referral is going to be made and the circumstances of the referral.

6.3.1 Child Protection

Police and Child Protection share information in the context of child protection practice where they believe on reasonable grounds that sharing the information is required to carry out their delegated responsibilities under section 192 of the *Children, Youth and Families Act (CYFA) 2005*. This extends to information requested from, disclosed to, or received from:

- an information holder;
- a service agency;
- a person in charge of or employed in a registered community service;
- any other individual.

6.3.2 Mandatory reporting

Police are mandated, in accordance with section 182(1) of the *CYFA*, to make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

Victoria Police meet their mandatory obligations by directly contacting Child Protection by telephone and/or submitting the FVR with the required information.

Police reassess the circumstances to decide if an application for a FVIO on behalf of the child or young person is required in situations when Child Protection determines that their involvement is not warranted.

6.3.3 Non-mandated reporting to Child Protection

In all situations where Victoria Police officers form a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent or guardian has not protected or is unlikely to protect the child from harm of that type, Victoria Police must consider making a report to Child Protection.

A non-mandated report to Child Protection should be considered in any of the following circumstances:

- emotional abuse and ill treatment of a child – impacting on the child's stability and healthy development;
- significant neglect, poor care or lack of appropriate supervision – where there is a likelihood of significant harm to the child, or the child's stability and development;
- significant family violence or parental substance misuse, psychiatric illness or intellectual disability – where there is a likelihood of significant harm to the child, or the child's stability and development;
- where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling, or unable to protect the child;
- where a child appears to have been abandoned, or where the child's parents are dead or incapacitated and no other person is caring properly for the child.

This may include situations where a primary carer of dependent children is in custody and incapable of caring for their child during this period and there is no other suitable person willing or able to care for the child.

6.3.4 Critical protective cases

Both Child Protection and Police Officers are protective intervenors for the purpose of the *CYFA*. In practice, Child Protection has the primary responsibility for making a protection application and taking a child into safe custody. However, when an emergency response is required or a child is at imminent risk of significant harm and it is not possible for Child Protection to take immediate action, police are authorised by legislation (section 241 and section 242 of the *CYFA*) to take a child into safe custody, with or without a warrant.

Police notify Child Protection by telephone as soon as the child is removed from danger. Child Protection then take responsibility and arrange for the matter to be brought before the court as soon as practicable.

6.4 Integrated response for high risk families

The Risk Assessment and Management Panel (RAMP) program is a multi-agency coordinated response to family violence that increases the collective capacity and effectiveness of the service system to identify and respond to people using family violence, and to hold them responsible and accountable for their violence and abuse.

RAMP is a victim-centred and child-centred approach that focuses on ensuring that the person using family violence is held solely responsible and accountable for their abusive and violent behaviour.

RAMP is a key initiative to improve responses of serious threats to victims of family violence.

The primary aims of the RAMP program are to:

- increase the safety of victims of family violence who are experiencing a serious threat;
- reduce serious threat of people who use family violence and increase their accountability;
- increase agency accountability and strengthen the capacity of the service system to achieve the above two aims.

6.5 Perpetrator welfare and interventions

Victoria Police acknowledge that being the subject of a police investigation or civil order can cause someone to feel isolated, confused and/or stressed. Victoria Police provides perpetrators of family violence with a copy of the Information and Support Referral brochure. The brochure outlines what happens after a family violence

incident, what to expect from civil and criminal proceedings, and the contact information for services that can provide perpetrator interventions in an effort to break the cycle of family violence. The brochure also includes contact information for professional mental health support. Victoria Police encourages anyone feeling distressed to seek appropriate support. It is available in 21 languages and an easy English version.





Chapter 7

SERVICES

Services

7.1 The Orange Door

The Orange Door is the entry point for Victorians to access a range of family violence and family services. It brings services together so that individuals and families don't have to go to multiple services or retell their story multiple times to have their needs met. It has sites across Victoria and can connect people with financial, legal, health, substance misuse, housing, employment, education services, parenting, and family support services. More information on The Orange Door is available at www.orangedoor.vic.gov.au.

Local services can be contacted directly between 9am-5pm, Monday to Friday (excluding public holidays).

The Orange Door in Barwon	1800 312 820
The Orange Door in Bayside Peninsula	1800 319 353
The Orange Door in Central Highlands	1800 219 819
The Orange Door in Goulburn	1800 634 245
The Orange Door in Hume Moreland	1800 271 151
The Orange Door in Inner Eastern Melbourne	1800 354 322
The Orange Door in Inner Gippsland	1800 319 354
The Orange Door in Loddon	1800 512 359
The Orange Door in Mallee	1800 290 943
The Orange Door in North Eastern Melbourne	1800 319 355
The Orange Door in Outer Eastern Melbourne	1800 271 150
The Orange Door in Outer Gippsland	1800 512 358
The Orange Door in Ovens Murray	1800 271 157
The Orange Door in Southern Melbourne	1800 271 170
The Orange Door in Wimmera South West	1800 271 180

7.2 State-wide and national services

Safe Steps Family Violence Response Centre

Safe Steps is Victoria's 24/7 family violence response centre, offering specialist support services for anyone in Victoria who is experiencing or afraid of family violence. Safe Steps is also the central contact point for women's refuges in Victoria.

Phone: 1800 015 188 (Toll free 24 hours a day, seven days a week)

Email: admin@safesteps.org.au (for information) and safesteps@safesteps.org.au (for support).

1800 RESPECT

1800 RESPECT is a sexual, domestic and family violence counselling, information and referral service for all Australians, including accessibility options for:

- people who don't speak English or who find it easier to speak through an interpreter or translator;
- people who are blind or vision impaired;
- people who are deaf or hearing impaired;
- people who don't speak or have difficulty with speech.

Phone: 1800 737 732 (24 hours a day, seven days a week)

www.1800respect.org.au/

Centres Against Sexual Assault (CASAs)

CASAs provide free, confidential, accessible and appropriate services to people who have experienced sexual assault. CASA services include:

- a crisis response to victims/survivors of sexual assault who have been sexually assaulted in the last two weeks;
- counselling/advocacy support to victims/survivors of childhood sexual assault and historical adult sexual assault

Metropolitan CASA's

Sexual Assault Crisis Line (toll free for Victorian callers)	1800 806 292
CASA House – Melbourne (Admin line 9am-5pm, Monday - Friday)	9635 3600
(24/7 counselling & support line)	9635 3610
Gatehouse Centre – Royal Children's Hospital	9345 6391
West CASA – Werribee	9216 0444
Northern CASA – Heidelberg	9496 2240
Eastern CASA – Ringwood East	9870 7330
South Eastern CASA – East Bentleigh	9928 8741

Rural CASA's

Ballarat CASA – Sebastopol	5320 3933
CASA Central Victoria – Bendigo	5441 0430
Centre Against Violence (Ovens Murray District) – Wangaratta	5722 2203
Gippsland CASA – Morwell	5134 3922
– Bairnsdale	5153 1629
– Warragul	5622 7877
Goulburn Valley CASA – Shepparton	5858 9300
Mallee Sexual Assault Unit – Mildura	5025 5400
– Swan Hill	5033 1786
South Western CASA - Warrnambool	5564 4144
The Sexual Assault & Family Violence Centre – Geelong West	5222 4318
– Wimmera	5381 1211

Child Witness Service

In Victoria, there are special arrangements to help protect children and young people who need to give evidence in cases that involve a violent crime. The Child Witness Service is a state-wide specialist program that offers support and preparation for children and young people who may be required to give evidence in the Magistrates', Children's, County or Supreme Courts.

Call 1300 790 540

Court Network

Court Network is a unique non-legal court support, information and referral service. Court Network is the only court based service explicitly and solely concerned with the need of court users.

Phone: 1800 571 239

<https://courtnetwork.com.au/>

Dardi Munwurro

Dardi Munwurro delivers a range of family violence, healing and behaviour change programs and services to Aboriginal men and youth.

Crisis line: 1800 435 799 (24 hours a day, seven days a week)

Phone: (03) 8456 3044

Djirra

Djirra is a state-wide Aboriginal Community Controlled Organisation that provides holistic, culturally safe, legal and non-legal supports to Aboriginal and Torres Strait Islander people experiencing or at risk of family violence – predominately women and children. Djirra offers legal assistance in the areas of family violence intervention orders, family law, child protection and victims of crime assistance.

Phone: 1800 105 303 (9am - 10pm, Monday to Friday)

Elder Rights Advocacy

Elder Rights Advocacy offers a free, confidential and independent service to older people (or their representatives) who are receiving an Australian Government subsidised aged care service in Victoria. Elder Rights Advocacy provides advocacy assistance to support older people to uphold their rights and to prevent the abuse of these rights.

Phone: 1800 700 600

Elizabeth Morgan House Aboriginal Women's Service

Elizabeth Morgan House provides culturally safe, holistic family violence services for Aboriginal women and their children, including secure refuge accommodation and specialist family violence services. Support extends to parents of Aboriginal children and partners and ex-partners of Aboriginal people.

Phone: 1800 364 297 (24 hours a day, seven days a week)

Federation of Community Legal Centres

Community Legal Centres are independent community organisations that provide legal information and free legal services to the public. They are located across Victoria and focus on helping people who face economic and social disadvantage and who may be ineligible for legal aid and cannot afford a private lawyer. The details of the community legal centres in each area, as well as specialist state-wide community legal centres, can be found on the Federation of Community Legal Centre's website.

Phone: (03) 9652 1501

www.fclc.org.au/

Fines Victoria

The Family Violence Scheme is a specialised scheme that allows victims to apply to Fines Victoria to have their infringement fines withdrawn if family violence substantially contributed to the offence or it is not safe for them to name the responsible person.

The scheme is supported by Victoria Police; any questions regarding the scheme should be directed to Fines Victoria as the managing agency.

<https://online.fines.vic.gov.au/Support/Family-Violence-Scheme>

Intermediary Program

Intermediaries are skilled communication specialists who can assist witnesses to give their most clear and complete evidence, including during VAREs and at Court. The Intermediary Program is currently available to (a) witnesses who are a complainant in a sexual offence matter or (b) witnesses to homicide, who are under the age of 18 or an adult with a cognitive impairment.

Phone: 9194 2991 (8am-5pm Monday to Friday)

Email: intermediariesproject@justice.vic.gov.au

InTouch Multicultural Centre Against Family Violence

InTouch is a state-wide specialist family violence service that works with women from migrant and refugee backgrounds, their families and their communities in Victoria. InTouch's legal centre can provide advice and assistance in relation to protection from family violence, immigration matters (for women on partner visas), separation disputes and family law.

InTouch workers speak many different community languages and support is provided in a culturally sensitive and culturally responsive manner.

Phone: 1800 755 988 (available Monday to Friday, from 9am to 5pm)

Kids Help Line

Kids Helpline is a free, confidential 24/7 phone and online counselling service for young people aged 5 to 25.

Phone: 1800 55 1800 (24 hours a day, seven days a week)

www.kidshelp.com.au

Lifeline

Lifeline is a crisis support and suicide prevention service. It provides one-to-one short-term telephone, webchat and text support to people who are feeling overwhelmed or having difficulty coping or staying safe.

13 11 14 (24 hours a day, seven days a week)

Online Chat: www.lifeline.org.au

MensLine Australia

MensLine is a telephone and online counselling service for men with family and relationship concerns.

1300 78 99 78 (24 hours a day, seven days a week)

www.mensline.org.au

Men's Referral Service (No to Violence)

The Men's Referral Service (MRS) operated by No to Violence (NTV) is a statewide telephone counselling and referral service for men who use violence. The helpline operates seven days a week, 8:00am - 9:00pm, Monday to Friday and 9:00am – 6:00pm on weekends and public holidays.

Phone: 1300 766 491

Rainbow Door (Switchboard)

Rainbow Door is a free specialist LGBTIQ+ helpline providing information, support, and referral to all LGBTIQ+ Victorians, their friends and family. Rainbow Door support people of all ages and identities with issues including family and intimate partner violence. Rainbow Door operate 10am to 5pm, seven days a week.

Phone: 1800 729 367

Text: 0480 017 246

Email: support@rainbowdoor.org.au

Senior's Rights Victoria

Seniors Rights Victoria provides confidential information, support, advice to help prevent elder abuse and safeguard the rights, dignity and independence of older people. Services are available to Victorians 60 and above, and Aboriginal Victorians 45 and above.

Phone: 1300 368 821 (10am-5pm, Monday to Friday)

Victoria Legal Aid

Victoria Legal Aid helps people with their legal problems. They focus on protecting the rights of Victorians and representing those who need it the most. They provide free duty lawyer services in family violence intervention order matters in all Magistrates' Courts in Victoria.

Phone: 1300 792 387 (available Monday to Friday, from 8am to 5pm)

Webchat: Legal Help Chat is an online live chat service (available Monday to Friday, from 8am to 6pm)

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

VACCA is an Aboriginal Community Controlled Organisation that provides programs across Victoria that support culturally strong, safe and thriving Aboriginal communities. This includes children's services and family support, family violence case management, family violence therapeutic programs, family violence men's programs and justice support services. VACCA delivers services through the Orange Doors and MDCs.

VACCA services can also be accessed by non-Aboriginal people who have an Aboriginal family member, such as children or a partner.

Head Office (Preston)	9287 8800
Chirnside Park	8727 0200
Dandenong	9108 3500
Frankston	8796 0700
Link-Up Victoria (Preston)	1800 OUR MOB (1800 687 662)
Melton	8746 2776
Morwell	5135 6055
Wangaratta	5756 9000

Werribee	9742 8300
Wodonga	8373 1710

Victorian Aboriginal Legal Service

Victorian Aboriginal Legal Service (VALS) provides free legal advice and representation for the Aboriginal and Torres Strait Islander peoples in the State of Victoria. It offers information, initial legal advice, referrals and legal casework services including representation and assistance, covering Criminal Law, Civil Law and Family Law matters.

Phone: 1800 064 865

Victims of Crime Helpline

This helpline provides support for adult male victims of family violence and victims of violent crime in Victoria to help manage the effects of crime and provide guidance about the legal process.

Phone: 1800 819 817

Text: 0427 767 891

Victims Assistance Program

The Department of Justice and Community Safety funds the Victims Assistance Program which comprises of a network of community-based agencies delivering support services to victims of crime across Victoria. There are currently 36 Victoria Police co-locations with Victim Assistance Programs across Victoria

These services aim to support victims of crime manage the effects of experiencing a violent crime and promote the recovery process.

The Victims Assistance Program offers a tailored service to meet the needs of each person which may include:

- assistance with day-to-day needs
- information on protecting personal safety
- providing emergency home security
- help to communicate with police and make a report
- organising counselling, transport and medical services
- assistance to get ready for court
- help to prepare a Victim Impact Statement
- assistance with applying for financial assistance
- help to get information about the offender.

Open: 8am–11pm, 7 days a week

Call: 1800 819 817

Text: 0427 767 891

Email: vsa@justice.vic.gov.au

Victims Register

Victims can apply to receive updates about offenders who are sent to prison. This service contacts victims to update them on the offender's sentence and when the offender is released into the community on parole, released into the community following the end of their sentence or placed on a supervision order or detention order.

Victims of family violence can apply to be notified about an offender if the offender has perpetrated family violence against them even where the offence for which the offender is in prison does not relate to family violence.

Call the Victims of Crime Helpline on 1800 819 817 and ask for the Victims Register.

Email: victimsregister@justice.vic.gov.au

www.victimsofcrime.vic.gov.au

Women’s Information and Referral Exchange (WIRE)

WIRE provides free support, referrals and information on any issue for all Victorian women, nonbinary and gender diverse people. Support can be accessed via the phone support line, live web chat and email.

Phone: 1300 134 130 (9am – 5pm, Monday to Friday except public holidays)

www.wire.org.au/chat-with-wire

support@wire.org.au

Women’s Legal Service Victoria

Women’s Legal Service Victoria provides free legal services to women experiencing disadvantage to address legal issues arising from relationship breakdown or violence. Lawyers can assist with Family Violence Intervention Order (FVIO) cases at most Magistrates’ courts across Victoria, child protection applications at Children’s Courts and family law court applications at the Federal Circuit Court and Family Court in Melbourne and Dandenong.

Phone: 1800 133 302

7.3 Local specialist services

As well as the state-wide and national specialist services listed in section 7.2, there are many local services available to assist and support people experiencing family violence. Comprehensive lists of services can be found at [Find a service | Safe and Equal](#).

7.4 Child FIRST and Child Protection

7.4.1 Child FIRST

Child FIRST is a community-based point of entry for vulnerable children, young people and families needing support. It provides referrals to a range of community-based family services and other supports that focus on factors that affect children’s safety, stability and development, including significant parenting problems, family conflict, parental mental illness, disability and substance abuse. Child FIRST, as the access point for family services, is progressively transitioning to The Orange Door.

The contact number for Child FIRST depends on the Local Government Area and can be found via the below link.

<https://services.dffh.vic.gov.au/referral-and-support-teams>

7.4.2 Child Protection

Child protection receive reports about children when there are concerns the child is in need of protection. A child in need of protection is a child who has suffered or is likely to suffer significant harm as a result of abuse or neglect, and their parent has not protected or is unlikely to protect the child from harm of that type.

7.4.2.1 North and Inner West Division Intake

North Division covers the following areas and LGAs: Banyule, Buloke, Darebin, Campaspe, Central Goldfield, Gannawarra, Greater Bendigo, Hume, Loddon, Macedon Ranges, Mildura, Moreland, Mount Alexander,

Nilumbik, Swan Hill, Whittlesea, Yarra, Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Melton, Moonee Valley, Wyndham.

1300 664 977 (8.45am - 5.00pm Monday to Friday)

7.4.2.2 *South Division Intake*

South Division covers the following areas and LGAs: Bass Coast, Baw Baw, Bayside, Cardinia, Casey, East Gippsland, Frankston, Glen Eira, Greater Dandenong, Kingston, Latrobe, Mornington Peninsula, Port Phillip, South Gippsland, Stonnington, Wellington.

1300 655 795 (8.45am - 5.00pm Monday to Friday)

7.4.2.3 *East Division Intake*

East Division covers the following areas and LGAs: Alpine, Benalla, Boroondara, Greater Shepparton, Indigo, Knox, Manningham, Mansfield, Maroondah, Mitchell, Moira, Monash, Murrindindi, Strathbogie, Towong, Wangaratta, Whitehorse, Wodonga, Yarra Ranges.

1300 360 391 (8.45am - 5.00pm Monday to Friday)

7.4.2.4 *West Division Intake (rural and regional only)*

West Division covering the following rural and regional areas and LGAs: Ararat, Ballarat, Colac-Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Hepburn, Hindmarsh, Horsham, Moorabool, Moyne, Northern Grampians, Pyrenees, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool West Wimmera, Yarriambiack.

1800 075 599 (8.45am - 5.00pm Monday to Friday)

7.4.2.5 *After hours Child Protection emergency service*

Child protection provides a state-wide after-hours emergency service that receives new reports, as well as concerns for existing child protection clients who are considered to be at immediate risk and require urgent after hours service.

13 12 78 (5.00pm - 9.00am Monday - Friday, 24 hours on weekends and public holidays)

7.5 Interpreter services

7.5.1 Multilingual interpreter services

All Graduates Interpreter Service

All Graduates Interpreter Service provides telephone interpreting and onsite interpreting.

Operated 24 hours, 7 days a week

www.allgraduates.com.au

Office telephone: 1300 134 746

InterpreterLine bookings: 1300 739 731

Translating and Interpreting Service (TIS National)

TIS National provides interpreting services to people who do not speak English and to agencies and businesses that need to communicate with their non-English speaking clients. It provides interpreting services in more than 160 different languages. Non-English speakers can access immediate telephone interpreters through TIS National.

Operated 24 hours, every day of the year

Immediate phone interpreting: 131 450

Automated Telephone interpreting Service (ATIS) - 1800 131 450

7.5.2 Interpreter services for people living with a disability

The National Relay Service

The National Relay Service provides a relay officer to assist people who are deaf, hard of hearing or who have a speech impairment and need to communicate over the phone.

24-hour relay call numbers:

NRS Chat: [National Relay Service \(nrscall.gov.au\)](https://nrscall.gov.au)

SMS: 0423 677 767

Speak and Listen (speech-to-speech): 1300 555 727

TTY (Speak and Read, Type and Read, and Type and Listen): 133 677

Captions call: <https://nrscaptions.nrscall.gov.au/nrs/captionrelay>

General Enquiries (8am-6pm, Monday to Friday): [National Relay Service Helpdesk](#)

Deaf Connect

Deaf Connect is the largest whole-of-life service provider for deaf, deafblind and hard of hearing Australians. They provide services for face-to-face interpreting, video remote interpreting, interpreting for NDIS participants, interpreting for deaf seniors, foreign language interpreting (SWITC), and emergency interpreting after hours.

Interpreter bookings: 1300 773 803

After hours emergency bookings (Vic): 9473 1174

www.deafconnect.org.au

Expression Australia

Expression Australia are specialists in providing NDIS services for people who are Deaf and hard of hearing. Services include Auslan interpreting, support coordination, audiology and assistive technology.

General enquiries: 1300 780 225

SMS/Facetime: 0402 217 586

Emergency after-hours Auslan interpreting: 9473 1174

To connect to a local service: [Find local services](#) | [Expression Australia](#)

