

## *How long can a defendant be in police detention?*

If an offender is detained by the police they can be detained for a maximum of 2 hours. This does not include travel time to the police station or another location such as a relative's house.

## *Determination of applications by Senior Police Officers*

The new legislation means that senior police officers, a Sergeant or above, will have the power to grant the applications for provisional ADVOs immediately. This means that victims will not have to wait to go to court to be protected and the offenders can be served immediately instead of police having to try to find them. The same process will be used by police as the magistrates to see if an ADVO can be granted.

## *The provisional ADVO conditions*

The senior police officer can approve, decline or vary provisional ADVO conditions that are sought by an applicant police officer. The provisional ADVO must be listed on the next domestic violence list day at the appropriate court but not more than 28 days after the order is made.

# *Police Issued Apprehended Domestic Violence Orders (ADVOs)*

Working Together To Build A Safer Community

**For further information  
please contact Law Access on  
1300 888 529**



**NSW Police Force**

Family / Domestic Violence is a huge concern in all communities in NSW. Sadly 3 out of 4 homicides happen at home, with women and sometimes men dying at the hands of someone close to them.

Aboriginal women continue to report higher levels of Family/Domestic violence during their lifetime than do non- Aboriginal women, and they are more likely to suffer sexual violence and serious injury.

Aboriginal women are 6 times more likely to be victims of DV than non-Aboriginal women and Aboriginal men 4 times higher than non-Aboriginal men (NSW Bureau of Crime Statistics and Research, 2010). Children who see violence at home suffer emotional trauma and may use violence in their own relationships. Sadly Aboriginal and Torres Strait Islander children are over-represented in the out-of-home care system. In 2011-12, approximately 34% of all children in out-of-home care were identified as Aboriginal or Torres Strait Islander. (Child protection statistics for Aboriginal and Torres Strait Islander children. Australian Institute of Family Studies. Child Family Community Australia. June 2013.)

Important changes to the Crimes (Domestic & Personal Violence) Act 2007 were made on May 20, 2014. These changes happened so that police can better protect victims of family/domestic violence and reduce violence in the community by changing police powers in two areas so that police can provide immediate protection for victims.

This information brochure will tell you about the changes to police powers that will help victims of domestic violence.

NSW Police will have greater powers under the law in two main areas:

### *Direction & Detention*

Under the new laws Police will be able to direct and detain DV offenders so that police can apply for and serve provisional Apprehended Domestic Violence Orders (ADVO) immediately to make sure the victim/s and others remain safe.

This means if police think or believe that domestic violence has happened or is likely to happen the police will apply for a provisional ADVO. Police can do this even if the victim is not willing to make a complaint.

### *What direction options can police give?*

Police will have a number of options to choose from in directing offenders while waiting for the provisional ADVO. These options include remaining where police finds the offender or to accompany the police to a police station and remain there while the police apply for an ADVO.

### *How long will a police direction last?*

The police direction to remain at the police station can last as long as necessary for police to apply for and serve a Provisional ADVO.

### *Can the defendant refuse or fail to comply with police direction to remain?*

When a DV offender is directed/asked to accompany the police to the station they are not under arrest it means that the offender is only going with the police to be given the ADVO immediately.

But if the offender refuses to go with police, they can then detain the offender so that they can serve the Provisional ADVO, refusal or failure to comply with the police direction is not an offence.

However, if the person resists, and/or assaults police during the detention process then they may be charged with these offences.

