

**Code of practice for the  
NSW Police Force response to**

# Domestic and Family Violence



**NSW Police Force**

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## Commissioner's Message

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Domestic and family violence is a crime. It occurs daily across every local community and the investigation of such incidents is complex and challenging when compared to other crime types. It does not discriminate and impacts on people of different genders, ages, physical abilities, cultures and socio-economic backgrounds; with children, often the hidden victims.

Calls to the NSW Police Force for assistance relating to domestic and family violence continue to increase each year.

In recent times, we have seen a significant shift in community attitudes in relation to violence in the home. The rate of reporting now, confirms that an ever-increasing number of victims feel confident to stand-up to the perpetrators and report this crime to their police force in who they believe and trust will do something to help them.

With increased reporting, we are now more aware of the scale of the social impact the crime of domestic and family violence has on victims, children, families and the broader community. In response, the NSW Police Force with the support of the NSW State Government and numerous non-government organisations, are working together with a renewed focus on strategies aimed at prevention and a reduction in the rate of perpetrator re-offending

For years our organisation and other agencies have focussed their attention on the victim, offering appropriate, timely and ongoing support post-incidents of domestic-related crisis. More recently the NSW Police Force, in an effort to reduce the rates of domestic violence and re-offending, has re-directed a greater portion of our effort on targeting the perpetrators of family and domestic violence, in the same way we proactively seek out those involved in other serious crime. I firmly believe that this renewed focus surrounding perpetrator accountability will result in a reduction of violence and therefore a safer community.

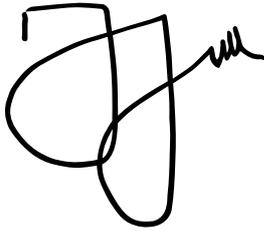
As we move forward, our organisation will continue to develop strategies and focus on what I refer to as the three main areas of the domestic and family violence 'puzzle', those being:

1. The **victim** – providing assurance to victims to come forward and report this crime, taking appropriate action to ensure victim safety, as well as the continued provision of timely and appropriate victim support and referral to appropriate services;
2. The **perpetrator** – whom police will proactively target to ensure that they are aware that there is a consequence for those that break the law, and take immediate and appropriate action when a crime has been committed; and
3. The **bystander** – by highlighting the fact that the crime of domestic and family violence is everyone's business, and encouraging various members of the community who are linked to the victim to provide information to police, whether it be anonymous or otherwise, to help us identify potential or actual risks to the welfare and safety of individuals in our community

The NSW Police Force is committed to reducing domestic and family violence. I can assure victims and the general community that we will continue our fight against this crime and together we can make our community safer. As for the perpetrators, domestic and family violence is a crime and will not be tolerated. You will be held accountable for your actions.

People who are experiencing domestic and family violence personally, or know of someone who is, can contact Crime Stoppers on 1800 333 000 or the NSW Police Force on Triple Zero (000).

I am pleased to make the Code of Practice available to you in the belief that together we can make our community safer.

A handwritten signature in black ink, appearing to be 'M J Fuller', with a stylized flourish at the end.

**M J Fuller APM**  
Commissioner of Police

## Corporate Sponsor's Message

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The investigation of domestic and family violence is complex due to the unpredictability, interpersonal nature of incidents and associated risk factors for police and victims.

For these reasons, the NSW Police Force continues to implement new strategies to respond to this insidious crime and reduce reoffending. The Code of Practice reflects the significant recent advancements in the policing response to domestic and family violence.

The fact that each year we see a considerable increase in calls for assistance from police reflects the community's confidence that police do take domestic violence seriously and will proactively investigate each incident and proceed to prosecution if there is sufficient admissible evidence.

In modern policing, addressing a domestic and family violence crime requires the navigation through a wide range of legislation and related procedures. It also requires the police to partner strongly with other government, non-government and community organisations to find lasting effective solutions.

The NSW Police Force is committed to working with our partner agencies to improve support to victims and their families while proactively targeting perpetrators so that they take responsibility for their actions.

If you personally are experiencing domestic violence then I encourage you to contact the NSW Police Force on Triple Zero (000). If someone you know is experiencing domestic violence then I encourage you to contact Crime Stoppers on 1800 333 000. There is no such thing as an innocent bystander.



**Assistant Commissioner Mark Jones APM**  
**Corporate Sponsor for Domestic and Family Violence**

## Terms used

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- ACLO Aboriginal Community Liaison Officer
- ADVO Apprehended Domestic Violence Order
- APRO Ancillary Property Recovery Order
- APVO Apprehended Personal Violence Order
- ASD Aboriginal Strategic Directions
- BOCSAR NSW Bureau of Crime Statistics and Research
- CALD Culturally and Linguistically Diverse
- CJSN Criminal Justice Support Network
- CMU Crime Management Units
- CWU Child Wellbeing Unit
- CRP Central Referral Point
- DV Domestic Violence
- DVEC Domestic Violence Evidence in Chief
- DFV Domestic and Family Violence
- DVLO Domestic Violence Liaison Officer
- DVO Domestic Violence Operatives
- DVSAT Domestic Violence Safety Assessment Tool
- DPP Director of Public Prosecutions
- FACS Family and Community Services
- GDs General Duties
- GLLO Gay and Lesbian Liaison Officer (who liaise with lesbians, gay men, bisexual, transgender and intersex – LGBTI – people)
- LECC Law Enforcement Conduct Commission
- LEPR *Law Enforcement (Powers & Responsibilities) Act 2002*

- LCP Local Coordination Point
- MRG Mandatory Reporter Guidance
- MCLO Multicultural Community Liaison Officers
- NDVORS National Domestic Violence Order Recognition Scheme
- NGO Non-Government Organisation
- NSWPF NSW Police Force
- ODPF Office of the Director of Public Prosecutions
- OOHC Out of Home Care
- PAC Police Area Command
- PIO Police Issued Order
- PINOP Person in need of protection
- PPIP Privacy and Personal Information Protection
- RDVC Region Domestic Violence Coordinators
- ROSH Risk of Significant Harm
- SAM Safety Action Meeting
- SHLV Staying Home Leaving Violence
- Sgt Sergeant
- STMP Suspect Target Management Plan
- TIS Translating and Interpreting Service
- WAS Witness Assistance Scheme
- WebCOPS Computerised Operational Policing System
- WDVACS Women's Domestic Violence Court Advocacy Service
- WNSW Women NSW
- YLO Youth Liaison Officer
- YOA *Young Offenders Act 1997*

## Executive Summary

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The *Code of Practice for the NSW Police Force (NSWPF) response to Domestic and Family Violence* (Code of Practice) outlines how police officers will respond to reports of domestic and family violence and emphasises that all such reports will be treated seriously by police. It complements the NSW Police Force Corporate Plan 2016 – 2018 and the vision of the NSW Police Force for a safe and secure NSW. The Code of Practice also aligns with *NSW State Priorities and the joint Australia and New Zealand Police Commissioners Leadership Statement 'Protecting Women and Children from Family Violence'*.

This third edition of the Code of Practice reflects the significant domestic and family violence reforms that have occurred since the release of the second edition and that have been implemented in 2014-2017.

It also reflects the changing landscape of community attitudes towards domestic and family violence. Calls to the NSWPF for assistance continue to increase each year and this reflects that more victims feel confident in reporting this crime to police who continue to send strong messages that domestic violence will not be tolerated.

Many forms of domestic and family violence are criminal. These include physical violence, sexual assault, stalking, property damage, threats, sharing intimate images without consent and homicide. The 2016 amendments to the *Crimes (Domestic and Personal Violence) Act 2007 (NSW)* provide that a DV offence includes an offence (other than a personal violence offence) the commission of which is intended to coerce or control the person or cause the person to be intimidated or fearful.

Other forms of domestic and family violence, while not categorised as criminal offences, can be just as harmful to victims and their families; including the use of controlling behaviours that may cause a person to live in fear, or to suffer emotional and psychological torment, financial deprivation or social isolation. Domestic and family violence affects all members of a family including children.

Key determinants and contributing factors to the perpetration of violence against women include systemic inequality adherence to rigid gender stereotypes. Most reported victims of domestic and family violence are women and children, while some men are victims too. However, police respond to reports of domestic and family violence that involve a diversity of relationships between victim and offender.

Victims may include those in same sex relationships, transgender persons, elderly people and people with a disability. Some victims can be further disadvantaged when seeking assistance due to factors such as isolation, cultural differences, language barriers and age. Children are particularly vulnerable and the Code of Practice acknowledges the correlation between child protection and domestic and family violence.

The Code of Practice also highlights the commitment of the NSWPF to provide the community with responsive and meaningful customer service. The police response to, and investigation of domestic and family violence is governed by operational policies and procedures, legislative requirements, the *NSW Police Handbook* and the Code of Practice. Police action will be consistent with the *NSWPF Code of Conduct and Ethics*, the *Customer Service Charter* and the *Charter of Victims Rights*.

The Code of Practice is a document that provides information to the public about the commitment of the NSWPF to work in partnership with other agencies to reduce and prevent domestic and family violence; and explains the process that occurs when police receive a report of domestic and family violence.

**The aims of the Code of Practice are to:**

- Increase the level of safety for victims of domestic and family violence, including children, through increased knowledge about domestic and family violence
- Encourage persons to report incidents of domestic and family violence to police as there are no innocent bystanders when it comes to domestic and family violence
- Maximize victims understanding of criminal justice processes
- Improve the general public's understanding of the roles and responsibilities of police
- Promote the importance of early intervention, investigation and prosecution of criminal offences
- Recognise the significant value of specialist domestic violence service providers in the delivery of integrated responses to break the cycle of domestic and family violence
- Achieve good practice through an appropriate, consistent, transparent and accountable response to domestic and family violence

The Code of Practice reinforces the proactive policing responses of the NSW Police Force and the principles that govern these responses:

- Domestic and family violence is a serious crime that impacts on the community at all levels and warrants a strong and effective justice response
- Police will respond to victims and other affected family members in a constructive, consistent and non-judgemental manner
- Police will use all the powers available to them to improve the protection of children living in homes where violence can occur
- Police will work with local communities and external agencies to reduce and prevent domestic and family violence through monitoring the behaviour of offenders
- The police response will respond to the needs of vulnerable persons such as people with disabilities and older people
- Police will be respectful of the impact of colonisation and the cultural differences that maybe found among Aboriginal communities and will work with them to reduce the incidence of family violence (*Aboriginal Strategic Direction 2018-2023*)

- The police response will consider the needs and experiences of people from diverse backgrounds, and work with these communities to reduce domestic and family violence (*NSW Police Force Multicultural Policies and Services Plan 2017– 2020*)
- The police response will consider the needs and experiences of people of diverse sexuality and gender, and work with them to reduce domestic and family violence (*NSW Police Force Sexuality, Gender Diversity and Intersex Policy Statement 2016-2020*)
- Police will consider implementing the Young Offenders Act 1997 where the offender is a child (defined as person who is of or over the age of 10 years and under the age of 18 years – section 4, *Young Offenders Act 1997*) and ensure the least restrictive sanction is used where appropriate
- Ensure coordinated and integrated models of practice
- Offenders of violence will be held accountable and challenged to take responsibility for their actions

The NSWPF recognises that no one agency in isolation can provide an effective response to domestic and family violence. A multi service approach is needed to provide the most effective support to victims. Referral to the appropriate support service can help the victim to break the cycle of violence and obtain advice and support to assist them in the future if violence reoccurs. A list of referral services can be found at the end of the Code of Practice.

### **Implementing the Code of Practice**

To meet the police role and functions as outlined in this Code of Practice, responding police and their supervisors must consider if the action they have taken has resulted in:

- Safety of the victim and others affected by the family violence
- Needs of children being addressed
- Investigation and prosecution where appropriate
- Identification of future risk of harm to the victim
- Appropriate referral being made
- Disruption to the cycle of domestic and family violence

### **Complaints if you consider the Code of Practice to have been breached**

If you think that the Code of Practice has been breached through inappropriate police action then you can take your complaint to one of the following:

- The Shift Supervisor of the police station where the officer(s) is based. Often the most effective and timely approach for resolving customer service matters is to talk to an appropriate officer of the NSWPF

- The NSWPF Professional Standards Command. To complain about NSW police officers, you can contact the Customer Assistance Unit on **1800 622 571**
- To lodge a formal complaint, you must do so in writing. You can do this by completing the form available from the NSWPF website where you can lodge your complaint online. Written complaints can be left at, or mailed to, your local police station or mailed to the Customer Assistance Unit at PO Box 3427, Tuggerah, NSW, 2259
- The Law Enforcement Conduct Commission (LECC). The LECC replaces the Police Integrity Commission and the Police Compliance Branch of the NSW Ombudsman with a single oversight body with two clearly defined functions: detecting and investigating misconduct and corruption, and overseeing complaints handling
- The LECC provides the NSW public with a simplified, strong, fair and impartial system of law enforcement oversight in NSW. The LECC is located at Level 3, 111 Elizabeth Street, Sydney and is open 8.30 – 4.30 Monday to Friday. The Commission can be contacted either by email [contactus@lecc.nsw.gov.au](mailto:contactus@lecc.nsw.gov.au) or phone **9321 6700** or toll free **1800 657 079**
- For further information visit LECC [www.lecc.nsw.gov.au](http://www.lecc.nsw.gov.au)

### Proactive policing responses

“It is clear that policing practices have improved greatly in recent years, assisted by legislative reform, policy changes and effective leadership. More than ever, the Police Force takes domestic violence seriously, with a proactive approach that encourages all police to conduct thorough investigations to support prosecution, with charges laid against offenders where evidence exists to support them.”

*(Standing Committee of Social Issues Parliamentary Hearing into Domestic Violence Trends and Issues Consultation Paper, 3.2 page 20, 2012)*

The NSWPF will use a proactive approach in dealing with offenders. This approach requires police to not only respond to incidents of domestic and family violence and give strongest consideration to arrest; but to develop strategies to reduce repeat offender behaviour and manage repeat and high-risk offenders. A proactive approach requires identifying the primary victim/offender.

The NSWPF is committed to using all lawful means to police domestic and family violence. This includes wherever possible, removing offenders from the victim, taking out an Apprehended Domestic Violence Order (ADVO) on behalf of victims and any children living or spending time with the victim (whether they are by consent or not), investigating breaches of ADVOs, and developing solutions to managing repeat offenders.

When applying for an ADVO police will consider applying for exclusion conditions and property recovery orders in situations where the violence is escalating and the threat of danger to the victim, and/or children, presents an increasing risk of harm, and the victim is able to remain safely in their home. Exclusion conditions are explained further in the Code of Practice in the section about Apprehended Domestic Violence Orders (ADVOs).

This proactive approach will also apply to young offenders. This includes taking out an ADVO against the young offender, however where exclusion conditions are necessary all efforts must be taken to ensure that the young offender is accommodated appropriately.

Since February 2016 repeat domestic and family violence offenders will be subjected to the **DV Suspect Targeting Management Plan (STMP) II** process. Once repeat offenders are identified, DVLOs and their intelligence unit develop specific strategies and allocate the offender to a general duties team for targeting. Before this occurs the DVLO meets with the STMP target to inform them they've been identified as a repeat DV offender and will be monitored. The offender is told that any offence, regardless of crime type, will be thoroughly investigated with a zero-tolerance approach. This is by police choice and not by victim. The DVLO contacts the victim to advise them the offender is being monitored, offered support and referral to behaviour change programs.

The introduction of **Apprehended Domestic Violence Order (ADVO) Compliance** checks is another strategy NSWPF are employing in our efforts to reduce the rate of domestic and family violence in our community. Both offenders and victims need to understand that an ADVO is not simply just a piece of paper, rather it is a legal and enforceable set of conditions which we will use to increase victim safety and ensure compliance.

As soon as the ADVO has been made, police will contact a number of selected victims and offenders (defendant) to reinforce the ADVO exists, the conditions of the order, and that the local police are aware and will be monitoring the offender's compliance with the ADVO.

### **Police Domestic Violence Risk Identification**

Central to the domestic and family violence reforms is the implementation of a new whole of government approach to identifying and assessing whether a domestic violence victim is at risk, and the extent of that risk.

NSWPF have implemented the **Domestic Violence Safety Assessment Tool (DVSAT)**. The DVSAT uses evidence based criteria (safety risk indicators) and has been designed to use with adult victims, aged 16 years and over, of domestic and family violence.

#### **The DVSAT comprises two parts: Part A and Part B.**

Part A is applicable only to 'intimate partner' DV incidents and is based on research that has identified specific behaviours and circumstances commonly found in intimate partner homicides.

Part B is applicable to all DV incidents (intimate and non-intimate) and is intended to capture information such as the level of fear felt by the victim, the reasons for those fears and most importantly allows for an officer to use their professional judgement based on their experience and/or history of involvement with the victim, if they see fit to do so.

The DVSAT is completed by operational police when they create a WebCOPS event after returning to the station from an incident or taking a report at the counter. The DVSAT contains many questions that will assist the investigating officer to determine whether the risk level to the victim may be “at threat” or “at serious threat”.

An assessment of “serious threat” can also be made based on the professional judgement of the officer reviewing the DVSAT.

On completion of the DVSAT, and after verification by the Supervisor, the DVSAT will be electronically transferred to an external central referral point (CRP) which will, based on the gender of the victim and where they live, either refer it to a Local Coordination Point (LCP) or a specialist domestic violence service for appropriate follow up, or placement on a multiagency Safety Action Meeting (SAM).

The LCP conducts a secondary DVSAT with the victim. Victims assessed to be at “serious threat” will be discussed at a SAM with a view to mitigate the risk to them and reduce their threat level. Victims do not attend SAMs.

A senior police officer, generally the Crime Manager, will chair their local SAM. Members to a SAM include representatives of other government agencies (including NSW Health, Family and Community Services, Housing, Education and Corrective Services) and non-government service providers in the local area.

Each member organisation of the SAM will be responsible for reviewing the records their agency has relating to a victim or offender on the agenda, and compiling this information for discussion at the meeting. The outcome of the SAM is a Safety Action Plan that includes each agency’s commitment to carry out, follow up and report on agreed actions within an established time frame.

## Domestic and Family Violence Policy Statement

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The NSW Police Force takes domestic and family violence seriously and is committed to reducing the levels of domestic and family violence, and to improving our response to victims. You are encouraged, whether you may be experiencing domestic violence yourself, or know of someone who is, to contact NSW Police for advice. For urgent matters call Triple Zero (000).

If you are a perpetrator of domestic violence you will come to our attention and you will be held to account for your actions and behaviour.

### **Our commitment is to ensure that NSW Police Force:**

- Regards all personal violence crimes, in particular, crimes against women and children, the elderly, the disabled and the vulnerable, as serious and damaging to individuals, families and to our community
- Conducts thorough investigations to support a proactive prosecution response to the investigation and management of domestic and family violence
- Encourages investigating officers to give the strongest consideration to arresting offenders of domestic and family violence. Charges will be laid against offenders where evidence exists to support criminal charges
- Enforces a proactive victim support response and will ensure appropriate protective measures are taken to keep victims safe and prevent further violence against them, including applying for an Apprehended Domestic Violence Order (ADVO) and referral to specialist domestic violence services
- Recognise that domestic and family violence is a child protection issue and we will be proactive in fulfilling our role and responsibilities as mandatory reporters of children and young people at risk of significant harm. If a child has been abused, or needs protection from the offender, police will make an application for an ADVO
- Recognises the prevention of crime as a family, community and whole of government responsibility. The NSW Police Force supports, encourages and will continue to work in partnership with other agencies to deliver coordinated effective services to victims, offenders and their families

### **The following principles underpin this policy statement:**

- Domestic and family violence will not be tolerated. Domestic violence offences and crimes cause significant trauma to the victims, their families and communities
- The NSW Police Force will respond to domestic and family violence incidents in a timely and professional manner

- The NSW Police Force will regard the safety, protection and wellbeing of victims as of paramount importance
- The community served by police is diverse and inclusive of Aboriginal and Torres Strait Islander people and cultural, religious, gender, language, social, sexuality, ability and age differences. Police recognise and appreciate these differences when responding to victims and offenders of domestic and family violence, and the families affected by this crime

**Assistant Commissioner Mark Jones APM**  
**Corporate Sponsor for Domestic and Family Violence**

## What is domestic and family violence?

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Domestic and family violence (DFV), or domestic violence (DV) as it is more commonly known, is a crime that takes many forms including emotional and psychological abuse, intimidation, harassment, stalking, physical and sexual assault, and can include animal abuse targeting pets, and damaging personal or joint property.

It is the most under reported of crimes because the perpetrator knows the victim intimately through a long-term, close or developing relationship. The perpetrator relies on developing, during the early stages, a strong bond through friendship, love, trust and loyalty to create a high degree of co-dependence. The underlying behavioural traits of power and control are then employed as tactics to commit the crime. Traditional stereotypes about gender deeply embedded in community attitudes can reinforce what is considered appropriate or normal behaviour between perpetrator and victim.

The more times a perpetrator commits the crime, the greater the likelihood the affected partner becomes vulnerable to further abuse and violence. This can frequently result in the affected person developing feelings of fear, guilt, anxiety, low self-esteem, isolation and feeling 'trapped' in the relationship. This often results in what is referred to as a 'Cycle of Violence'.

Children living in a relationship with abusive behaviour are at risk of harm, either directly by being abused or indirectly by witnessing the abuse of the parent or carer. Children who live in families where domestic and family violence occurs are at a greater risk of being sexually abused. The continuation of abuse and even exposure to such abuse could result in serious problems impacting on the child's personal, health, education and social development.

The NSWPF will respond to all reports of domestic and family violence and pursue offenders to hold them accountable for their 'criminal behaviour' under NSW law, by placing them before the courts.

### **The Nature of Domestic and Family Violence**

Most people who experience a problem in their relationship do not end the relationship immediately. Domestic and family violence victims are no different. Most victims of domestic and family violence will have tried numerous strategies including:

- Trying to appease their violent partner
- Anticipating the mood and needs of their violent partner
- Minimising the effect of the violence on themselves and their children
- Denying that what they are experiencing in their relationship is domestic and family violence

There are many factors that determine whether a victim will report domestic and family violence to police and the subsequent action they will take, including:

- Fear
- Emotional bonds to their partner
- Shame or embarrassment
- Denial or minimisation
- Lack of resources, e.G. Financial, housing, employment, child care, legal
- Social isolation because of the offender controlling who a victim has contact with
- Difficulty in obtaining advice and assistance due to being a new migrant with limited language skills, or someone living in a remote community with limited support or services
- Being denied access to family or friends
- Lack of knowledge of options
- Religious or cultural beliefs around marriage and/or parenting

### **Is domestic and family violence a gendered crime?**

Violence against women is a violation of the rights and fundamental freedoms of women. Because of this, commitments have been made by the Federal and State governments to work towards eliminating violence against women and children, including domestic and family violence, and sexual assault.

NSW legislation defines a domestic relationship as much more than an intimate partner relationship. While most incidents reported to police involve a male offender and a female victim, it is the experience of police that **both** genders can be victims and offenders. The same care and considerations need to apply to male victims who are reporting domestic and family violence as are applied to female victims.

Police also encounter domestic and family violence in a variety of relationship types. While the overwhelming majority of ADVO applications are made by women against their male partners, or ex-partners, this does not preclude domestic and family violence occurring within sexuality and gender diverse or other domestic relationships; including where domestic and family violence occurs between family members, as well as where children are the offenders.

The NSWPF Chief Statistician in a review of domestic violence related assaults for the 2016-17 financial year determined:

- In **all** DV-related assaults, 72% of victims are female and 28% are male. 22% of Persons of Interest (POIs) are female and 78% are male

- However, 37% of DV-related assaults involve people in **non-intimate relationships**. In these cases, male/female involvements are much closer: 56% of victims are female and 44% are male, while 31% of persons of interest (POIs) are female and 69% are male
- When **intimate partner-related DV** data is analysed the results clearly show that the vast majority of DV victims are female 84% and 16% male, while 18% of POIs are female and 82% male
- The relative extent of DV reported within same sex and different sex relationships is also available for analysis. Of intimate partner-related DV:
  - 80% involves a male POI and female victim
  - 15% involves a female POI and male victim
  - 3% involves a POI and victim who are both male
  - 2% involves a POI and victim who are both female

Regardless of the above statistics and the inferences that can be drawn from them, the NSW Police aims to treat all victims of domestic and family violence with equal respect and will offer them a through response regardless of their gender and of the type of 'domestic relationship' they are/were in.

## Governance

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### **Premier's Priorities and State Priorities**

In September 2015, the then NSW Premier (the Honourable Mike Baird MP) announced NSW: Making it Happen, a new strategic vision for the State consisting of 30 'State Priorities' to grow the economy; deliver infrastructure; and improve health, education and other services across NSW. Twelve of the 30 priorities are classified as **Premier's Priorities**.

The NSWPF has been allocated lead responsibility for the delivery of the NSW State Priority 'Reducing Violent Crime', and the target for this priority is for Local Government Areas to have stable or falling reported violent crime rates by 2019.

### **Other State Priorities that the NSWPF will contribute to are:**

- **Premier's Priority to reduce domestic violence** – *Reduce the proportion of domestic violence perpetrators re-offending within 12 months by 25% by 2021 (based on the 2019 cohort of perpetrators)*
- **Reducing adult reoffending** – *Reduce adult re-offending by 5% by 2019*
- **Reducing road fatalities** – *Reduce road fatalities by at least 30% from 2011 levels by 2021*
- **Improving government services** – *Improve customer satisfaction with key government services every year, this term of government*
- **Driving public sector diversity** – *Double the number of Aboriginal and Torres Strait Islander peoples in senior leadership roles, and increase the proportion of women in senior leadership roles to 50% in the government sector in the next 10 years*
- **Better government digital services** – *70% of government transactions to be conducted via digital channels by 2019*

For more information visit NSW Making It Happen [www.nsw.gov.au/making-it-happen](http://www.nsw.gov.au/making-it-happen)

## **NSW Domestic and Family Violence Reforms**

In recent years the NSW Government has implemented significant reforms to prevent domestic violence, support victims and to hold offenders to account. These reforms have been delivered under the following policy frameworks:

- 'It Stops Here: The NSW Domestic and Family Violence Framework for Reform, 2014, NSW Government
- Domestic Violence Justice Strategy 2012 – 2017, Department of Justice
- Premier's Priority to Reduce Domestic Violence Re-offending, 2015, Department of Justice
- NSW Domestic and Family Violence Blueprint for Reform: Safer lives for women, men and children, 2016 – 2021, Women NSW, Health

These reviews and inquiries have resulted in many recommendations across agencies aimed at delivering improved coordinated services to domestic violence victims and their families.

## **The National Plan to Reduce Violence against Women and their Children 2010 – 2022**

In 2010 the Australian Government released the *National Plan to Reduce Violence against Women and their Children* (the National Plan). Under the National Plan, Governments from all around Australia work with the community to reduce violence against women and their children. The National Plan is for the next 4 years and has 4 stages to its implementation. Each stage includes a plan that lasts 4 years.

### **The Third Action Plan is in place now with a focus on the following 6 areas:**

- Changing attitudes and behaviours which lead to violence – what people think and say
- Aboriginal and Torres Strait Islander women and their children
- Giving women more support and choice
- Sexual violence
- Helping children that experience violence in their home
- Helping to change the behaviour of people who use violence

For more information visit [The National Plan](#).

## **The NSW Police Force Corporate Plan 2016 - 2018**

Preventing and reducing domestic violence is important to the NSW Police Force and a key priority in the *NSW Police Force Corporate Plan 2016-2018*. Included in the strategies police use to achieve this priority are:

- Identify and target high-risk domestic violence offenders using the Suspect Target Management Plan (STMP)
- Take swift and certain action when domestic violence offenders breach orders or reoffend
- Protect those at risk of domestic violence by contributing to interagency and whole of government strategies (e.g. Safer Pathways, Domestic Violence Disclosure Scheme, Domestic Violence Evidence in Chief, case management, DV prosecutor forums)

## **Family Violence Leadership Statement**

On 22 April 2016, Police Commissioners across Australia and New Zealand released the *Australia New Zealand Police Commissioners' Leadership Statement and Principles – Protection of Women and Children from Family Violence*. The Leadership Statement and Principles reaffirms the Commissioners' commitment to stamping out family violence by calling on all members in society, particularly men, to stop perpetuating or condoning attitudes towards women which contribute to cultural acceptance of discrimination and violence.

Australian and New Zealand jurisdictions publicised the Leadership Statement in their own jurisdiction on that date demonstrating the joint commitment of Police Commissioners to holding perpetrators to account and protecting victims from further abuse.

To read the full Leadership Statement refer to the Appendix section.

## **Policing Principles for Protecting Women and Children from Family Violence**

The Policing Principles to Protect Women and Children from Family Violence are guided by the values expressed in the National Plan to Reduce Violence against Women and their Children 2010 – 2022.

- **Police will take positive action** – protecting the safety of everyone, regardless of their age, gender, religious, cultural or social beliefs, for a community that is free from violence
- **Police will work to deter the crime of family violence** – using their specialist skills, abilities and technology
- **Police will lead sustainable change** – by challenging and changing behaviours and attitudes, particularly of men, to never tolerate any offending in their family, their neighbourhood, or the wider community environment
- **Police will work in partnership with others** – including other law enforcement agencies, government, community and business groups – recognising that family violence, domestic violence, and sexual assault crosses all ages, races and cultures, socioeconomic and demographic barriers

- **Police will provide holistic services and support** – prioritising the needs of victims and survivors of family violence to achieve fair and just outcomes, and to ensure the safety and long-term wellbeing of women and children
- **Police will receive specialised training** – ensuring that all front-line officers and specialist investigators have the best levels of appropriate knowledge, skills and abilities when responding to family violence

### **Corporate and Region Sponsors**

The NSWPF operates a corporate sponsors program that allocates responsibility to senior officers for the development of strategies for portfolios like domestic and family violence. Corporate sponsors are also responsible for overseeing and monitoring the development and implementation of policy and practice; inter-agency and community liaison; and speaking publicly on behalf of the Commissioner in relation to their portfolio. Region Sponsors advocate for effective practice within their regions.

## The role of police in responding to domestic and family violence

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Police have five key roles in relation to domestic and family violence. They are to:

1. Investigate incidents of Domestic and Family Violence
2. Provide safety and support to victims
3. Bring offenders before the court or apply the *Young Offenders Act 1997* to young offenders where appropriate
4. Be proactive in preventing Domestic and Family Violence
5. Work with local service providers to reduce incidents of domestic and family violence

### **Principles of police responses to domestic and family violence**

To achieve its key roles the NSWPF is guided by the following principles:

- Domestic and family violence is a serious crime that impacts on the community at all levels and warrants a strong and effective justice response
- Police will respond to victims and other affected family members in a constructive, consistent and non-judgemental manner. Police will use all the powers available to them to improve the protection of children living in homes where violence can occur
- Police will work with local communities and external agencies to reduce and prevent domestic and family violence through monitoring the behaviour of offenders
- The police response will be mindful of the needs of vulnerable people, in particular people with disabilities and older people
- Police will be respectful of the impact of colonisation and the cultural differences among Aboriginal communities and will work with them to reduce family violence (*Aboriginal Strategic Direction 2018-2023*)
- The police response will consider the needs and experiences of people from diverse backgrounds, and work with these communities to reduce domestic and family violence (*NSW Police Force Multicultural Policies and Services Plan 2017 – 2020*)
- The police response will consider the needs and experiences of people of diverse sexuality and gender, and work with them to reduce domestic and family violence (*NSW Police Force Sexuality, Gender Diversity and Intersex Policy Statement 2016-2020*)

- Police will consider implementing the *Young Offenders Act 1997* where the offender is a child (defined as person who is of or over the age of 10 years and under the age of 18 years – section 4, *Young Offenders Act 1997*) and ensure the least restrictive sanction is used where appropriate
- Ensure coordinated and integrated models of practice
- Offenders of violence will be held accountable and challenged to take responsibility for their actions

## What police do and how they respond

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### **Frontline Policing**

The metropolitan Police Area Command (PAC) and the regional NSW Police Districts (PD) are the business units and key service delivery points for responding to incidents of domestic and family violence within the community. In the PAC/PD, first response officers are known as General Duties police (GDs).

### **First Response Officers (General Duties Police)**

General Duties (GDs) officers are, in most cases, the first response officers to domestic and family violence incidents and play an important role in the investigation and management of these offences. Police will then commence a criminal investigation into any offence that may have occurred. GD officers may also initiate an ADVO application on behalf of the victim and family members who need protection.

Any initial contact should never be undervalued in being able to set the scene for future police interaction with persons involved in domestic and family violence. Police must provide a service that will meet the needs of the people involved whilst also ensuring compliance with legislative powers including:

- Rendering aid to any person who appears to be injured
- Preventing the commission of further offences occurring
- Inquiring as to the presence of any firearms in the dwelling and where informed, search for, seize and detain such firearm/s
- Investigating whether a domestic violence offence has been committed
- Exercising any lawful power to arrest

### **Shift Supervisor (Sergeant)**

The Shift Supervisor (Sergeant) is responsible for the prompt response by police officers under their command to all domestic and family violence incidents during their shift. Police Supervisors monitor GDs police who are responding and ensure that prompt and appropriate action is being taken in the circumstances.

The Supervisor role is critical to ensuring the appropriateness of the police investigation and response to all domestic and family violence events. Although they may not attend every incident of domestic and family violence, the Supervisor's role is to provide immediate supervision, support and mentoring to police when responding to domestic and family violence incidents that have occurred during their shift. They are also responsible for authorising police issued ADVOs.

**Duty Officer (Inspector)**

Duty Officers are part of the senior management at the PAC/PD and are the next immediate supervisory level above the Sergeants. Duty Officers will ensure that the Sergeant will attend to all their roles and responsibilities in responding to DV incidents. Duty Officers can provide access to specialist resources including Forensic Services Group, Detectives, and other specialist police resources that can contribute to investigations and increase the likelihood of successful prosecutions.

### **Police Area Commander/Regional Police District Commander (Superintendent)**

Each PAC/PD is under the command of a Police Superintendent. This officer is the most senior police officer at the PAC/PD and has executive responsibility for the delivery of all policing services at the local level. Commanders will ensure the effective and efficient response and management of domestic and family violence by all PAC/PD based police officers and units.

### **Crime Manager (Inspector)**

The Crime Manager (Inspector) is responsible for the strategic management of criminal investigations, crime reduction strategies and pro-active operations. The Crime Manager is an integral part of the PAC/PD command team and a key advisor in formulating the PAC/PD crime strategy.

The Crime Manager also leads and directs subordinate units including the Crime Coordinator (Sgt), DVLO, DVO, Youth Liaison Officer, Intelligence Officers, Education & Training Officers, School Liaison Police, Crime Prevention Officer, Brief Handling Manager & Licensing Police.

The Crime Manager chairs their local SAM in accordance with the standard SAM agenda.

### **Domestic Violence Liaison Officers (DVLOs)**

DVLOs are specialist officers, often part of a DV Team in a PAC/PD. This specialist role provides support to other police by providing vital linkages with community issues and concerns, information and intelligence, while forming partnerships for victim support and follow-up.

Responsibilities include but are not limited to the following:

- Where local programs/supports are in place ensure agreed protocols are followed
- Conduct a quality assurance of domestic and family violence related events and identify any deficiencies by the investigating officer and or any issues in the subsequent verification by the Supervisor. DVLOs bring these deficiencies to the notice of the Supervisor and the investigating officer
- Maintain liaison with support agencies or services as well as NSWPF Liaison Officers e.g. Gay and Lesbian Liaison Officer (GLLOs), Aboriginal Community Liaison Officers (ACLOs), Multicultural Community Liaison Officers (MCLOs) to ensure consistency and continuity of the victim follow-up process
- Ensure a detailed list of appropriate services and their role within the Command is supplied to all police with the Command

- Being the contact person for the CRP and LCP to follow up on victim referrals
- Assist victims through the court process for ADVOs
- Liaise with court staff and prosecutors to ensure local procedures are complied with and that police within the Command are aware of these procedures
- Maintain an information and liaison role to police within the Command on issues regarding the investigation of domestic and family violence incidents
- Monitor outstanding offenders, repeat victims and repeat offenders
- Keep police abreast of the latest legislative changes and research in domestic and family violence, and bring such changes to the attention of police within the Command

### **Domestic Violence Operatives (DVOs)**

Like DVLOs, Domestic Violence Operatives (DVOs) are specialist officers working in some PACs/PDs. This specialist role is to proactively identify, target and monitor repeat domestic and family violence offenders.

Responsibilities include but are not limited to the following:

- Identify and target repeat Domestic and Family Violence offenders to reduce re-offending
- Coordinate ADVO and Bail Compliance operations to reduce recidivism
- Assist the DVLO in providing assistance and further training to police in their Command
- Establish and maintain a professional network with government agencies and non-government organisations

### **Custody Managers**

Custody Managers are responsible for the management and safety of persons in custody. Custody Managers will ensure that offenders are informed of their rights and that they are charged with the most appropriate offence in respect to their crime.

Once an offender is charged, the Custody Manager will complete a bail determination, taking into consideration the circumstances and nature of the offence and the offenders background including previous criminal history. This will determine if the offender is released from police custody or bail refused. If bail refused they will be remanded to appear before a Magistrate at court.

### **Police Prosecutor**

The role of the Police Prosecutor is to appear in cases where police, because of their duties, become the informant or the applicant. They may also appear on behalf of other government statutory and non-statutory bodies.

The prosecutor is the voice of the prosecution providing general court advocacy including calling witnesses, cross-examining defendants and making submissions to the court. The prosecutor also provides legal and procedural advice to police officers and reviews documentation and evidence prepared for court. In domestic and family violence matters the prosecutor works closely with the DVLO to advocate for the best outcomes in charge and ADVO matters.

Where a domestic violence charge or a police force initiated ADVO, matter is set down for a defended hearing in the local court, the police prosecutor will meet briefly with the victim to help prepare them with giving evidence. This may include an individual meeting with the prosecutor or a group meeting with other victims in a pre-hearing clinic.

## When police receive reports of domestic and family violence

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### **Police act on any reports**

The NSWPF acknowledges that a strong and effective criminal justice response can have a deterrent effect. Police will respond to domestic and family violence incidents reported to them, regardless of who made the report, or where, when, why or how it was made. The action taken will be based on an assessment of the incident and whether a domestic violence offence has been committed, regardless of whether the person in need of protection makes a verbal complaint, recorded or written statement.

In meeting this policy of mandated action, police will:

- Take immediate action to protect and support the person/s in need of protection
- Be sensitive to the individual circumstances of each incident
- Investigate all domestic and family violence incidents coming to their notice by gathering background information and physical evidence, including pictures, video recording, clothing and statements from all victims/witnesses
- Arrest any offenders where it is appropriate
- Pursue criminal and/or civil options (ADVOs) where there is sufficient evidence to do so, and regardless of whether an arrest has been made
- When a police report is made, all DFV victims are automatically referred to the Central Referral Point (CRP) in accordance with Safer Pathway reforms. DV victims are given the opportunity to be referred onto appropriate support agencies through the Local Coordination Point (LCP) or a local specialist service if an LCP is yet to be established
- Record all domestic and family violence incidents reported to them with a view to identifying repeat offenders, monitoring trends, and identifying persons who are either at risk or high risk

## The steps police take in the process

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### **How domestic and family violence is reported to police**

Police may receive reports of domestic and family violence direct from the person in need of protection or a member of their family, including children, from a friend, neighbour, or an anonymous person or from another agency. The report may be made by contacting Triple Zero (000) or a Police Area Command or local police station directly or Crime Stoppers (1800 3633 000).

Any report received this way will result in a local police response vehicle to attend the location and investigate the matter. Reports can also be made in person at any police station. If Police or Triple Zero (000) are contacted police must attend even if the caller phones back to cancel the police requirement to attend.

### **Initial action by police**

Police will treat all reports of domestic and family violence as genuine. When first notified of a domestic and family violence incident, police will:

- Obtain as much information as possible including:
  - The whereabouts of all involved parties, victim, witness or offender
  - Of the domestic & family violence
  - Whether firearms were either used or are present at the scene. Police must do this under Section 85(2) of the *Law Enforcement (Powers & Responsibilities) Act 2002*
  - Whether alcohol or drugs are involved
  - Any injuries
  - Previous history of domestic and family violence
- Assess the risks and threats to themselves and to the safety of the victim and other parties present render and/or seek any immediate medical assistance as required, e.g. Ambulance
- Enquire about children and physically check on their welfare
- Complete the DVSAT questions with the victim
- Assess grounds for an ADVO advise the person reporting of the need to preserve any physical evidence
- If the report has come from a third person, i.e. a person not involved in the domestic and family violence incident, police must follow the above steps as far as practicable and:
  - Investigate the report to establish all known facts to enable an appropriate response as required by current legislation – *Crimes (Domestic & Personal Violence) Act 2007*, and/or

- Provide appropriate advice and referral if necessary
- In all cases, the domestic and family violence incident must be recorded by the investigating police officer on the Computerised Operational Policing System (WebCOPS).

### **Timeliness of the police response**

Police will prioritise all reports of domestic and family violence no matter how, or whom they are received from. In rural and remote areas where only one officer operates some stations, the response time may take longer.

### **Safety first**

The primary responsibility for police when responding to any incident is safety first. This includes the safety of attending police and any/all persons who are present at the incident, especially children.

Before attending the scene of a reported domestic and family violence incident, police, where possible, will gather all available information about the location, incident and the persons involved. This includes the existence of any current or expired ADVOs, and whether any party is in possession of, or has access to, firearms or other weapons. This information enables police to conduct an operational risk assessment prior to attending the scene.

## What police do when they attend the scene

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### **Role of the shift supervisor**

Supervisors should monitor and/or attend all domestic and family violence incidents attended by police and as required provide assistance to those responding. This is to ensure the safety and welfare of all parties; and, that an appropriate level of investigation is conducted and police have provided a timely response to the incident.

### **Plan of action**

On arriving at the scene police should:

- Assess the risks and threats
- Gain safe entry to the premises if necessary
- Ensure the safety and welfare of persons present
- Locate any children and witnesses
- Detect any offences committed, including the breach of any court order
- Identify and apprehend offenders
- Preserve the scene and collect physical evidence.

### **Entry to premises**

The most common power that police use to gain entry to investigate a domestic violence incident is by section 82 of *Law Enforcement Powers and Responsibilities Act (LEPRA) 2002*. This power allows police to enter and/or remain on the premises if invited, by a person who apparently resides in the dwelling (whether adult or child) to investigate whether a domestic violence has been committed or to act to prevent further domestic violence offences.

When Police have entered a dwelling by invitation and the occupier asks police to leave, police have the power to remain on the premises and apply for a warrant pursuant to sections 82 (3A) and 83 LEPRA. Police may only exercise this power, if they believe on reasonable grounds that a DFV offence is being or may have recently have been committed. Section 82 (3A) allows police to direct, remove or refuse people entry into the premises, along with preventing people from interfering or moving evidence prior to the warrant being issued.

Section 83 of LEPRA allows for police to apply for a warrant if entry is refused by all occupiers of the premises. Police may apply for a warrant if they suspect a domestic violence offence is being, may recently have been, is imminent or is likely to be committed. The warrant will allow police to enter the premises and investigate whether a domestic violence offence has been committed and/or to take action to prevent further domestic violence offences.

Section 9 of the LEPR gives NSWPF the power to enter premises in emergencies. A police officer may enter a dwelling if a breach of the peace is being or is likely to be committed and it is necessary to end or prevent the breach of the peace. Or, a person has suffered a significant physical injury and it is necessary to prevent further significant physical injury.

Police are permitted to gain entry under these circumstances using all reasonable and necessary force. A police officer who enters under these circumstances can only remain on the premises for as long as necessary. That is unless police have been invited to remain on the premises/dwelling.

### **Assessment of the risks and threats**

Police receive operational safety training and are aware of the risk factors when attending any incident.

### **Management of the incident**

When responding to any incident, police will take charge and manage the incident to investigate and prevent offences and to preserve life and property. The police response is subject to the operational safety principles and legislative powers under either LEPR, 2002 or the *Crimes (Domestic & Personal Violence) Act 2007*.

Police must consider the following during management of the incident:

- Operational safety principles
- Incident management principles, i.e. isolate, contain, evacuate, negotiate, conclude, investigate, prosecute, referral and rehabilitate
- Level of the immediate threat
- Resources available
- Medical needs
- Crime scene management and evidence gathering

### **Level of future protection required**

To determine the level of future protection required, police must consider the needs, vulnerability and level of fear felt by the person in need of protection and/or their children. Due to the individual effects, domestic and family violence can have, each person's needs, including the needs of children, must be considered separately.

This information will assist police in determining whether there are grounds for police to apply for an ADVO.

For more information visit the NSWPF website: [Are you a victim of crime?](#)

## Recording incidents of domestic and family violence

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### **Domestic and family violence incidents**

Police will record all domestic and family violence incidents reported to them with a view to identifying whether the risk level to persons is at threat or serious threat, identifying repeat offenders, monitoring trends and taking proper action. This enables police to assess the operational and domestic and family violence risks and identify an appropriate response to assist in early intervention.

All reported domestic and family violence matters will be recorded on WebCOPS under the relevant incident category with an associated factor of domestic violence.

### **Information police might record**

It is standard police practice to take notes of all observations and conversations to be used as part of the investigation and in deciding a course of action. Police are now wearing Body Worn Video cameras, this is a device used to record audio and visual footage so that an officer can obtain evidence and capture the commission of an offence.

Victim statements can be obtained in writing or by way of Domestic Violence Evidence in Chief (DVEC). On 1 June 2015, the DVEC reforms were introduced into the Criminal Procedure Act 1986. DVEC is a video/audio recording where the victim tells police what has happened. Police will obtain a victim's consent to use DVEC. Police may record information that helps them to complete the necessary WebCOPS Event. Additionally, police may photograph or video the scene or people involved in the domestic and family violence incident when offences have been identified.

Other documents, such as voice messages, text messages, emails, letters, answers to DVSAT questions, etc. may also be taken to assist in the investigation or to protect a person's safety and wellbeing.

### **Information sharing**

The information police record during their investigation is subject to legislation and NSWPF policy. With respect to domestic and family violence, police may disclose information in the following circumstances:

- Referral: In 2014, NSW Government introduced *It Stops Here Safer Pathway*. When police attend a Domestic Violence incident, police will ask the victim a number of questions, known as DVSAT (Domestic Violence Safety Assessment Tool), to identify the level of domestic violence threat to victims. When a police report is made, all victims are automatically referred to the CRP managed by Victim Services, where they can be referred onto appropriate support agencies. As a result of the DVSAT questions and answers provided, the victim is identified as 'at threat' or 'at serious threat'

- Safety Action Meetings (SAMs): Victims identified as 'at serious threat' will be referred to local SAMs. Government and non-government service providers meet fortnightly at a suitable location to develop a safety action plan to keep referred victims and their children safe
- ADVO court listing: as requested by the court. However, any information that may disclose the location of the person in need of protection, if unknown to the defendant, is not to be disclosed at all
- Statements and recorded interviews:
  - A witness or victim may be provided with a copy of their signed statement
  - The defendant is given an audio copy of their own recorded interview
  - The defendant is given an audio copy only extract of the DVEC recording that the victim in that matter had provided to police
  - Once brief orders are made by the court and a DVEC was used in relation to the offence, a copy of the DVEC audio/video is served on the defendant's legal representative in accordance with the Criminal Procedure Act 1986. If the defendant does not have a legal representative, police can arrange for the defendant to view the DVEC video at the police station
- Copy of police reports: A victim is only provided a copy of the relevant WebCOPS entries if an application is lodged to the Commissioner of Police through a Government Information Public Access request

## Initial action by police

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### **Stages of the police investigation**

There are three stages to the investigation, each requiring police to evaluate and re-evaluate the risks and the level of action required. Police will be diligent in ensuring they do not pre-empt the outcome of any of the stages before conducting their investigation. The investigation occurs regardless of whether the person in need of protection makes a verbal complaint or a written statement or DVEC.

The stages of the police investigation are:

- **First Response at the scene or on receiving the report at station** – All responses will ensure the immediate safety, care and protection of victims and other persons at risk, including police officers and emergency services. First response officers are responsible for the collection of evidence and obtaining statements from victims and witnesses

- **Investigation** – The victim, offender and witnesses (if applicable) are to be interviewed, statements taken and physical evidence is to be gathered and a determination made as to whether sufficient evidence exists to commence criminal proceedings. If sufficient evidence is present, the offender is charged with appropriate criminal offence/s and/or police apply for a Provisional/ urgent ADVO. Ensure that appropriate ADVO and/or bail conditions are placed on the offender to ensure victim's safety
- **Authorisation of the police brief of evidence** – provide all available evidence to the Court to obtain a criminal conviction beyond a reasonable doubt; or in the case of an ADVO only, to ensure that a final ADVO is issued on a balance of probabilities

### **People who police might talk to**

During the investigation, police will identify and speak with as many people as needed to determine the details of the complaint. However, police recognise that not everyone will be willing to cooperate. It may be that victims or witnesses are reluctant to speak to police for a variety of reasons including:

- Fear of the consequences from offenders
- The impact on their children and family members
- General stigma associated with being in a domestic and family violence relationship
- Being convinced, particularly by the offender, that the violence is their fault
- Being told by the offender that police will not take them seriously or that their children will be removed from their care
- Embarrassment
- Coercive control tactics used by the offender
- Fear of police [particularly for Aboriginal people], people from culturally and linguistically diverse backgrounds (both migrants and refugees as well as torture and trauma survivors), and sexuality, gender diverse or intersex people)
- Fear of further victimisation (particularly for gay, lesbian and transgender victims who may or may not be known to be in a same sex relationship)
- Concerns for privacy or confidentiality around personal or 'family matters'
- Denial of their situation or ignorance that it is domestic violence, or for a myriad of other reasons

Police will treat persons in need of protection with compassion and reassurance, explaining police and court procedures and obtaining assistance from other police staff, such as DVLOs, ACLOs or MCLOs, or another agency where appropriate and/or necessary.

No person can be compelled to provide details or a statement to police. However, in the confines of a domestic and family violence criminal matter a spouse or de-facto partner is a compellable witness. This means that they will be called upon by the prosecution as a witness to provide evidence in the matter before the court. Where the victim is reluctant to provide information or details, police will still encourage and support them during the process.

Reluctance to provide information at the present incident or past incidents should not prevent police from continuing their investigation. Police, if satisfied that a domestic violence offence has occurred, is imminent or likely to be committed, will initiate a Provisional ADVO application – mandated by Section 27 of the *Crimes (Domestic & Personal Violence) Act 2007*.

**It is important to remember that in police initiated ADVOs, it is not the victim that applies for an ADVO against the defendant; it is in fact police that do, and they will do so with or without the victim's consent under these circumstances.**

### **Arresting the offender**

Police will pursue all avenues of inquiry and investigation to identify the offender.

Where a power of arrest exists and there is sufficient reason to use that power, police may arrest any identified offenders. The primary objective is to ensure the safety of victim/s and the placing of the offender before the court. The power of arrest is found in Section 99 of the *Law Enforcement and Police Responsibilities Act 2002* (LEPRA), whereby police are empowered to arrest any person for committing an offence under any Act.

NSWPF will support any employee who makes an arrest in line with this Code of Practice, provided the arrest was lawful and the police involved acted in good faith, and in accordance with operating procedures, the *NSW Police Code of Conduct & Ethics* and the *NSW Police Handbook*.

NSWPF discourages police from arresting and charging both parties arising out of a domestic or personal violence incident with limited exception (e.g. outstanding warrants (or if a victim maliciously damages an offender's property after being assaulted). To determine who the primary victim is when attending the scene, police will consider whether there is any prior history of domestic violence or ADVOs, witness statements, the behaviour of the people involved, and whether there are any injuries, etc. If an officer is having difficulty determining the primary victim at the scene they are to consult their Supervisor or the DVLO for advice.

### **Preserving the crime scene**

It is sometimes necessary for police to cordon off and preserve the scene of a domestic and family violence incident. Sections 88 – 95 of LEPRA empower police to establish a crime scene and outline the requirements for a crime scene warrant. Also contained in these sections, are the powers that police can exercise whilst at a crime scene. These powers allow for police to direct, remove or refuse entry into the crime scene, along with preventing people from interfering with or moving evidence.

In such instances, whether by consent or by warrant, police will follow standard investigative procedures to preserve any physical evidence that the scene may contain; e.g. fingerprints, blood marks, weapons and items of clothing.

Police may photograph the scene and obtain fingerprints, make sketches and video recordings and collect other evidence to be used as court exhibits or for forensic analysis.

### **Criminal Investigators (Detectives)**

Depending on the circumstances, attending police may request their local Detectives to attend the scene. Circumstances that may require Detectives assistance include, but are not limited to, incidents involving serious indictable offences.

Serious Indictable offences include the following:

- Sexual assault
- Reckless wounding
- Attempted murder
- Take/detain person
- Kidnapping
- Grievous bodily harm
- Homicides

## Firearms and Domestic and Family Violence

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### **Searching for and seizing firearms and other weapons**

Sections 85 and 86 of LEPR require police to inquire with all occupants as to the presence of firearms and the searching and seizing of those firearms. If a domestic violence offence is being, may have recently been committed or is imminent and police are informed that there are no firearms, but reasonably suspect otherwise, they must apply for a search warrant.

Section 87 of LEPR allows for police who are lawfully on the premises, to search for and seize a dangerous article or dangerous implement that may have been or may be used to commit a domestic violence offence.

Regardless of whether the firearm was used or not in the act of a domestic violence offence, police must seize any firearms that either party involved in the incident has access to. Upon the issuing of a Provisional ADVO and/or if criminal charges are initiated, all relevant firearm licenses must be confiscated and suspended by police.

Any firearm, weapon, or article used as a weapon, must be seized as evidence if it has been used or threatened to be used in the domestic and family violence incident under investigation.

### **Suspension of firearms licence**

A police officer must suspend firearms if he/she:

1. Is aware that the licensee has been charged with a domestic violence offence (within the meaning of the *Crimes (Domestic and Personal Violence Act 2007)*, or
2. Has reasonable cause to believe the licensee has committed or has threatened to commit a domestic violence offence

The Commissioner is the only police officer that can suspend a firearms licence if they are of the opinion, having regard to criminal intelligence reports or other criminal information held in relation to that person, that they should not hold a firearms licence, and

1. The person is a risk to public safety, and
2. The issuing of the licence would be contrary to public interest

A person who has been issued with a notice suspending their firearms licence, cannot possess or use a firearm for the period specified in the suspension notice.

### **Surrender of firearms and licence**

A person must surrender any firearms in their possession and their firearms licence if their licence is:

- Suspended
- Revoked; or
- Otherwise ceases to be in force

### **Firearms Permit**

A firearms permit can be suspended or revoked for the same reasons as a firearms licence. There are also additional circumstances for when a firearms permit can be revoked which include:

- If the Commissioner considers that it is not in the public interest for the person to whom the permit is issued to continue to hold it
- The Commissioner must revoke a permit if satisfied that the person to whom the permit is issued no longer has a legitimate reason for possessing or using the firearm (or the ammunition) to which the permit relates

## The decision to prosecute

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### **Evidence Based**

The decision to charge and prosecute a person rests with the NSWPF. If the matter is of a serious nature, the decision to prosecute the matter will rest with the Office of the Director of Public Prosecutions (DPP). An assessment is primarily based on the evidence gathered by investigating police in conjunction with legislation and internal policies.

### **Sufficient evidence to commence a prosecution**

A prosecution for a criminal offence will only be successful at court if police have proven the case beyond reasonable doubt. Where there is sufficient evidence, police are encouraged to exercise discretion in favour of prosecution for matters involving domestic and family violence.

### **Insufficient evidence to commence a prosecution**

If there is insufficient evidence to justify police laying charges against a person, police may still proceed with an application for an ADVO. Police are obligated to apply for an ADVO when they have fears for the safety of a specific person. Police may include the children or other relatives on the ADVO application. For a final ADVO to be made by a court for a specific period, police are required to prove their case on the balance of probabilities.

## Briefs of evidence

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### **When police prepare a brief of evidence**

If an accused person has been charged by police with a domestic violence related offence, police should serve some of the brief of evidence by the first court date on the accused person or his/her legal representative. The parts of the brief that should be served, at this time, include a copy of the facts sheet, a copy of the victim's statement and photographs of injuries and/or damage to property. If the accused person has also been served with an ADVO application that has arisen out of the same incident, it is likely that it will be listed at court on the same day.

If the accused person pleads not guilty to the charges, the matter will be set down for hearing. The court will make orders for the brief of evidence to be served by no later than 14 days before the day of the hearing.

If a statement was obtained from the victim via way of video recording, the accused person will not be served with a copy if they are unrepresented. An accused person who is not represented by a lawyer will only receive an audio copy of the victim's statement. However, they should be provided an opportunity to view the video. If an accused person is represented by a lawyer, police should serve a copy of the video on that lawyer.

### **What if the brief of evidence has insufficient evidence to prove the offence?**

The NSWPF takes domestic violence seriously and has a pro-prosecution policy for any person that commits a domestic violence related offence. The briefs of evidence prepared by police should be thoroughly reviewed for any deficiencies. If the brief of evidence does not contain sufficient evidence to cover the allegation, police will review the matter and re-assess whether the prosecution should proceed. **However, just because a victim may no longer want to proceed with the matter will not be a sufficient reason to have the matter withdrawn.**

## The victim and the criminal investigation process

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### **Obtaining evidence**

A victim of domestic violence may require medical treatment for injuries. Upon attending an incident of domestic violence, police may summon an ambulance to treat the injured person. Alternatively, police may encourage the victim to consult a doctor for treatment and for documenting the injuries. Police can obtain evidence about the victim's injuries from the treating doctor provided consent is obtained from the victim.

If a sexual offence is alleged, all action is made with the victim's consent and any action must comply with the NSWPF Investigation and Management of Adult Sexual Assault Policy, Standard Operating Procedures, and NSW Police, Health and Office of the Director of Public Prosecutions Guidelines for Responding to Adult Victims of Sexual Assault.

If the victim attends a hospital or a general practitioner, police may ask the victim to sign a medical release. The signature of the victim is required to obtain relevant medical evidence for the brief of evidence. It is important to note that anything of a highly sensitive nature may not be served on the accused person or their lawyer based on the content of the material. It is important to be mindful that legislation dictates what kind of material can and cannot be served and it is not at the discretion of police or the victim.

### **Statements**

Police should always attempt to obtain a statement from a victim who alleges domestic violence.

A victim of a domestic violence offence (aged 16 or over) may provide a statement to police in 3 different ways:

1. Video Recording
2. Audio Recording
3. Typed Statement

When taking a statement from a child (15 and under), a parent/guardian or independent person should be present. This person must not be the defendant or any other person who has an interest in the matter.

Police should use a professional and qualified interpreter if necessary. Family members, friends, NSWPF staff and the defendant should not be used to interpret for any victim or witness.

### **What happens if the victim does not want the accused person charged?**

Charges may be laid against offenders where evidence exists to support criminal charges – even if the victim is reluctant for charges to be pursued. The decision to prosecute belongs with the NSWPF in accordance with internal policies and legal requirements.

If a victim does not attend court when required to give evidence police will consult with the DVLO and relevant victim/client advocates if present at court. In some cases, police may apply to the court for a warrant for the arrest of an alleged domestic violence victim.

After reporting an incident to police, some victims of domestic violence do claim that they fabricated their initial complaint. Police should always investigate these claims.

In investigating the alleged fabricated complaint, police will be cognisant of the dynamic of domestic violence and the possibility that the admission of fabrication is based upon fear, intimidation or other pressures being brought to bear upon the person. Before any decision is made to initiate a prosecution of such persons, police shall seek approval to do so from a senior police officer.

## Role of witnesses to domestic & family violence in the pursuit of criminal options

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### **Who is a witness?**

A witness is a person who will be called upon to give evidence about the matter that is put before the court. They may be a witness for the police or a witness for the defence. Generally, a witness is a person who can provide evidence about what they have seen or heard about the matter. Police usually identify witnesses by speaking with neighbours, friends and relatives.

### **Taking a witness statement**

Police should obtain a statement from all witnesses that have been identified during their investigation. If necessary, police will use a professional and qualified interpreter. In the case of an Aboriginal victim if available and appropriate the police can use an ACLO or a member of the Custody and Victim Support to assist in obtaining a statement and clarifying questions for the victim.

Police cannot use witnesses as interpreters to communicate with the victim or defendant.

## Apprehended Domestic Violence Orders (ADVOs)

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### **What are Apprehended Domestic Violence Orders (ADVOs)?**

Apprehended Domestic Violence Orders (ADVOs) are applied for and made under the *Crimes (Domestic and Personal Violence) Act 2007*. An AVO is defined by the Act and includes an apprehended domestic violence order (ADVO) or an apprehended personal violence order (APVO). The term AVO includes these orders made as provisional, interim or final orders or a variation of any such order. A provisional order is an urgent order that may only be applied for by a police officer to an on call authorised officer. An interim order is a temporary order made by a court.

An ADVO aims to protect a person from violence by the police or courts telling the defendant what they must NOT do.

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

Police officers at the rank of Sergeant or above can issue provisional ADVOs. Police can direct or detain a defendant for applying for and serving a provisional ADVO.

A provisional order is required to be listed at a Local Court within 28 days of it being made by a police officer. A provisional order will be treated by the court as an application by the police officer, on behalf of the protected person, for a final ADVO to be made.

There are many advantages for the protected person when police make the application for an ADVO. These advantages are not usually available to a protected person when a private application is made. They include:

- Police preparing and submitting the application before the court
- The protected person receives support and advice from a NSWPF Domestic Violence Liaison Officer (DVLO)
- The protected person is represented by a police prosecutor
- The protected person will not need to engage a solicitor for the court process involving the ADVO application

### **When may the court grant an ADVO?**

Section 16 of the *Crimes (Domestic and Personal Violence) Act 2007* provides the basis for when the court may make a final ADVO.

A court may, on application, make an ADVO if it is satisfied on the balance of probabilities that a person who has or has had a domestic relationship with another person has reasonable grounds to fear and in fact fears:

- (a) The commission by the other person of a domestic violence offence against the person, or
- (b) The engagement of the other person in conduct in which the other person:
  - (i) Intimidates the person or a person with whom the person has a domestic relationship, or
  - (ii) Stalks the person

being conduct that, in the opinion of the court, is sufficient to warrant the making of an order.

The court does not require evidence that the protected person actually fears if:

- (a) The person is a child, or
- (b) The person is, in the opinion of the court, suffering from an appreciably below average general intelligence function, or
- (c) In the opinion of the court:
  - (i) The person has been subjected on more than one occasion to conduct amounting to a personal violence offence, and
  - (ii) There is a reasonable likelihood that the defendant may commit a personal violence offence against the person, and
  - (iii) The making of the order is necessary in the circumstances to protect the person from further violence, or
- (d) The court is satisfied on the balance of probabilities that the person has reasonable grounds to fear the commission of a domestic violence offence against the person

## **ADVO Orders**

A court may impose prohibitions and restrictions that appear necessary or desirable to ensure the safety and protection of the person in need of protection and any children from domestic or personal violence. The conditions on an ADVO include the following possible orders:

### **Orders about behaviour**

1. You must not do any of the following to <<protected people>>, or anyone <<she/he/they>> <<has/have>> a domestic relationship with:
  - A) Assault or threaten <<her/him/them>>
  - B) Stalk, harass or intimidate <<her/him/them>>, and
  - C) Deliberately or recklessly destroy or damage anything that belongs to <<protected people>>

For example:

- You are not to do any of these things in person, through another person, or through electronic communication and devices (for example, by phone, text messages, emails, Facebook or other social media, or GPS tracking)
- You must not do or say anything that may make <<protected people>> feel frightened, or feel that you may harm <<her/him/them>> or damage <<her/his/their>> belongings property in any way, including any jointly owned property and pets

### **Orders about contact**

2. You must not approach <<protected people>> or contact <<her/him/them>> in any way, unless the contact is through a lawyer.

For example:

- You are not to approach or contact <<protected people>> in person or through electronic communication (for example, by phone, text messages, emails, or Facebook or other social media) or by any other means, including by asking someone else to contact them
- If <<protected people>> contacts you and you reply, no matter how many times <<she/he/they>> <<contacts/contact>> you or the reason for doing it, you will be breaching this order

3. You must not approach:

- A) The school or any other place <<protected people>> might go to for study,
- B) Any place <<she/he/they >> might go to for childcare, or
- C) Any other place listed here\_

For example:

- You must not approach these places in person
  - You cannot attend a school function, school special event or parent teacher night that takes place at the school
4. You must not approach or be in the company of <<protected people>> for at least 12 hours after drinking alcohol or taking illicit drugs.

For example:

- You must not approach or be with <<protected people>> for at least 12 hours after drinking alcohol or taking illicit drugs. For example, if you have your last drink at 9pm, you cannot approach <<her/him/them>>, <<her/his/their>> home or <<her/his/their>> work until after 9am the next day. If you live together, this means that you must find somewhere else to stay for 12 hours
  - You must not drink alcohol or take illicit drugs with <protected people>
  - You must stay away even if <<she/he/they>> <<asks/ask>> you not to
5. You must not try to find <<protected people>> except as ordered by a court.

For example:

- You must not try and find <<protected people>> through electronic communication (for example, by phone, emails, text messages, or Facebook or other social media), the internet or asking anyone if they know <<his/her/their>> location
6. You must not approach <<protected people>> or contact <her/him/then in any way, unless the contact is:
- A) Through a lawyer, or
  - B) To attend accredited or court-approved counselling, mediation and/or conciliation, or
  - C) As ordered by this or another court about contact with child/ren, or
  - D) As agreed in writing between you and the parent(s) about contact with child/ren

OR

- E) As agreed in writing between you and the parent(s) and the person with parental responsibility for the child/ren about contact with the child/ren

For example:

- You must not approach or contact <<protected people>> in person or through electronic communication (for example, by phone, text messages, emails or Facebook or by any other means, including by asking someone else to contact them

- If <<protected people>> contacts you and you reply, no matter how many times <<she/he/they>> <<contacts/contact>> you or the reason for doing it, you will be breaching this order
- If you have a family law order or any other court order relating to the care of your child/ren, you should contact a lawyer if you are in any doubt about what you can and cannot do
- For (B): For family law matters, accredited means accredited under the *Family Law Act*
- For (E): For example, if you and the protected person have a child/ren but someone else has parental responsibility for your child/ren, then you must also get their agreement in writing about contact with child/ren. The other person could be a representative of the Minister for Family and Community Services, a legal guardian appointed by a court order or an adoptive parent

### **Orders about where you cannot go**

7. You must not live at:

- A) The same address as <<protected people>>, or
- B) Any place listed here\_\_\_\_\_

For example:

- If you have been living at this address and need to pick up any of your belongings, you can apply to the court for a Property Recovery Order or you can contact police

8. You must not go into:

- A) Any place where <<protected people>> <<lives/live>>, or
- B) Any place where <<she/he/they>> <<works/work>>, or
- C) Any place listed here\_\_\_\_\_

For example:

- You are not allowed to go within the boundary of those places.
- If you have been living at this address, and need to pick up any of your belongings, you can apply to the court for a Property Recovery Order or you can contact police.

9. You must not go within \_\_\_\_\_ meters of:

- A) Any place where <<protected people>> <<lives/live>>, or
- B) Any place where <<she/he/they>> <<works/work>>, or
- C) Any place listed here\_\_\_\_\_

For example:

- You are not allowed to go within <<X>> meters of the boundary of those places
- If you have been living at this address, and need to pick up any of your belongings, you can apply to the court for a Property Recovery Order or you can contact police

### **Orders about Weapons**

10. You must not possess any firearms or prohibited weapons.

For example:

- You must give up all your firearms and prohibited weapons to police. It is a separate criminal offence to keep them

### **Other Orders**

11. \_\_\_\_\_

Only Order 1 is mandatory. All other orders are optional depending on the individual circumstances of each person.

### **Who may apply for an ADVO?**

#### **Legislation**

Any person may apply for an ADVO for their own protection or for those with whom they are in a domestic relationship. Police are the only parties who can apply for provisional orders, or orders for children where only children are listed as the protected person/s. It is not necessary for police to act as the applicant in all cases. However, there are occasions when police are obliged to act on behalf of the protected person.

### **When must police make an application for an ADVO?**

An application for an order must be made if a police officer investigating the matter concerned suspects or believes that a stalking or intimidation offence, a domestic violence offence or a child and young person abuse offence (but only in relation to a child) has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order would be made, or proceedings have been commenced against a person for such an offence against the person in need of protection.

Where there is good reason to believe an order needs to be made immediately to ensure the safety and protection of the person or to prevent substantial damage to the property of that person, a police officer must make application for a provisional order.

### **Considerations when a child is involved**

The needs of children are usually quite different from those of a parent. Police may assess the interests of children independently to those of a parent seeking an ADVO. Where police proceed with an ADVO application, they should consider including the children on the application as a protected person.

Alternatively, where unique conditions apply and they cannot be covered in the parent's application, a separate application on behalf of the child can be made to the court.

### **How does an ADVO operate alongside an order made by the Family Court?**

If there is a family law court order which conflicts with a condition in an ADVO, the family law court order will override that specific condition in the ADVO. For example, if the Family Court makes a parenting order which provides for the father of a child to spend every second weekend with them, even though there is a condition in the ADVO that prohibits contact, the parenting order would override the ADVO. In this circumstance, the father would not be breaching the ADVO unless he does so in some other manner (e.g. assaults, threatens or intimidates the child).

A magistrate sitting in the Local Court does have power under section 68R *Family Law Act 1975 (Cth)* to suspend family law court orders so that the ADVO can have its full effect. Using the example above, if the family court order was suspended by the Local Court, the ADVO would have its full effect and prohibit the father from seeing the child.

The applicant for an ADVO is obliged to inform the court about the existence of any family law court orders. A protected person will need to advise any police officer who is applying for an order on their behalf. It is recommended that the protected person provide police with a copy of that family law court order.

### **What happens if police do not make application for an ADVO?**

A person seeking an ADVO may still make their own private application by attending a Local Court and making an appointment with the registrar.

## **ADVO Guides**

To help victims and offenders understand the conditions on the ADVO, guides are available through the police website in text and audio formats in English, 32 community languages, Easy Read, and in a video in Auslan. [Victims of Crime](#)

## **How do police apply for an ADVO?**

### **Provisional ADVO**

Section 27 *Crimes (Domestic and Personal Violence) Act 2007* sets out police are obliged to apply for a provisional apprehended violence order. A police officer must apply for a provisional order when they suspect or believe, that

1. A domestic violence offence, stalking or intimidation or child abuse has recently been or is being committed, or is imminent, or is likely to be committed against the person for whose protection an order would be made, or
2. A person has been charged with an offence, and the police officer has good reason to believe an order needs to be made immediately to ensure the safety and protection of the protected person, or to prevent substantial property damage to property of that person

Only a police officer can apply for a provisional order. The process is completed on the police computer system by the police officer and usually submitted to a senior police officer who is of or above the rank of Sergeant. If the defendant is present he/she may be directed to remain at the scene or other place whilst police make the application so that the order can then be served upon them. If the defendant refuses to remain police may detain them and convey that person to the police station.

A provisional order remains in force until:

- (a) It is revoked at court, or
- (b) An interim order or final order is made, or
- (c) It is withdrawn or dismissed at court

### **Interim ADVO**

If it appears necessary or appropriate in the circumstances, a Magistrate may make an interim order. If both the defendant and protected person consent, an authorised officer (Magistrate, registrar of the Local court or other authorised person from the Attorney-General's Department) may also make an interim order. An interim order is a temporary order until the matter is finalised.

An interim order will remain in force until it is withdrawn, dismissed, revoked or a final order is made by the court. For an interim order to be enforceable against a defendant, they must either be present in court at the time it was made or if they were not present in court, later served with a copy of the order.

### **Non-Urgent applications for an ADVO**

A non-urgent application for an ADVO will not be enforced until an interim or final order is made by the court. The level of urgency and seriousness of the matter are determining factors as to whether a police officer will apply for a provisional order or make an application.

If police make an application for an ADVO they will take immediate steps to have it served on the defendant as soon as possible. An application for an ADVO must be served personally by the police on the defendant. If police are unable to serve the ADVO application, after many recorded attempts, the prosecutor may make an application to the court for police to serve it via alternate means.

This may include sending the application to the defendant's address via registered post or leaving a copy of the application under the door of the defendant's home address. In some instances, if there is evidence that the defendant is avoiding service police may apply to the court for a warrant for their arrest.

## Breach of an Apprehended Violence Order

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### **Criminal offence**

An ADVO is an order of a Magistrate prohibiting certain behaviour as set out in the order. A contravention of an ADVO involves conduct that breaches (breaks) the order. The contravention of an ADVO is a criminal offence. ADVOs are strictly interpreted and enforced.

Some of the reasons that police may not act on a breach of an ADVO include: a lack of evidence.

### **What police do if they detect a breach?**

If the alleged offender is at the scene, police may have the power to arrest for a breach of an ADVO. Police have a responsibility to ensure the safety and wellbeing of all persons at the scene.

If the offender is not present at the scene, police are required to thoroughly investigate to identify and locate the offender.

### **Interview with the offender**

If the offender is taken into custody by police, the offender generally must be given the opportunity to be interviewed regarding the alleged breach of the ADVO.

In most circumstances, police will be required to electronically record any interview with an offender.

### **Consent by the victim is not a defence**

A victim cannot lawfully consent to an ADVO being breached by the defendant. It is always the responsibility of the defendant to comply with the order.

If the victim wants to remove a condition on an ADVO, they may apply to the court for a variation of the conditions or apply to have the entire order revoked.

A protected person named on an ADVO cannot be charged with aiding and abetting the breach of an ADVO. Police are encouraged to charge offenders who breach an ADVO.

If police believe the relationship between the parties has changed and that different conditions on the ADVO are warranted, they may also apply to the court for a variation. Depending on the circumstances of the matter, the application may be to strengthen the conditions on the order or remove some conditions.

## Revoking, varying, extending or appealing an ADVO

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### **Appropriate Conditions**

When police make an application to court, they are required to select the specific conditions they are seeking on behalf of the protected person. It is important that the conditions provide for an appropriate amount of protection to keep the protected person safe. Consultation with the WDVCS or victim support service can assist with identifying the additional orders needed. Any orders made by the court should be made clear to all parties and particularly to the defendant, who is required to abide by the conditions.

### **Appeals against an ADVO**

An appeal regarding the making or the dismissal of an application for an ADVO may be lodged by the defendant or applicant in the District Court. Although extremely rare, if the appeal is based on a question of law, the matter may be dealt with by the Supreme Court.

### **Variations and revocations of ADVOS**

A police officer or an interested party can apply to have an ADVO varied or revoked.

An interested party is defined as:

- (a) Each protected person under the order
- (b) Each guardian of a protected person where there is an enforceable guardianship order under the *Guardianship Act 1987*
- (c) In the case of a protected person who is a child:
  - Each parent of a protected person under the order, and
  - The Department of Family and Community Services,
- (d) The defendant.

If an interested party is making application to vary or revoke a police-initiated order, the court must decline to hear the application unless it is satisfied that the notice of the application has been served on police.

If a person pleads guilty or is found guilty of a serious offence, the court may vary a final or interim order for the purpose of providing greater protection for the person against who the offence was committed. This can be done without there being an application before the court.

If police are making the variation or revocation application on behalf of the protected person, the police prosecutor will take carriage of the matter.

Police will not take an active role in proceedings where they oppose the variation or revocation of a police-initiated order. The police prosecutor will not assist the protected person if they are making the application against the advice of police and they will indicate to the court that they oppose the application in court.

### **Variations and revocations of police-initiated orders where children named on the ADVO**

If the police made the application for the original ADVO, an interested party will require the leave of the court to make an application to vary or revoke the original ADVO. The court may grant leave if it is satisfied of any one or more of the following:

- (a) That there has been a significant change in circumstances
- (b) That the application is proposed by the Department of Family and Community Services to make the ADVO consistent with a care plan
- (c) That it is otherwise in the interests of justice to do so

The court must not grant leave if it believes the application, if successful, would significantly increase the risk of harm to the children.

## Who must go to court?

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### **If police make the application**

Where police initiate the complaint a police prosecutor will take carriage of the application for an ADVO. The police informant and the DVLO will liaise with persons in need of protection to provide instructions to the prosecutor. Persons in need of protection, if at court, will usually sit beside the prosecutor while the matter is mentioned before the court. The prosecutor will briefly speak with the persons in need of protection to confirm instructions.

The practice from court to court varies. Persons in need of protection will usually attend court on the first occasion to confirm instructions and to meet with court advocacy workers. In some courts, if instructions have been given to police, the Magistrate may grant that the persons in need of protection will not have to appear on the first mention if it is not practicable for them to attend.

If the persons in need of protection attend court for the first mention the prosecutor will usually seek to have them excused from subsequent appearances, unless the matter is set down for a defended hearing at which time the persons in need of protection and witnesses will attend to give evidence.

It is the right of persons in need of protection to attend court if they choose so that they can fully participate in the judicial process, confirm instructions to police, have the court proceedings, ADVO and conditions explained to them, and be put in contact with appropriate court advocacy and victim support services.

It is important to note that the application is a police application. This means that police will usually seek ADVO conditions based **on the fears that police have for a victim's safety**. Police will consult persons in need of protection during this process and explain why they are making this application.

It is also important to note that despite the wishes of the person in need of protection and the wishes of the NSWPF, the final arbiter on the matter is the Magistrate. The Magistrate ultimately needs to be satisfied that there are grounds for the making of an order unless the legislation requires the order to be made.

The defendant is required to attend court on each occasion. If the defendant has been served with the application and does not appear, an ADVO can be made in his/her absence.

### **If someone other than police make the application or cause the application to be made**

Usually police do not attend court for non-police-initiated complaints unless they have specific evidence to present.

### **Role of the police prosecutor in ADVO applications**

One of the prosecutor's roles is to assist the court by being fair and objective in leading all relevant and admissible evidence. In relation to family violence, the police prosecutor will prosecute all ADVO applications initiated by police. The prosecutor must ensure that all relevant evidence is led to help inform the court in the determination of the application.

The police officer initiating an ADVO application must liaise with the prosecutor to ensure they are aware of any matters listed for hearing and are provided with relevant paperwork. They should discuss with the prosecutor the option of arranging (with consent of the person in need of protection) court support.

### **The DVLO should:**

- Explain their role to the person in need of protection
- Advise the person in need of protection of the court process and procedures

- Ensure the person in need of protection is aware of available services and told how to access the services
- Discuss with persons in need of protection their circumstances and needs to ensure any conditions requested in an ADVO are tailored to suit the individual circumstances
- Identify if there are any safety concerns or support services requirements for the person in need of protection and seek additional assistance if required
- Explain that in certain circumstances, particularly if there are safety concerns, the prosecutor may ask the court to make an ADVO without the consent of the person in need of protection

## Interstate and New Zealand Orders

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### **National Domestic Violence Order Recognition Scheme (NDVORS)**

On 25 November 2017, amendments to the Crimes (Domestic & Personal Violence) Act will come into force which allow NSW Police to enforce Domestic Violence Orders (DVOs) made on or after this date in other Australian states and territories. However, all DVOs made in Victoria will be enforceable regardless of whether it was made before or after the 25th November 2017.

Other states and territories will also be able to enforce NSW ADVOs made from this date. These changes are known as the National Domestic Violence Order Recognition Scheme.

The amendments will allow other states and territories to vary or revoke orders made in NSW, and make new orders for the same parties. This means that an order made in NSW may be superseded by a new order or a variation/revocation made in another state or territory.

Police will treat a reported breach of an interstate DVO (that has occurred in NSW) just like it was a reported breach of one of our own orders. However, unlike one of our own orders police will have to contact the state or territory that issued the order and obtain a copy before they can charge the offender.

There is nothing to prevent NSW Police from issuing a NSW Provisional ADVO if there is any uncertainty about the existence and enforceability of an interstate DVO or if the existing conditions are no longer sufficient for the victim's protection.

### **What will happen if the defendant was not in NSW at the time of the offence?**

NSW Police will obtain all necessary evidence including a statement from the victim. The matter will then be referred to the jurisdiction where the defendant was located at the time of the alleged breach. This is to ensure that a defendant is dealt with promptly by the relevant court.

### **What about Domestic Violence Orders made before 25 November 2017?**

Orders made before 25 November 2017 will not automatically be recognisable Australia-wide. If a protected person wants such an order to be nationally recognised they will need to make an application to the registrar of their local NSW court for their order to be "declared".

### **Can a protected person apply to a NSW court to vary or revoke a nationally recognised DV Order?**

Yes, the legislation allows for a protected person or NSW Police to apply for a variation or revocation of an interstate DVO. It also allows for other jurisdictions to vary or revoke NSW orders.

However, the original jurisdiction should be the preferred jurisdiction where the variation or revocation takes place as they would be the one with the most complete information as to why the DVO was applied for and issued by court or police.

The court will consider the following when determining whether to vary or revoke an interstate DVO:

- (a) Where the defendant and protected persons normally live
- (b) Any difficulty the respondent to the proceedings may have in attending the court proceedings
- (c) Whether there is sufficient information available to the court in relation to the making of the original DVO
- (d) Whether any proceedings are being taken in respect of an alleged breach of the DVO and where those proceedings are being heard
- (e) The practicality of the applicant (if not the defendant under the DVO) applying for and obtaining a local DVO against the defendant with similar prohibitions or restrictions
- (f) The impact of the application on children who are protected persons under the DVO
- (g) Any other matters the court considers relevant

### **Advice to protected persons who have an interstate Domestic Violence Order**

Protected persons should always keep a copy of their interstate order with them (either in hard copy or electronic form) and immediately report and record and details or evidence of an alleged breach of the order.

If a protected person is seeking to vary or revoke an interstate order, it is recommended that they speak with their local Women's Domestic Violence Court Advocacy Service (WDVCAS) or Domestic Violence Liaison Officer (DVLO) before making an application.

### **New Zealand Orders**

New Zealand protection orders are only enforceable in NSW once they have been registered at a court in NSW. Once it is registered, a New Zealand order (including its duration) carries the same force as a NSW ADVO. The variation or revocation of a New Zealand order by a court of the State, Territory or country in which it was made after it has been registered in NSW, has no effect in NSW.

## Family Law Court orders

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### **Federal and State jurisdictions**

It is important to understand that ADVOs taken out by the courts or police fall within the jurisdiction of the State of NSW. An order made by the family court falls under the jurisdiction of the Commonwealth. An order made by the family court will supersede any part of the ADVO which is inconsistent. The whole ADVO may not necessarily be superseded, just those portions which conflict with the family law court order.

### **Parenting Orders made by the Family Law Court**

An order allowing a child to spend time with a parent made by the family court does not prevent an ADVO from being made. It is still possible for an ADVO and parenting order to operate at the same time. If there is a family law court order which conflicts with a condition in an ADVO, the family law court order will override that specific condition in the ADVO. For example, if a Family Court makes a parenting order which provides for the father of a child to spend every second weekend with them, even though there is a condition in the ADVO that prohibits contact, the parenting order would override the ADVO. In this circumstance, the father would not be breaching the ADVO unless he does so in some other manner (e.g. assaults, threatens or intimidates the child).

A magistrate sitting in the Local Court does have power under section 68R *Family Law Act 1975 (Cth)* to suspend family law court orders so that the ADVO can have its full effect. Using the example above, if the family court order was suspended by the Local Court, the ADVO would have its full effect and prohibit the father from seeing the child.

## Child protection requirements when responding to domestic and family violence

### **Domestic and family violence is a child protection issue**

Living with domestic violence can cause physical and emotional harm to children and young people. Children who live in homes where domestic and family violence occurs may be at risk of harm and actual injury. Whether a child witnesses domestic and family violence, attempts to intervene to protect the other parent, is in another room or not present when an assault occurs the impact upon children who are exposed to violence in the home, on an ongoing basis can be significant. Children and young people don't have to see the violence to be affected by it.

Because **domestic and family violence is a child protection issue** it is the responsibility of all police officers to respond to children exposed to domestic violence. This will be achieved by treating the safety, welfare and wellbeing of all children and young people in the home, at the time of a domestic violence incident, as paramount.

### **Legislative requirements and Mandatory Reporting responsibilities**

Under the *Children and Young Persons (Care and Protection) Act 1998*, officers of the NSWPF are **mandatory reporters**. A mandatory reporter is an individual required by law to report to the Family & Community Services (FACS) Child Protection Helpline when they have reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect and those grounds arise during the course of, or from the person's work.

Section 23 of the *Children and Young Persons (Care and Protection) Act 1998* provides police with the grounds to make a mandatory risk of significant harm report if they are concerned about the safety, welfare or wellbeing of a child living in a household where there have been incidents of domestic violence. *S23 (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm.*

When police attend a domestic and family violence incident and children are present or not present, then the attending police officer(s) will use their professional judgement to make an assessment to determine whether the child or young person is at '**risk of significant harm**' and requires an immediate report to the Child Protection Helpline.

All children at risk reports are completed electronically as a 'Child at Risk' incident in an Event on WebCOPS using the Mandatory Reporter Guidance (MRG) tool and which will be automatically disseminated to either the Child Protection Helpline, where appropriate, or to the NSWPF Child Wellbeing Unit (CWU). This includes both Imminent Risk of Significant Harm (IROSH) and Risk of Significant Harm (ROSH) reports.

Members of the community and mandatory reporters who suspect that a child or young person is at **'risk of significant harm'** (the statutory threshold) should report their concerns to the Child Protection Helpline.

### **What does significant harm mean?**

Family and Community Services have defined significant harm as follows:

- A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent
- What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent
- What is **significant** is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing
- In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth

Significance can result from a single act or omission or an accumulation of these.

### **How a police officer will know what meets the threshold?**

**Mandatory Reporter Guidance (MRG)** has been developed to help frontline mandatory reporters such as police officers, doctors, teachers and social workers, determine whether the risk to a child or young person meets the new statutory threshold. The MRG is an interactive tool that police will access automatically through WebCOPS when completing a Child at Risk incident report. The MRG forms part of the common assessment framework for all agencies working with children, young people and families.

When completing the WebCOPS Event, the MRG tool will determine whether a referral to the Child Protection Helpline or to the NSWPF Child Wellbeing Unit (CWU) is required, and the system will make the appropriate electronic dissemination.

A police officer can still call the Child Protection Helpline if they don't agree with the decision made by the MRG tool. This decision will be quality reviewed by a Supervisor.

If the information is disseminated to the NSWPF CWU, the CWU will assess the information and determine whether a referral is required to an external service provider, or if the information is maintained as local intelligence for future reference.

### **NSW Police Force Child Wellbeing Unit (CWU)**

The CWU will receive electronic reports from WebCOPS. Assessment officers review these reports and conduct a further analysis of information to determine what further action is required. Assessment officers at the CWU will use the MRG tool to reassess the information to see whether the threshold for significant harm is met. If the threshold is met then a report will be escalated to the Child Protection Helpline. If the threshold is not met then the CWU assessment officers will either make a referral to a Family Referral Services to put families in touch with appropriate local services, or retain the information locally.

### **Family Referral Services (FRS)**

FRS are intended to link vulnerable children, young people, and families with appropriate available support services in their local area. Government agencies, non-government organisations, and the private sector (e.g. General practitioners, childcare workers) can refer families to FRS where circumstances do not warrant statutory intervention. Some FRS have an Aboriginal focus, aiming to identify and develop appropriate referral pathways to link Aboriginal children, young people, and their families with culturally appropriate services responsive to their specific support needs.

### **Children on Apprehended Violence Orders (ADVOs)**

Police are the only authority mandated to apply for ADVOs on behalf of children and young people under section 48 (3) of the *Crimes (Domestic and Personal Violence) Act*.

In March 2008, the *Crimes (Domestic and Personal Violence) Act* was amended to encourage the inclusion on ADVOs of children involved in domestic and family violence incidents. The courts, or officers of the court, are required to place children considered in need of protection on an ADVO, unless satisfied that there are good reasons for not doing so. An ADVO is a civil matter and does not result in a criminal offence unless the defendant breaches the ADVO.

This means that when police attend a domestic and family violence incident involving children, and they take out an ADVO to protect the victim, then the children of the person in need of protection will be included on the order and the conditions that apply to the person in need of protection, also apply to the children.

If a defendant **breaches an ADVO** protecting a child or young person, then police will consider whether this breach places the child or young person at risk of harm in which case they will be required to make a report to the Community Services Helpline. A breach of an ADVO is a criminal offence, and as such, may place the child or young person at greater risk of harm if the defendant has no respect for authority, or the safety and wellbeing of the victim or children.

### **Young Offenders Act 1997**

The *Young Offenders Act 1997* (YOA) generally allows police to warn, formally caution or refer to youth justice conferences as an alternative to court action for a range of offences. The YOA prevents the use of such alternatives for offences under the *Crimes (Domestic and Personal Violence) Act 2007* including breach ADVO, stalking and intimidation. The YOA also prevents the use of warnings for offences involving violence.

The application of the YOA to other domestic violence offences (e.g. assault, malicious damage etc) is limited because of the serious nature of domestic violence and the considerations required by the YOA.

The YOA requires police to consider the seriousness of the offence, the degree of violence involved in the offence, the harm caused to any victim, the number and nature of any offences committed by the child and the number of times the child has been dealt with under the YOA, and any other matter the police think appropriate in the circumstances (sections 20 and 37 YOA).

In matters of domestic violence police will also consider whether there is a history of violence and the stance of both Federal and State Governments and the NSWPF to identifying, prosecuting and preventing domestic violence. For these reasons, the use of formal cautions and youth conferencing will be limited.

Where police do use an alternative to criminal prosecution, they may still be required to apply for an ADVO on behalf of the protected person/s.

### **Children in residential Out of Home Care (OoHC) services**

According to the *Crimes (Domestic and Personal) Violence Act*, the definition of 'domestic relationship' applies to relationships between long-term residents in the same residential services and between carers and the young people in their care.

*The Joint Protocol to Reduce the Contact of Young People in Residential Out-of-Home Care with the Criminal Justice System* outlines police responses to incidents in OoHC settings, including personal and domestic violence offences. Where young people are the alleged perpetrators of violence, police will consider the use of diversionary options under the YOA, except for the offences of stalking, intimidation and breach of ADVO. Police will always focus on the protection of victims when responding to incidents of violence in OoHC services.

More information on the *Joint Protocol* is available via this link  
[www.community.nsw.gov.au/?a=408679](http://www.community.nsw.gov.au/?a=408679)

### **Role of the Youth Liaison Officer (YLO)**

The Youth Liaison Officer is specifically responsible for supporting the implementation of the *Young Offenders Act (1997)*, including education of police, making determinations under the Act, issuing police cautions and liaising with officers of the Department of Juvenile Justice. YLOs work closely with relevant police to monitor and respond to juvenile crime, including developing profiles of serious juvenile offenders and mapping the locations of juvenile crime.

## How do police respond to persons in need of protection?

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### The victim (Person in Need of Protection - PINOP)

#### **When making the report**

The way police handle the report is crucial, particularly when the victim (person in need of protection) has called for help. The first contact a person has with police can influence their experiences and impressions of the justice system and their future decisions. Police must adopt an understanding and reassuring manner.

The primary concern is to determine that the person/s in need of protection, including any children, are safe, and whether medical assistance is required for any person.

If a victim attends a police station to make the report, police **must** offer them an opportunity to speak in private where practical. Police will take very preliminary information over the enquiry counter and then escort the victim into a private interview room to obtain a more detailed account of the incident. The victim will not be embarrassed or degraded in any way including disclosing their situation in a public foyer of a police station.

#### **Before leaving the scene**

Before leaving the scene, police must ensure that all issues have been considered in relation to the safety and welfare of all persons. They must also collect all the information needed to complete the WebCOPS Event. If no legal power exists to remove the offender from the premises, police must act to ensure the safety and welfare of victims and other family members. This may be through referral to an agency that can arrange emergency accommodation such as the Domestic Violence Line or specialist DV service provider.

Police should assist with the safe removal of persons from the premises, ensuring there are no breaches of the peace and that those leaving the premises, for their safety, have sufficient clothing and personal items. If necessary, police will remain at the scene until the victim and other family members are safely removed from imminent risk.

#### **Safety and Welfare of all persons**

To ensure the safety and welfare of all persons present, police must:

- Make an immediate assessment of the scene and locate all people, including children, who may be present at the time

- Obtain urgent medical treatment if it is required
- Separate all parties where possible
- Where required, seek an interpreter as soon as possible
- Speak to all parties in private where possible, including children, to identify persons in need of protection, victims, witnesses and offenders, and obtain an individual account of the incident
- Request and record the details of all persons present, including their full name, age, gender, address, phone/mobile number and relationship to the parties involved in the domestic & family violence incident
- Seek other police assistance as required
- Notify the Child Protection Helpline if they have concerns about children at risk of harm

### **Referrals to other services**

The impact of domestic and family violence on victims is of significant concern to both the NSWPF and the community. No one agency in isolation can provide an effective response to domestic and family violence. A multi service approach is needed to provide the most effective support to victims. Referral to the appropriate support service can assist the victim to break the cycle of violence and obtain advice and support to assist them in the future.

Police will refer details of victims of alleged domestic violence and offenders to an appropriate support agency. Consent is not required to do this. The support agency will attempt to contact the person/s to offer support. Except in emergency circumstances the agency will require consent of the person in need of protection to refer their details to other agencies. Consent of the defendant is not required.

To prevent this serious crime and provide coordinated interagency responses to domestic and family violence, police officers and PACs/Police Districts will develop partnerships with key local agencies to provide effective victim support. In demonstrating the strong commitment of the NSWPF to meeting the needs of victims of domestic and family violence, officers will:

- Refer victims to specialist support services. When a victim is required to attend court for an ADVO matter, they will be referred to their local Women's Domestic Violence Court Advocacy Service (WDVCAS) by a police officer that attended the event, before the end of the officer's shift

- Refer male victims through the Central Referral Point to a Local Specialist Service who will coordinate access to local services and support
- Ensure PACs/Police Districts develop strong links within their communities and work with them to identify strategies to further enhance the way in which police respond to domestic and family violence
- Work with Aboriginal communities, with the assistance of ACLOs, to gain their support and trust, particularly women, to address broader family violence issues
- Work with culturally and linguistically diverse communities, with the assistance of MCLOs, to gain their support and trust, to develop appropriate responses to reduce domestic and family violence
- Work with sexuality, gender diverse and intersex communities, with the assistance of GLLOs (LGBTI Liaison Officers), to gain their support and trust, to develop appropriate responses to reduce domestic and family violence

## Police employees who are victims or offenders

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### **The investigation**

Police must treat these incidents as they would when investigating any domestic and family violence incident and make appropriate decisions about what action is required. However, because of their employment there are a number of additional issues that must be addressed which mainly concern access to firearms and complaint procedures.

When a police officer is an offender in a domestic and family violence incident police are required to refer to their internal *Domestic and Family Violence Standard Operating Procedures*. Initiation of proceedings for an ADVO against a police officer constitutes a complaint under the Police Act 1990 and the matter must be brought before the PACs/Police District Complaint Management Team.

An investigation provides an opportunity to monitor the outcome of the ADVO proceedings and to ensure that sufficient information is gathered to determine of any interim and/or ongoing management action that may be required.

The complaint file should include the following specific information for domestic violence complaints:

- The allegations supporting an ADVO application against a serving police officer, consistent with the victim's statement
- Any interim management action taken
- The final court outcome in relation to the ADVO application

### **Access to firearms by police officers subject to an ADVO**

Where one or both parties to a DV complaint/offence or an ADVO application is/are a NSW Police Force officer/s, the same *firearms restrictions apply under the Firearms Act 1996* and powers under LEPR regarding any licensed firearms. The officer's Commander is to be informed as soon as possible. Whether a police officer is a defendant or a protected person the officer's NSWPF firearm should be immediately secured to prevent the officer from accessing it.

The investigating officer will make inquiries as to whether the officer is the holder of a firearms licence. They will ensure procedures are followed for the suspension of any firearms licences and seizure of any

firearms. This includes making inquiries to see whether the officer has access to firearms through secondary employment that does not require a licence (e.g. Army Reserve). Steps will be taken to ensure the officer's access to those firearms is restricted.

Where a police officer is a defendant, the NSWPF firearm is to be kept and remain secured until the order is confirmed, revoked or dismissed.

### **Representation by Crown Solicitor**

The Crown Solicitor's Office appears in applications for ADVOs against serving or former NSW police officers who have recently left the NSW Police Force.

## Aboriginal family violence

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### **What is Aboriginal Family Violence?**

Aboriginal Family Violence encompasses 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 Aboriginal or Torres Strait Islander community workers, as well as self-harm, injury and suicide.

### **What are some of the causes?**

- Unresolved intergenerational grief, loss and trauma
- Loss of traditional lands and culture
- Breakdown of the Aboriginal kinship systems
- Effects of institutionalisation and removal policies – Stolen Generation.
- Lack of relationship and parenting skills caused through the impact of the Stolen Generation
- Lack of access to the law and mainstream services
- Untreated alcohol and drug abuse
- Undiagnosed mental illness
- Dysfunctional communities

Lateral Violence (see note under Aboriginal Coordination Team)

### **Some of the barriers that prevent Aboriginal people reporting to police**

#### **Expectation of bias attitudes**

- Distrust of police due to the historical relationships between police and Aboriginal people
- Poor ongoing police/community relationships
- Fear of children being removed
- Fear of partner's death in custody – Royal Commission into Aboriginal Deaths in Custody (RCIADIC)
- Fear of community reprisals

### **What are some of the long-term impacts?**

- Untreated intergenerational grief, loss and trauma can lead to alcohol and drug abuse causing ongoing high levels of dysfunction in some Aboriginal communities resulting in a high incidence of family violence and child abuse
- Research suggests that children from violent homes may be likely to exhibit attitudes and behaviours that reflect their childhood experiences of witnessing domestic violence
- Due to the level of Family Violence in Aboriginal communities Aboriginal children are vastly over represented in the Out of Home Care program (OOHC). They are placed in OOHC at almost 10 times the rate of other non-Aboriginal children. Children in OOHC are more likely to experience poor educational outcomes and have higher rates of physical, developmental, and emotional problems than their non-OOHC peers

### **Aboriginal Strategic Direction 2018-2023**

The Aboriginal Strategic Direction (ASD) 2018-2023 is the overarching document which guides the NSWPF in its management of Aboriginal issues. The ASD 2018-2023 has four key priority areas. These key priorities are linked to the service delivery priorities and the corporate strategies of the NSWPF.

There are four priority areas under the ASD they are:

1. Ensure community safety
- 2..Enhance communication and understanding between police and Aboriginal people
- 3..Collaborate with other agencies to reduce over-representation in the criminal justice system
- 4..Improve the safety and wellbeing of young Aboriginal people

The outcomes under the priority “Ensure community safety” will need input by the DVLO’s so that the Commander can report results on Compass. These actions are:

- Utilise PACC meetings in addition to other strategies as forums for community education regarding the following:
  1. Encourage the Aboriginal community to identify and report children and adults at risk
  2. Raise awareness of the resources available to NSWPF e.g. AOD, mental health, youth suicide and child abuse
  3. Elder safety in the community and in their homes
- Identify and target repeat victims of Aboriginal Family Violence in order to refer and follow up as appropriate

### **Aboriginal Community Liaison Officers (ACLO)**

ACLOs are employed at specific Local Area Commands that have higher populations of Aboriginal people. Their role is to liaise, develop and maintain open communication with the Aboriginal community. The ACLO assists in the development of *Aboriginal Action Plans* and other crime prevention initiatives within their community. They are also required to assist with the facilitation of community workshops to inform the community of policing issues, specialist positions such as DVLOs and inform the community of the ASD and the *Aboriginal Action Plan* developed for the community itself.

ACLOs are not police officers; they are field-based unsworn employees and are provided ongoing training and development that enables them to offer appropriate advice and assistance to the community and police in their day to day interactions. The Aboriginal community should understand the role of the ACLO within the PAC structure. ACLOs are also able to support the DVLO in the field and at court with Aboriginal victims of Domestic Violence.

### **Witness Assistance Service (WAS) – NSW Office of the Director of Public Prosecutions**

WAS provides a range of services to meet the needs of victims of crime and witnesses appearing in court matters prosecuted by the NSW Office of the Director of Public Prosecutions (ODPP). There are three Aboriginal Witness Assistance (WAS) officers within the service.

Aboriginal victims of indictable offences such as serious assaults including domestic violence and sexual assault (both child and adult) which are not prosecuted by police in the local court, should be referred to the WAS. Police are encouraged to identify Aboriginal victims upon presentation of the police brief of evidence to the ODPP. The WAS is in each ODPP regional office, as well as Sydney Head office.

The WAS role involves:

- Providing information to the victim re: the solicitor and Crown Prosecutor briefed with the matter and how to contact them
- What to expect at court
- Information about rights and entitlements (i.e. Victims Support Scheme and Financial Assistance for Victims, Charter of Victim's Rights)
- Progress of matter through court
- Other services and supports available
- Referral to counselling and support services
- Court preparation
- Court familiarisation
- Debriefing
- Liaison with legal officers and police regarding victims' needs

### **Aboriginal Custody and Victim Support**

Aboriginal Custody and Victim Support have been established within the NSWPF since 1995. Their primary function is to provide support to Aboriginal offenders held in NSWPF cells and to victims of crime where appropriate. Members of Aboriginal Custody and Victim Support are volunteers who can be called on by police on a 24-hour basis.

It is the responsibility of the PAC/Police District to ensure that these volunteers receive appropriate education and practical support, such as assistance with transport if necessary. For further information and guidelines police are encouraged to refer to the Support Persons page on the intranet site.

Members of the Custody and Victim Support may wish to assist with this role as well. The establishment of such a group may contribute to achieving compliance with obligations under the *Charter of Victims Rights*. Terms of Reference and Guidelines for the establishment and maintenance of Aboriginal Support Groups are available to police through the Aboriginal Issues Knowledge Map on the intranet.

### **Custody Notification Service**

The Custody Notification Service is a 24-hour legal advice and RU OK phone line for Aboriginal people taken into police custody. Under NSW law, police must contact the Aboriginal Legal Service whenever they have taken an Aboriginal person into custody.

## Culturally and Linguistically Diverse (CALD) communities

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CALD communities including newly arrived migrants, international students, refugee and humanitarian entrants may have circumstances that complicate our understanding of their behaviour and interface with services around domestic and family violence.

CALD communities may not be fully aware of the laws and norms of Australian society and therefore dependent on other community members for information, which could be misleading.

Some CALD women may not know that sexual violence is a crime in Australia, particularly when it occurs in an intimate relationship.

For many CALD women 'rape' within marriage as a concept is not a familiar one. For many the common understanding is that the marriage contract implies consent for sexual intercourse for the duration of the relationship. Across cultures and in many CALD communities there is no phrase for 'rape in marriage' in many languages. Generally, sexual violence is not discussed among members of such communities especially when it occurs within a marriage. It is treated as a private matter between the couple.

### **What are some of the barriers that prevent CALD people reporting to police?**

Perceptions around

- Levels of police response
- Police may not understand their situation and culture of domestic relations
- Stresses associated with migration and settlement process
- Shift in gender roles in the Australian context
- Intergenerational conflict

### **Factors preventing CALD women reporting violence to police may include:**

- Impact of reporting domestic violence on visa status
- Distrust of police
- Fear of police based on experiences in country of origin
- Lack of awareness of Australian legal system and own rights
- Lack of permanent residency and fear of deportation if the relationship breakdown occur during their temporary visa period
- Limited or no family support, pregnancy obligations and cultural isolation

- Fear of losing a relationship/family if the perpetrator is the victim's husband or wife
- Thinking that such violence is indicative of a failed marriage and might be considered the victim's fault
- Fear about bringing shame and embarrassment to the family or to the community
- Victimisation and embarrassment suffered by victim's family overseas

An important factor impacting on police and some members of CALD communities is the limited knowledge of English and lack of qualified interpreters.

### **Use of professional interpreters**

Interviews in situations of domestic violence and sexual assaults are most often stressful for all concerned. As stress is increased the ability to function in English when it is a person's second language, decreases. It is necessary to use professional interpreters to facilitate communication to and from officers and victims, witnesses and offenders in all domestic violence situations.

All NSWPF staff **MUST** use professional accredited interpreters to communicate with people who are not able to speak or understand English or who are Deaf and Hard of Hearing.

Accredited professionals must be used in operational situations where information being received or given is relevant to an investigation, a legal proceeding or will have an impact on someone's legal rights. In domestic violence situations, police must use an accredited interpreter when obtaining a Domestic Violence Evidence in Chief (DVEC) recording or a written statement from the victim.

Family members and friends should not be used to assist with interpreting. Under no circumstances should children and offenders interpret in situations of domestic and family violence.

There may however be some situations where it is appropriate to use the language assistance of someone who is not an accredited professional. There may be extreme situations where it is necessary to use whoever is available. For example, if a victim has been near fatally injured and is attempting to say something to officers; or where a child may be in fear and trying to talk to officers. This comes with a proviso that if this does occur, then when the person or child is safe, the information will be sought again by police through a professional interpreter.

### **Booking interpreters for first time court appearance**

Police will arrange an interpreter for the first day in court for the victim of a domestic and family violence incident, and for a defendant in a criminal matter. This arrangement is agreed between the NSWPF, Department of Justice and Multicultural NSW.

### **Role of the Multicultural Community Liaison Officer (MCLO)**

MCLOs are the civilian staff in the NSWPF operating from PACs/Police Districts to help culturally and linguistically diverse (CALD) communities build trust and confidence in police. Their role includes strengthening the links between police and CALD communities to ensure that police in NSW are confident and capable of

working with cultural diversity and able to respond effectively to policing needs of the whole community at the local level.

### **How do MCLOs work with Domestic Violence Liaison Officers?**

A significant aspect of the MCLO role is support for crime victims of CALD background in consultation with other members of the Crime Management Unit (CMU).

With respect to domestic and family violence MCLOs work closely with Domestic Violence Liaison Officers (DVLOs) to provide the following support:

- Assisting DVLOs to provide support to victims as required
- Assisting DVLOs to assess the victim's situation as required
- Assisting DVLOs to explain court proceedings and ADVO conditions to victims where appropriate
- Where appropriate making referrals to relevant community agencies
- In consultation with the DVLO providing advice to victims around making formal reports
- Facilitating contact between police and victim, where the victim is reluctant to speak to police
- Provision of follow up information to victims
- Continuing link between police and victim if matter is ongoing
- Provision of support and general information in victim's first language if the MCLO speaks that language
- Arranging accredited interpreters to facilitate communication between victim and police

MCLOs also arrange opportunities for DVLOs to conduct information sessions to culturally and linguistically diverse community groups.

MCLOs also participate in interagency activities around domestic violence providing further access to domestic and family violence information for CALD communities.

## People with a disability

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People with disabilities are a particularly vulnerable group in the community and generally are less likely to report violence to the police. Australia has 1 in 5 people (approx. 20% or just over 4 million) with a reported disability. 19.8 % of all males and 20.1 % of all females report having a disability (ABS 2003). Approximately 937,000 people (of all ages) live in NSW with a diverse disability that can impact on activity limitations and participation restrictions.

Historically, many people with a disability have been marginalised and socially excluded. People with a disability, and particularly women with a disability, are still far from achieving social, economic and political equality. Therefore, the social situations that they may find themselves in, often place them in precarious, vulnerable, dependent and risky living situations.

A person's disability may not be easily noticed or easily discussed. There are many disabilities and it may not always be a physical disability, it may be an intellectual disability (cognitive impairment) which is not visible. A person may never describe themselves as having a disability, and may not be comfortable in disclosing information about a disability, possibly due to negative reactions to past disclosures. Consequently, people with disabilities may not want to disclose they have a disability.

People with a disability are at greater disadvantage in responding to violence because they may not be aware of what constitutes domestic and family violence or know where to seek assistance. Education about what constitutes violence does not routinely occur in disability settings, rendering people with a disability at a loss to both recognise abusive behaviour as such or to act to prevent its recurrence. People with a disability are taught to be compliant, and women with disabilities are often perceived to be asexual, powerless and physically helpless.

The NSWPF acknowledges the rights of people with disabilities to access services provided to the general community.

### **What are some of the barriers that prevent people with a disability from reporting to police?**

Many people with a disability have had a lifetime of negative encounters with social/welfare services and criminal justice systems. Because of prior ineffective remedies and harmful consequences, people with a disability may be hesitant to use systems and resources.

Many people with disabilities have never sought help for the abuse they have experienced. Some of those reasons for example:

- Fear being institutionalised in a nursing home or rehabilitation centre
- Fear of loss of self-autonomy
- Not recognising their experience as abuse
- Blaming themselves for the abuse

- Having no other options
- Not trusting agencies to respond effectively
- Fear of losing their independence
- Fear of losing their children
- Pride

In many cases, people with a disability depend on the perpetrator for assistance with dressing, eating and other essential activities of daily life, creating major barriers to leaving the violent relationship. Other barriers to leaving include fear of losing independence, fear of being institutionalised, fear of having no or adequate personal care assistant, fear of not being believed.

Furthermore, people with disabilities who have limited mobility or who rely on assistive technology or personal paid carers may find they are unable to leave the relationship for architectural or practical reasons, particularly if a perpetrator damages, removes, or destroys adaptive equipment that facilitates movement or communication.

Disability specific types of domestic and family violence:

- Denial of care or denial of assistance with essential activities of daily life
- Destruction or withholding of adaptive equipment
- Withholding food or medication
- Limiting access to communication devices
- Threats of institutionalization
- Threats to report to Community Services, meaning a fear of losing children
- Manipulation of medication
- Forced sterilization of women

Domestic and family violence against people with a disability can occur in residential settings (including group homes or supported disability accommodation services), and boarding houses. Perpetrators of domestic and family violence can include paid and unpaid carers.

With respect to domestic and family violence, police will recognise the particular needs of victims, witnesses and offenders with a disability in ensuring just outcomes and full participation including the ability to fully communicate with and receive information from police. This means that police should engage the services of

a support person as soon as possible. This includes using interpreters to communicate with people who are Deaf or Hard of Hearing, or who have a communication impairment and facilitating appropriate support and referral for offenders and victims with a disability.

If the alleged offender is present, it is also important for police to be cautious of undue influence, power imbalances and/or possible manipulation by this person over the victim. It is appropriate for police to remove the offender so that the person with a disability feels safer to disclose information.

## Abuse against older people

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Many older people in our community grew up in a world where abuse in the family home was rarely discussed and not widely recognised. Family matters were dealt with privately in the home, corporal punishment existed in schools and the expected roles of men and particularly women were very different to that of today. As a result, abuse of older people is an issue that many older people find difficult to discuss. It can be easily concealed and some of the indicators of abuse may in fact be due to other causes.

Many forms of abuse of older people occur in the context of domestic and family violence due to the underlying abuse of power and control demonstrated by an intimate partner, relative or carer towards an older person. This can result in inhibiting the behaviour, actions and/or decision making of an older person and takes advantages of their vulnerabilities or lack of support. Whilst it is impossible to know the full extent of abuse of older people in our community, studies suggest it is far more common than previously thought. It is also becoming more evident that financial abuse of older people by their adult children is increasing as our population ages.

### **What is abuse of older people?**

Abuse of older people is any behaviour that causes physical, psychological, financial or social harm to an older person. The abuse can occur within any relationship where there is an expectation of trust between an older person who has experienced abuse and the abuser. Abuse in older people can occur in any of the following forms:

- **Physical abuse** – inflicting pain or injury, e.g. hitting or slapping, physical coercion, restraining, over medicating or refusing medication
- **Psychological abuse** – inflicting mental stress, causing fear or shame, intimidating, name calling, humiliation or making threats, including actions that cause fear of violence
- **Financial abuse** – illegal or improper use of an older person's money or possessions. This includes misuse of a power of attorney, forcing an older person to change their will, and taking control of their finances against their wishes
- **Neglect** – the intentional or unintentional failure to provide necessities of life and care; or the refusal to permit others to provide appropriate care
- **Social abuse** – preventing a person from having social contact with family members or friends

### **What are some of the barriers that prevent older people reporting to police?**

Victims are usually dependent on the abuser in some way. Those who live on remote properties or are isolated from their friends, neighbours and family, or who have mental or physical disabilities are especially vulnerable to abuse.

The abuser is usually the abused person's carer or another family member or members, but it can also be a paid care worker, landlord or any other person in a position to do abuse or take advantage of an older person.

The increasing diversity of communities with language barriers and religious beliefs often contribute to the challenge for police in identifying abuse. The historic culture of silence is still quite prevalent in our older people today, with personal, religious and social consequences forming the basis for any reluctance to speak out.

### **Investigating abuse of older people**

Some forms of abuse are very easily evident, for example where physical assault has occurred. Other forms of abuse can be very subtle and hard to detect. It may also be difficult to differentiate signs of abuse from illness or accidental injury. A medical assessment is therefore highly relevant and may need to be considered.

Ensuring the older person's rights to live safely in their own home free of violence, abuse, neglect and exploitation is of paramount importance to police who will refer to appropriate services to see that appropriate victim care is provided.

It is important that the police speak to the older person without the abuser present, often the abuser will say things like 'they have dementia or Alzheimer's as a ploy to stop the police from talking to the victim directly.

The primary roles of NSWPF in responding to abuse of older people are to:

- Intervene in emergency situations where there is a risk of safety and/or harm to an older person
- Respond to and investigate criminal offences
- Provide information to the victim, and carer where appropriate

Further advice and information is available on the following link:

[Interagency Protocol for Responding to Abuse of Older People](#)

Alternatively, the Elder Abuse Helpline & Resource Unit provides information, advice and referrals relating to the abuse of older people in NSW and puts the safety of the older person first. Contact details for the Elder Abuse Helpline & Resource Unit are in the Referral service information section at the end of this document.

## Abuse experienced by sexuality, gender diverse and intersex (LGBTI) people

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While most of domestic and family violence reports and ADVO applications are made by women against their male partners, or ex-partners, this does not preclude domestic and family violence occurring within same sex relationships and abuse experienced by transgender and intersex people.

Current Australian and international research suggests that general patterns and levels of domestic and family violence in lesbian, gay, bisexual, transgender, intersex (LGBTI) relationships are about the same as non-LGBTI relationships. However, whilst all people face certain challenges seeking help and reporting abuse, there are some specific additional barriers facing many in LGBTI relationships. The NSWPF Sexuality, Gender Diversity and Intersex Policy Statement 2016-2020 and accompanying Strategy document (NSW Police Force Strategy on Sexuality, Gender Diversity and Intersex 2016-2020) require DVLOs and any other officer investigating incidents involving LGBTI people to work closely with GLLOs, other relevant officers and external agencies.

Domestic and family violence experienced by LGBTI people may be like the abuse occurring in heterosexual relationships however there are some particular and unique tactics of control and manipulation that have been reported, including:

- Threats to 'out' their partner to family and work colleagues or others in the community
- Telling a partner that no one will help because the police and the justice system are homophobic
- Threatening or controlling behaviour where either the victim or offender is HIV positive

For more information on domestic violence in same sex relationships, or abuse experienced by transgender and intersex people, refer to *Another Closet LGBTIQ Domestic & Family Violence* or [www.anothercloset.com.au](http://www.anothercloset.com.au), *Calling it what it really is, A Report into Lesbian, Gay, Bisexual, Transgender, Gender Diverse, Intersex and Queer Experiences of Domestic and Family Violence, NSW 2015*. Both publications are available on the NSWPF Intranet (Sexuality, Gender Diversity & Intersex Knowledge Map).

Key referral points are ACON's LGBTI Domestic and Family Violence projects and services, the Safe Relationships Project – Inner City Legal Centre and The Gender Centre and details are in the Referral Service Information section at the end of the Code of Practice.

### **Role of the LGBTI Liaison Officer (GLLO)**

GLLOs are police officers located throughout the state assisting in building the overall capacity of local commands to respond to lesbian, gay, bisexual, transgender and intersex issues. GLLOs undertake a training course which covers key policing responses to homophobic/transphobic violence, domestic and family violence in same sex relationships and by transgender and intersex people, among other topics.

The main aim of the GLLO program is to foster confidence in the NSWPF and encourage reporting of crime by members of these communities.

GLLOs work with other specialist liaison officers such as DVLOs to support a comprehensive response to the problem of domestic and family violence experienced by LGBTI people. A key role for the GLLO is to build local referral networks to facilitate appropriate referrals to the range of LGBTI 'friendly' services available.

## Information sharing and privacy

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Part 13A *Crimes (Domestic and Personal Violence) Act 2007* allows for police to supply agencies, providing domestic violence support services, information about the victim or alleged perpetrator. This enables the direct referral of victims by police to support agencies and facilitates access to services by victims who are often in situations of great need and vulnerability.

Following the referral by police, support agencies will need to seek the consent of the victim to provide domestic violence support services. Generally, victim consent will be required for all sharing after the initial police referral.

Any further disclosure of information to other support agencies or to non-government services providing domestic violence support will only occur with the consent of the victim and if it was reasonably necessary to provide support to him or her.

These information sharing provisions will also allow for the collection, use and disclosure of information without consent to address a serious threat to a person's life, health or safety of a person, where the threat relates to the commission or possible commission of a domestic violence offence, and where it is unreasonable or impracticable to obtain the consent of the person to whom the information relates.

### **Information Protection Principles (Police obligations regarding privacy)**

The Information Protection Principles are contained in the *Privacy and Personal Information Protection Act 1998 (PIPP Act)* and are a resource for service providers collecting, using or sharing personal and health information of victims, perpetrators or other persons specified under the Act. It is important to note that the Information Protection Principles do not apply to the NSWPF in the carrying out its law enforcement functions. However, the Information Protection Principles do apply to the NSWPF (and other exempt agencies), “in connection with the exercise of their administrative and educative functions”, and also to all other non-exempt public sector agencies, as set out under the *PIPP Act*.

### **Information Sharing Protocols**

#### **Why are there information sharing laws and protocols and legislation?**

Prior to the commencement of Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007* most agencies could not legally receive, store or disseminate information from the NSWPF. This did not facilitate an integrated approach to domestic and family violence and agencies did not share their information with each other. The legislation and protocols provide a legal basis and a procedural framework for the collection, storage and sharing of information relating to victims and offenders involved in the court process for AVO matters and criminal charges.

The legislation and protocols provide a standard of compliance in which agencies provide information to the NSWPF and others to facilitate services for victims, safety action meetings, case tracking and other integrated responses to better protect victims from violence. When many agencies work together, they can provide a tailored response specific to the needs of their clients.

#### **Sharing information where the victim is under 18**

Chapter 16A *Children and Young Persons (Care and Protection) Act 1998* allows for the exchange of information to prescribed bodies when person is under the age of 18 who is a victim of domestic violence or present or a child of one of the parties involved in the domestic violence. Section 248(6) of the Act defines provides a comprehensive list of what a prescribed body is. Chapter 16A prioritises the safety, welfare and wellbeing of a child or young person over the privacy of an individual.

### **Sharing information where the offender is under 18**

In cases of domestic violence where the offender is under the age of 18, the decision to apply Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* will depend on a consideration for the safety and wellbeing of the young person including managing any risk of harm to the victim. This decision should be made by the prescribed body involved.

### **Sharing information where there are no DV offences and there seem to be no threat to the victim**

In this situation, the personal health and information about a victim and a perpetrator can only be shared in accordance with existing exceptions to NSW privacy laws where:

- The service provider reasonable believes there is a serious and imminent threat to the life, health or safety of a person, or
- It is reasonably necessary for the NSWPF to carry out its functions, and there are reasonable grounds to believe that an offence may have been committed

In all other situations, only information about the offender can be shared in the following circumstances:

- With the perpetrator's consent, or
- Where a service provider believes that a criminal offence may be committed or that a perpetrator's behaviour or an attitude may affect another person's safety

Information about the victim cannot be shared in these situations without their consent.

More information is available here: [Domestic Violence Information Sharing Protocol.pdf](#)

## Partnerships to deliver integrated domestic and family violence services to the community

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### **Police partnership with other agencies - a collaborative approach**

The role of a police officer in responding to domestic and family violence is to use their investigative skills to determine whether an offence has been committed and to refer the parties involved to appropriate support and advocacy services. It is not the role of a police officer to mediate or provide counselling to a victim. Victim support services are responsible for providing these types of services to victims.

### **Safer Pathway**

Safer Pathway is the NSW Government's coordinated approach to supporting domestic violence victims and their children. Safer Pathway aims to ensure that all victims receive a timely, effective response to secure their safety and support their recovery.

Safer Pathway involves consistently identifying the level of threat to victims, ensuring a streamlined pathway for connecting victims with wrap-around support, and providing an interagency response to victims at serious threat of further injury or death.

The key components of Safer Pathway build on the existing service response. These are:

- A Domestic Violence Safety Assessment Tool (DVSAT) to better and consistently identify the level of domestic violence threat to victims
- A Central Referral Point to electronically manage and monitor referrals
- A state-wide network of Local Coordination Points that facilitate local responses and provide victims with case coordination and support

By the end of 2018, Safer Pathway will be operational at the following sites: Albury, Armidale, Ashfield/Burwood, Auburn/Granville, Bankstown, Bathurst, Blacktown, Blue Mountains, Bourke, Broken Hill, Campbelltown, Central Sydney, Coffs Harbour, Deniliquin, Dubbo, Far South Coast, Fairfield, Gosford, Goulburn, Griffith, Hunter Valley, Illawarra, Lismore, Liverpool, Moree, Mt Druitt, Newcastle, Newtown, North Sydney, Northern Beaches, Nowra, Orange, Parramatta, Penrith, Port Macquarie, Queanbeyan, St George, Sutherland, Tamworth, Taree, Toronto, Tweed Heads, Wagga Wagga, Walgett, Waverley, Wollongong, and Wyong.

- Safety Action Meetings in which members develop plans for victims at serious threat of death, disability or injury because of domestic and family violence

- Information sharing legislation that allows service providers to share information about victims and perpetrators so that victims do not have to retell their story multiple times, to hold perpetrators accountable and promote an integrated response for victims at serious threat

For further information visit [Safer Pathway](#).

## **Programs**

### [Integrated domestic and family violence service](#)

The Integrated Domestic and Family Violence Strategy program is a multi-agency response to prevent the escalation of domestic and family violence among high-risk target groups and in targeted communities.

The program aims to improve outcomes for people affected by domestic and family violence, including children.

The program delivers coordinated services to clients through a multi-disciplinary team and is based on clear referral pathways between service agencies such as Police, Health, Family and Community Services and non-government support agencies. For more information visit:

[www.community.nsw.gov.au/for-agencies-that-work-with-us/our-funding-programs/integrated-domestic-and-family-violence-service](http://www.community.nsw.gov.au/for-agencies-that-work-with-us/our-funding-programs/integrated-domestic-and-family-violence-service)

### [Specialist Homelessness Services](#)

People don't need to identify as homeless or be sleeping in a park to need help finding accommodation. They may be couch surfing, experiencing domestic and family violence, financial stress or other major life events and need help to get support and accommodation.

FACS is the lead NSW Government department that supports people experiencing or at risk of homelessness.

FACS fund non-government homelessness service providers and work closely with a network of services to ensure you can access the right support locally, when you need it and before you reach crisis point.

FACS can help [find](#) a homelessness service:

[www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services](http://www.housing.nsw.gov.au/help-with-housing/specialist-homelessness-services)

## **Women's Health Services**

<http://whnsw.asn.au/womens-health-centres-nsw/>

### **Staying Home Leaving Violence (SHLV)**

The Staying Home Leaving Violence Program (SHLV) can assist women and their children affected by domestic and family violence to remain safely in their home of choice while the offender is excluded.

The SHLV services commonly have partnerships with their local police and other local agencies including NGOs and government partners to ensure prompt referral and support for victims of domestic and family violence who wish to remain in their home of choice.

These services provide a range of support to victims who are recently separated or who are experiencing post-separation abuse such as; safety planning, improving home security, emotional support and assistance in managing finances, support for children and helping women through the complex legal processes.

The SHLV service is available in metropolitan and regional locations across NSW and a full list of these services can be found in the Referral section. Further information about services operating in your area is available from your DVLO.

### **Women's Domestic Violence Court Advocacy Service (WDVCAS)**

The role of the WDVCAS is a proactive advocacy role on behalf of women and children experiencing domestic and family violence and who may need legal protection. This includes:

- Women seeking information and referrals in relation to domestic and family violence
- Women referred from NSWPF and other services via the Central Referral Point (CRP)
- Women seeking legal protection through NSW Local Courts through the granting of an Apprehended Domestic Violence Order (ADVO);
- Women defendants in cross-applications where the WDVCAS worker considers the woman is the primary victim of the violence;
- Women victims in criminal charge matters; and
- Women defendants in criminal charge matters where the WDVCAS worker considers the woman is the primary victim of the violence.
- Women referred to Safety Action Meetings (SAMs) by a Local Coordination Point (LCP)

The WDVCAS role involves the provision of accurate information (not legal advice), advocacy and referral

to appropriate services, including legal services for the client's immediate and ongoing legal and social/welfare needs.

WDVCASS have a significant role in the implementation of the NSW Government's 'It Stops Here: Safer Pathway' DFV reforms as they host the Local Coordination Points. The WDVCAS Coordinator is the point of contact both for the WDVCAS and LCP in your area and is responsible for the day-to-day management of both functions and the workers.

LCPs provide victims of domestic and family violence with threat assessment, case coordination and referral to a SAM if necessary. This work is in addition to and separate from regular WDVCAS work and is undertaken by the SAM Coordinator and Intake Workers. The SAM Coordinator liaises regularly with the DVLO about SAM matters.

There are 29 WDVCASSs across NSW with links to all Police Area Commands. WDVCASSs provide services at 117 Local Courts across the state.

Many WDVCASSs have Aboriginal Specialist Workers and Multicultural Specialist workers who work with women and children from their communities. They provide information about domestic and family violence and assist clients to access the justice system to obtain legal protection from domestic violence. These Specialist Workers also undertake community development and education in their local communities.

### **Before Court**

Contact with clients is made/attempted before the end of the next business day after receiving the referral. The role of the WDVCAS worker is to ensure that the client is aware of, and understands, the court process, the meaning of the ADVO application, the effect of ADVO conditions being sought, the requirement for her to attend court, the hearing process, how to report breaches and to provide her with access to legal assistance and appropriate referrals for any other legal or social/welfare needs she may have.

In conjunction with the DVLO, the WDVCAS worker is responsible for ensuring that orders sought are appropriate and workable, and if not to seek the orders amended.

The WDVCAS is also responsible for identifying and assessing risks and other needs, responding to reduce identified risks and to proactively make appropriate referrals to other services, including legal services (particularly where there are implications for family law).

### **At Court**

The role of WDVCAS workers, including seconded workers working with a WDVCAS at court on an ADVO list day, is to ensure that the client is aware of and process of the proceedings, to ensure that ADVO conditions are appropriate and workable (in collaboration with the DVLO), to have knowledge of the role of relevant personnel and the outcomes of the proceedings. The client's safety is of paramount concern and the

courthouse should provide a safe waiting area to protect the client from further harassment and intimidation.

Seconded workers are trained and experienced DFV workers from government agencies and local community services that assist the WDVCS on AVO list days to ensure all women who attend court can speak with a professional worker who can offer information and referrals to appropriate services according to the client's individual needs.

All WDVCS and seconded workers at court report to the WDVCS Coordinator or her delegate who is responsible for the management for the victim safe room and liaison with DVLO/s and the prosecutor on the day following the mention, whether an order is made or not, the role of the WDVCS workers includes ensuring that the client is aware of and understands what took place at court and that the woman receives copies of orders or other notices such as a property recovery order before leaving the court precinct if possible. The WDVCS worker will also ensure it is safe for the woman to leave and if not liaise with the DVLO and/or sheriffs.

### **After Court**

The role of the WDVCS worker is to ensure that the client is aware of her next court date, the outcomes of court matters and has received relevant court documents, including orders made and notices for her to attend court on future dates. In addition, the WDVCS worker is to ensure appropriate referrals are made to meet the ongoing needs of the client and to keep accurate records of the services provided and court outcomes. WDVCS workers may be in contact with women several times after court particularly about ensuring their safety and that they are linked in with other services.

The WDVCS will liaise with the DVLO and Police Prosecutor to ensure victims are provided information about and referral to the Domestic Violence Prosecutor Clinics to prepare for hearing.

### **Other duties**

WDVCS workers should also take part in community development activities and strategies to increase community awareness about domestic violence and the service provided by the WDVCS if they have capacity.

### **Region Domestic Violence Coordinators (RDVC)**

The role of a RDVC is that of a strategic senior officer position, whose role is to contribute to the development of a more integrated, coordinated response to domestic and family violence.

NSWPF has six regions: Northern, Western, Southern, North West Metropolitan, South West Metropolitan and Central Metropolitan. There are two RDVC positions for each country region and one for each metropolitan region.

The complexity of domestic and family violence requires a multi-agency response and partnerships with other key agencies on a regional basis are strengthened through the RDVC.

The RDVCs work closely with PACs/Police Districts, DVLOs, and develop local community based solutions to address the prevalence of domestic and family violence.

RDVCs engage with operational managers in key partner agencies (e.g. Family and Community Services, Health, Department of Justice) and specialist service providers, in relation to the delivery of local and regional services in a whole of government approach to domestic and family violence.

## Monitoring the police response

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### **Corporate monitoring**

Domestic and family violence data is available publicly from a variety of sources including quarterly and annual recorded crime reports published by the *NSW Bureau of Crime Statistics and Research (BOCSAR)*; the *NSW Police Force Annual Report*; and the *NSW 2021 Performance Report*.

The performance of NSWPF commands is monitored through the COMPASS system, which provides data on several performance indicators relating to domestic, family and sexual violence, including those indicators contained within the *NSW Police Force Corporate Plan 2012-2016*.

Commands report quarterly where performance is below target and briefly describe the current situation with respect to each indicator, provide commentary on identified trends and risks as well as action taken and / or planned to address these issues.

This information supports the corporate sponsor for domestic and family violence in providing advice to the Commissioner and Executive Team.

### **Region Domestic Violence Coordinators (RDVCs)**

Region Domestic Violence Coordinators (RDVCs) assist Commanders to monitor operational performance and trends within the PAC/Police District to improve the PAC/Police District response to domestic and family violence. This includes the provision of strategic support and advice to CMU officers to help identify repeat offenders and victims and develop appropriate strategies with the aim to reduce domestic and family violence, prevent re-offending and referring victims and families to ongoing support.

### **Law Enforcement Conduct Commission (LECC)**

The Law Enforcement Conduct Commission (LECC). The LECC replaces the Police Integrity Commission and the Police Compliance Branch of the NSW Ombudsman with a single oversight body with two clearly defined functions: detecting and investigating misconduct and corruption, and overseeing complaints handling.

The LECC provides the NSW public with a simplified, strong, fair and impartial system of law enforcement oversight in NSW. The LECC is located at Level 3, 111 Elizabeth Street, Sydney and is open 8.30 – 4.30 Monday to Friday. The Commission can be contacted either by email [contactus@lecc.nsw.gov.au](mailto:contactus@lecc.nsw.gov.au) or phone 9321 6700 or toll free 1800 657 079.

For further information visit [www.lecc.nsw.gov.au/](http://www.lecc.nsw.gov.au/).

## Information for persons in need of protection

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### **Police responsibility towards victims**

Police are generally the first to arrive at the scene of a reported domestic and family violence incident. This means that they can provide valuable assistance and reassurance to a victim at this crucial point of contact.

All victims will be treated with dignity and respect, with concern for their safety, physical and emotional needs a priority. This is regardless of whether they are a first-time victim or a repeat victim with whom police have had several contacts.

### **Charter of Victims Rights**

Victims of crime in NSW have a Charter to protect and promote their rights. The Charter of Victims Rights set out in the *Victims Rights and Support Act 2013* establishes standards for the appropriate treatment of victims of crime and is overseen by the Victims Services. The Charter of Victims Rights builds upon principles already adopted by government agencies throughout NSW. These principles recognise the needs of victims as factors that should be considered when assisting victims of crime. The Charter ensures a recognised position for victims within the NSW criminal justice system.

Under the Charter, a victim includes a person who, as a direct result of a criminal offence suffers physical or emotional harm, or loss or damage to property. For the purposes of the Charter, where the criminal offence results in the death of the person, a member of that person's immediate family will also be included as a victim of crime.

The Charter includes:

- The rights of victims to be treated with courtesy, compassion, cultural sensitivity and respect
- Information about, and access to, welfare, health and counselling services
- Privacy and protection, and
- Information about the criminal justice system

If a victim considers a Government agency has not met its obligations under the Charter, a victim can contact Victims Services who will assist the victim in resolving the matter. The *Victim's Rights and Support Act 2013* provides the legislative framework for the rights of victims of crime in NSW.

## **Customer Service Program**

The NSWPF is committed to providing the community and people of our own organisation with responsive and meaningful customer service. Ensuring that police maintain quality customer service is one of the highest priorities of every police officer. It is what the community desires and is a key requirement of NSW 2021.

Under the NSWPF Customer Service Charter victims of crime can expect police to:

- Explain how we will deal with your matter
- Provide you with a reference number and contact telephone number of the investigating officer
- Keep you informed throughout the investigation
- Inform you of the outcome of the investigation, and
- Where possible encourage you to contact police if you need or have any further information

## **Customer Service Charter - Victim follow up within 7 days**

Police are often the first to arrive at the scene of an accident, disaster or reported incident and are usually one of the first people to converse with a victim of crime. Police interaction with victims can have a major bearing on the impact of the crime and effectiveness of the victim's recovery.

To comply with the NSWPF Customer Service Charter and the Charter of Victim's Rights; and to ensure that victims of crime receive appropriate and timely police follow up, it is mandatory to provide follow up to a victim of crime within 7 days of reporting face to face to police.

The Charter of Victims Rights defines a victim as a person who, as a direct result of a criminal offence, suffers physical or emotional harm; or loss of property; or damage to property. However, it is also important to recognise secondary victims and their families when providing support. A secondary victim is someone who may be injured because of witnessing domestic violence, such as a child. A parent or guardian of a primary victim of an act of violence who was under the age of 18 years at the time of the act and is injured because of learning of the act of violence is also considered a secondary victim.

Victims can feel a range of emotions when they first talk to police, meaning their responses and level of cooperation will vary widely. Often information provided to a victim at the time of reporting the crime is forgotten or misunderstood. The mandatory 7 days follow up provides victims with a further opportunity to discuss their matter with police and for police to provide the victim with any updates about their matter.

It is critical that victims are informed of the progress of their investigation and the outcome in a timely, respectful manner. All victims are entitled to access information about domestic and family violence services and agencies that are culturally appropriate to their needs.

For more information police are encouraged to refer to the Guidelines for the NSWPF Response to Victims of Crime through the Victims of Crime Knowledge Map on the intranet.

## Referral service information

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The following list of referral agencies and other services may assist in the police response to an investigation of domestic and family violence. This list is not exhaustive and local agencies may exist that provide a similar service.

Police are not restricted as to which agency or how many agencies they can contact or refer people to, provided they follow police procedures and protocols between partner agencies delivering local services.

For agencies listed in this section, please send any amendments to the contact details to the Senior Programs Officer, Domestic & Family Violence, Performance & Program Support Command, Level 2, 20 Charles Street, Parramatta NSW 2124 or to [#dvinfo@police.nsw.gov.au](mailto:#dvinfo@police.nsw.gov.au).

### **State-wide and specialist services**

(TTY\* Numbers also provided for hearing/speech impaired)

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#### **NSW Police Force**

[www.police.nsw.gov.au/community\\_issues/domestic\\_\\_and\\_\\_family\\_violence](http://www.police.nsw.gov.au/community_issues/domestic__and__family_violence)

**000** (Triple Zero) 24 hrs

#### **NSW Police Force Child Wellbeing Unit**

Enquiries regarding "Child at risk of significant harm"

**1800 72 56 54**

Monday to Friday, 7am – 6pm

Saturday and Sunday and Public Holidays, 7am – 3pm

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### **Family and Community Services (FACS)**

#### **Community Services**

[www.community.nsw.gov.au/](http://www.community.nsw.gov.au/)

#### **Child Protection Helpline**

[www.community.nsw.gov.au/](http://www.community.nsw.gov.au/)

**132 111 24** hrs

**1800 212 936** (TTY) 24 hrs

#### **NSW Domestic Violence Line**

[www.community.nsw.gov.au/](http://www.community.nsw.gov.au/)

**1800 65 64 63** 24 hrs

**1800 671 442** (TTY) 24 hrs

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### **ACON's LGBTI Domestic and Family Violence projects and services**

[www.acon.org.au/what-we-are-here-for/domestic-family-violence/](http://www.acon.org.au/what-we-are-here-for/domestic-family-violence/)

### **Community Legal Centres NSW**

[www.clcnsw.org.au](http://www.clcnsw.org.au)

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### **Criminal Justice Support Network**

[www.idrs.org.au/home/index.php](http://www.idrs.org.au/home/index.php)

The Criminal Justice Support Network (CJSN) is a service of the Intellectual Disability Rights Service (IDRS) that provides volunteer support workers for people with an intellectual disability who are in contact with the criminal justice system. A support worker is allocated to a person with an intellectual disability seeking assistance at police interviews, courts and related legal appointments whether they are victims, witnesses, suspects or defendants.

**02 9318 0144 or 1300 665 908**

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### **Deaf Society of NSW – Sign Language Communications**

[deafsocietynsw.org.au/](http://deafsocietynsw.org.au/)

General Inquiries **1800 893 855**

SMS: **0427 741 420**

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### **Domestic Violence NSW**

[www.domesticviolence.nsw.gov.au](http://www.domesticviolence.nsw.gov.au)

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### **NSW Elder Abuse Helpline & Resource Unit**

[www.elderabusehelpline.com.au/](http://www.elderabusehelpline.com.au/)

This is a confidential helpline offering information, advice and referrals for people who experience, witness or suspect the abuse of older people living in their homes in NSW.

**1800 628 221**

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### **NSW Health Education Centre Against Violence (ECAV)**

[www.ecav.health.nsw.gov.au](http://www.ecav.health.nsw.gov.au)

Specialist training provider in relation to interpersonal violence

**02 9840 3735**

Email: [ecav@wsahs.nsw.gov.au](mailto:ecav@wsahs.nsw.gov.au)

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### **Housing NSW – Domestic and Family Violence**

[www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/fact-sheets/domestic-and-family-violence](http://www.housing.nsw.gov.au/forms,-policies-and-fact-sheets/fact-sheets/domestic-and-family-violence)

Housing Contact Centre **1800 422 322**

#### **Immigration Advice & Rights Centre**

[www.iarc.asn.au](http://www.iarc.asn.au)

**02 8234 0799** Tuesday and Thursday only  
2pm – 4pm

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### **Immigrant Women’s Speakout Association of NSW**

**02 9635 8022** Monday to Friday, 9.30am – 4.30pm

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### **LawAccess NSW**

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

Provides free telephone legal information, referral and in some cases, advice.

**1300 888 529** Monday to Friday, 9am – 5pm

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### **Law Enforcement Conduct Commission (LECC)**

[www.lecc.nsw.gov.au](http://www.lecc.nsw.gov.au)

The LECC provides the NSW public with a simplified, strong, fair and impartial system of law enforcement oversight in NSW.

**02 9321 6700** or toll free **1800 657 079**

Level 3, 111 Elizabeth Street, Sydney

8.30 – 4.30 Monday to Friday

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### **Link2Home – NSW Family and Community Services**

A state-wide homelessness information and referral telephone service

[www.facs.nsw.gov.au/about\\_us/news/2014/link2home](http://www.facs.nsw.gov.au/about_us/news/2014/link2home)

**1800 152 152** – 24 hours 7 days a week

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### **Mensline Australia**

[www.mensline.org.au](http://www.mensline.org.au)

**1300 789 978** 24 hrs

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## Multicultural NSW

[www.multicultural.nsw.gov.au](http://www.multicultural.nsw.gov.au)

**Language Link - 1300 651 500**

[languageservices@multicultural.nsw.gov.au](mailto:languageservices@multicultural.nsw.gov.au)

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## NSW Ombudsman

[www.ombo.nsw.gov.au/](http://www.ombo.nsw.gov.au/)

**(02) 9286 1000** or Toll free **1800 45 15 24**

Monday to Friday, 9am – 5pm (Inquiries section closes at 4pm)

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## Older Women's Network (OWN)

[www.ownnsw.org.au/contact-us/](http://www.ownnsw.org.au/contact-us/)

**02 519 8044** OWN

Email: [info@ownnsw.org.au](mailto:info@ownnsw.org.au)

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## Rape & Domestic Violence Services Australia

[www.nswrapecrisis.com.au](http://www.nswrapecrisis.com.au)

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## Staying Home Leaving Violence (SHLV) Services

[www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/staying-home-leaving-violence](http://www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/staying-home-leaving-violence)

**The program operates in the following locations:**

Bega	<b>6492 6239</b>	Maitland/Cessnock	<b>49371927</b>
Blacktown/Mt Druitt	<b>9677 1962</b>	Moree	<b>6752 8027</b>
Broken Hill	<b>08 80882520</b>	Newcastle	<b>4926 3577</b>
Campbelltown	<b>1800 077 760</b>	Nowra	<b>4421 7400</b>
Clarence Valley	<b>6684 4299</b>	Orange	<b>1300 384 357</b>
Coffs Harbour	<b>6652 9944</b>	Parramatta/Holroyd	<b>9636 8437</b>
Dubbo	<b>6883 1560</b>	Penrith	<b>4721 2499</b>
Eastern Sydney	<b>0439 414673</b>	Redfern	<b>9699 9036</b>
Fairfield/Liverpool	<b>9602 7795</b>	Tamworth	<b>1800 073 388</b>
Grafton/Lismore/Tweed Heads	<b>6684 4299</b>	Wollongong	<b>4255 5333</b>
Kempsey	<b>6562 2272</b>	Wyong/Gosford	<b>4356 2600</b>
Lake Macquarie	<b>4943 9255</b>		

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### **Service link - Human Services Network**

a free on-line directory of Government and Non-Government organisations in the human service sector in NSW.

[www.hsnet.nsw.gov.au/](http://www.hsnet.nsw.gov.au/)

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### **Safe Relationships Project - Inner City Legal Centre**

[www.iclc.org.au/srp](http://www.iclc.org.au/srp)

50-52 Darlinghurst Rd Kings Cross NSW 2011  
PO Box 25 Potts Point NSW 1335

**02 9332 1966** or **1800 244 481**

Fax: **9360 5941**

Email: [srp@clc.net.au](mailto:srp@clc.net.au)

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### **STARTTS – Service for the Treatment and Rehabilitation of Torture and Trauma Survivors**

[www.startts.org.au](http://www.startts.org.au)

STARTTS helps people and communities from refugee backgrounds, including asylum seekers, who were forced to leave their country due to persecution in the context of political conflict, organised violence and human rights violations.

STARTTS also supports and resources service providers, educational institutions and volunteer groups to work more effectively with refugees.

General inquiries: **02 9794 1900**

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### **The Aged Care Rights Service (TARS)**

[www.agedrights.asn.au/nsw](http://www.agedrights.asn.au/nsw)

**02 9281 3600** Sydney Metro  
Monday to Friday, 9am – 4.30pm

**1800 424 079** Regional  
Monday to Friday, 9am – 4.30pm

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### **The Gender Centre**

[www.gendercentre.org.au](http://www.gendercentre.org.au)

**02 9569 1176**

Email: [reception@gendercentre.org.au](mailto:reception@gendercentre.org.au)

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### **Translating & Interpreting Service (TIS)**

[www.tisnational.gov.au](http://www.tisnational.gov.au)

131 450 24 hrs

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### **Victims Access Line**

[www.victimsservices.justice.nsw.gov.au](http://www.victimsservices.justice.nsw.gov.au)

**1800 633 063**

Monday to Friday, 8am – 6pm (except Public Holidays)

Aboriginal & Torres Strait Contact Line – **1800 019 123**

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### **Wirringa Baiya Aboriginal Women’s Legal Centre**

[www.wirringabaiya.org.au](http://www.wirringabaiya.org.au)

**02 9569 3847**

Free call: **1800 686 587**

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### **WDVCAS – Women’s Domestic Violence Court Advocacy Service**

For information about your ADVO or to find your nearest WDVCAS call

WDVCAS or **1800 938 227**

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### **Witness Assistance Service (WAS)**

[www.odpp.nsw.gov.au/witness-assistance-service](http://www.odpp.nsw.gov.au/witness-assistance-service)

The Witness Assistance Service (WAS) is part of the Office of the Director of Public Prosecutions (ODPP) and aims to reduce trauma and give specialist support to vulnerable crime victims and witnesses appearing in court matters prosecuted by the ODPP.

Free call: **1800 814 534**

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### **Women’s Legal Services NSW**

[www.wlsnsw.org.au/contact-us/](http://www.wlsnsw.org.au/contact-us/)

Domestic Violence Legal Advice Line

**02 8745 6999** Sydney Metro

**1800 810 784** Regional

Women’s Legal Advice Line

**02 8745 6988** Sydney Metro

**1800 801 501** Regional

Indigenous Women's Legal Contact Line

**02 8745 6977**

**1800 639 784** Regional

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### **Youth Emergency Accommodation Line**

<http://youthsource.com.au>

**1800 424 830**

Monday to Friday, 9.30am – 5pm

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### **NSW Police Force Domestic and Family Violence Resources**

#### **Domestic and Family Violence Team**

The Team provides key operational and legal advice and information to police officers; and manages and evaluates policies, programs and issues specific to the domestic violence program area.

#### **Regional Domestic Violence Coordinators**

Responsible for establishing and maintaining a regional co-ordination network in the NSW Police Force to ensure links between local domestic and family violence service delivery within the region and the relevant targets set out in the NSW State Plan. The positions are in the following Police areas:

1. Central Metropolitan, located at Surry Hills
2. North West Metropolitan, located at Parramatta
3. South West Metropolitan, located at Bankstown
4. Northern Region, located at Newcastle
5. Northern Region, located at Kempsey
6. Southern Region, located at Wagga Wagga
7. Southern Region, located at Wollongong
8. Western Region, located at Tamworth
9. Western Region, located at Dubbo

#### **Region Domestic Violence Sponsors**

Region DV Sponsors are in each of the six NSWPF Regions. The Region DV Sponsors are Superintendents and can be contacted through the Region Command Offices.

#### **Corporate Sponsor, Domestic & Family Violence**

Assistant Commissioner Mark Jones, APM, Region Commander, North West Metropolitan Region.

## Appendix

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### **Australia and New Zealand Police Commissioners Leadership Statement**

#### Protecting Women and Children from Family Violence

Family violence is a blight on our communities. We have been witness to this violence, especially against women and children, far too often.

As leaders of our police organisations we are committed to doing everything within our power to prevent family violence, protect victims and hold perpetrators to account.

Over the past decade, our organisations have progressed towards a much more effective recognition and response to family violence. We have improved our service delivery, our policies and our training. We have initiated police issued domestic or family violence orders so we can stop the violence then and there; we have enhanced our training to improve our understanding and upskill our first responders; we have implemented teams of officers dedicated to family violence response and investigation to ensure better expertise and oversight; and we have strengthened partnerships with other service providers and the community to enhance information sharing and risk assessments.

However, family violence is not an issue that can be solved by police alone. It is a community issue and requires a community response. We will play our part and continue to enhance the services police provide, but others need to play theirs – including men who in the vast majority of cases are the perpetrators of violence.

The underlying causes of male violence against women have their roots in cultural attitudes towards the role of women in society – attitudes which all of us, but particularly men, need to take responsibility for changing.

In downplaying violence within the family context, perpetrators fail to take responsibility and reasonable steps to address the problem.

We acknowledge firstly that most men are not violent, abusive or controlling; and secondly that men can also be victims of family violence. However, we all need to ask ourselves how we contribute to the attitude, unconscious or otherwise, that leads some men to feel that it is their right to exert power and control over those closest to them.

No longer can we as a community turn a blind eye to family violence or endemic disrespect of women, whether it is in the workplace, in our sporting clubs or in the pub.

This Leadership Statement reflects our commitment as leaders of our police organisations and in our communities, to contribute to making change. Our message to women and children affected by family violence is that we believe your stories, we take all reports seriously and we can help. To the broader community, we say all of us have a responsibility to challenge behaviour and contribute to cultural change that protects women and children from family violence.

## **Policing Principles for Protecting Women and Children from Family Violence**

The Policing Principles to Protect Women and Children from Family Violence are guided by the values expressed in the National Plan to Reduce Violence against Women and their Children 2010–2022.

- **Police will take positive action** – protecting the safety of everyone, regardless of their age, gender, religious, cultural or social beliefs, for a community that is free from violence.
- **Police will work to deter the crime of family violence** – using their specialist skills, abilities and technology.
- **Police will lead sustainable change** – by challenging and changing behaviours and attitudes, particularly of men, to never tolerate any offending in their family, their neighbourhood, or the wider community environment.
- **Police will work in partnership with others** – including other law enforcement agencies, government, community and business groups - recognising that family violence, domestic violence, and sexual assault crosses all ages, races and cultures, socioeconomic and demographic barriers.
- **Police will provide holistic services and support** – prioritising the needs of victims and survivors of family violence to achieve fair and just outcomes, and to ensure the safety and long-term well-being of women and children.
- **Police will receive specialised training** – ensuring that all front-line officers and specialist investigators have the best levels of appropriate knowledge, skills and abilities when responding to family violence.

[Australia and New Zealand Police Commissioners – Protecting Women and Children from Family Violence](#)

## **Aboriginal Strategic Direction (ASD)**

The [Aboriginal Strategic Directions 2018-2023](#) is the overarching document which guides the NSWPF in its management of Aboriginal issues. It seeks a genuine level of Aboriginal community ownership and involvement through a consultative and proactive approach. A key approach of this Policy is to involve Aboriginal people in the consultation process so that they understand the objectives and intent of the NSWPF and that the community is engaged in the process. It is a living document that identifies where police can have significant input in the decrease of the over representation of Aboriginal people in the criminal justice system. Twenty years after the Royal Commission into Aboriginal Deaths in Custody, Aboriginal incarceration in NSW remains significantly higher than the broader population.

The *ASD 2018-2023* has four key priority areas. These key priorities are linked to the service delivery priorities and the corporate strategies of the NSWPF.

The four priority areas are:

1. Ensure community safety
2. Enhance communication and understanding between police and Aboriginal people
3. Collaborate with other agencies to reduce Aboriginal over-representation in the criminal justice system.
4. Improve the safety and wellbeing of young Aboriginal people

The Outcomes, Actions and Targets set out in the *ASD 2017 – 2020* should be incorporated into the development of *Aboriginal Action Plans* in PAC/Police District PACCs. The development of *Aboriginal Action Plans* will give the Aboriginal community, through the PACC, an opportunity to focus on local crime issues and those having the most significant impact on the community, crime prevention strategies and diversionary programs. This enables a proactive, equal role and ownership of the ongoing monitoring, evaluation and management of that action plan. Clear and measurable objectives should also be set.

### **[Police Aboriginal Consultative Committee \(PACC\)](#)**

PACCs are established specifically to address Aboriginal issues associated with crime and crime prevention. The PACC is the first tier of the advisory bodies and meets quarterly in areas with high Aboriginal populations. This replaces the Local Area Command Aboriginal Consultative Committee (LACACCs). In PACs with widely dispersed or distinct Aboriginal communities, separate PACCs may be required. It should be noted that it is not to be used as a consultative committee for broader community issues.

### **[Aboriginal Coordination Team - Operational Programs](#)**

The Aboriginal Coordination Team (ACT) develop and implement corporate policy and respond to legislation in relation to Aboriginal issues and to support / lead the various structures that manage Aboriginal issues across the organisation. The ACT team provides secretariat support to the ASDSC and Police Aboriginal Strategic Advisory Committee chaired by the COP. It also plays a key role in the training and up-skilling of PAC/Police District based Aboriginal Issues Officers; supporting the PACCs; and compiling reports for the information

of the Corporate Spokesperson and the Aboriginal Strategic Direction Steering Committee based upon the minutes of PACCs, crime statistics and quarterly reports. Employees of the ACT team are administrative officers and are Aboriginal. They are available to assist PACs with any aspect of the requirements of the ASD in its delivery to Aboriginal communities across the state.

### ***Lateral Violence***

Lateral violence is widely seen as an intergenerational learned pattern and major social problem in Aboriginal communities. In Australia surveys have reported that up to 95% of Aboriginal youth had witnessed lateral violence in the home, and that 95% of the bullying experienced by Aboriginal people was perpetrated by other Aboriginals.

Lateral Violence occurs within marginalised groups where members strike out at each other as a result of being oppressed. The oppressed become the oppressors of themselves and each other. Common behaviours that prevent positive change from occurring include gossiping, bullying, finger-pointing, backstabbing, organisational conflict, physical violence, family feuding and social exclusion.

[www.humanrights.gov.au/publications/chapter-2-lateral-violence-aboriginal-and-torres-strait-islander-communities-social#s2\\_2](http://www.humanrights.gov.au/publications/chapter-2-lateral-violence-aboriginal-and-torres-strait-islander-communities-social#s2_2)

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**NSW Police Force**