

Victoria Police

Supplementary Questions

Early intervention

1. Can you describe Victoria Police's involvement in any early intervention initiatives? To what extent does Victoria Police champion these?

Victoria Police works in partnership to prevent violence from occurring in the first place with a variety of organisations. Victoria Police have been actively involved in White Ribbon Day activities. We have a network of White Ribbon Ambassadors and have held White Ribbon Breakfast's in conjunction with the Australian Football League in 2009 and 2010. Victoria Police participates in Statewide Prevention Planning and the Chief Commissioner Ken Lay (and representatives prior to his appointment) is a representative on the VicHealth Preventing Violence Against Woman and Children Committee. VicHealth are a key organisation in the prevention area and have produced a vast amount of research and evidence that has enabled Victoria to build on its family violence and sexual assault reforms.

In 2006, the Victorian Government commissioned VicHealth to produce a report to review international evidence regarding the factors causing violence against women and models of good practice designed to prevent it. This report 'Preventing violence before it occurs' identified the key determinants and contributing factors to the perpetration of violence against women as:

- Unequal power relationships between women and men;
- Adherence to rigid gender stereotypes;
- Broader cultures of violence.

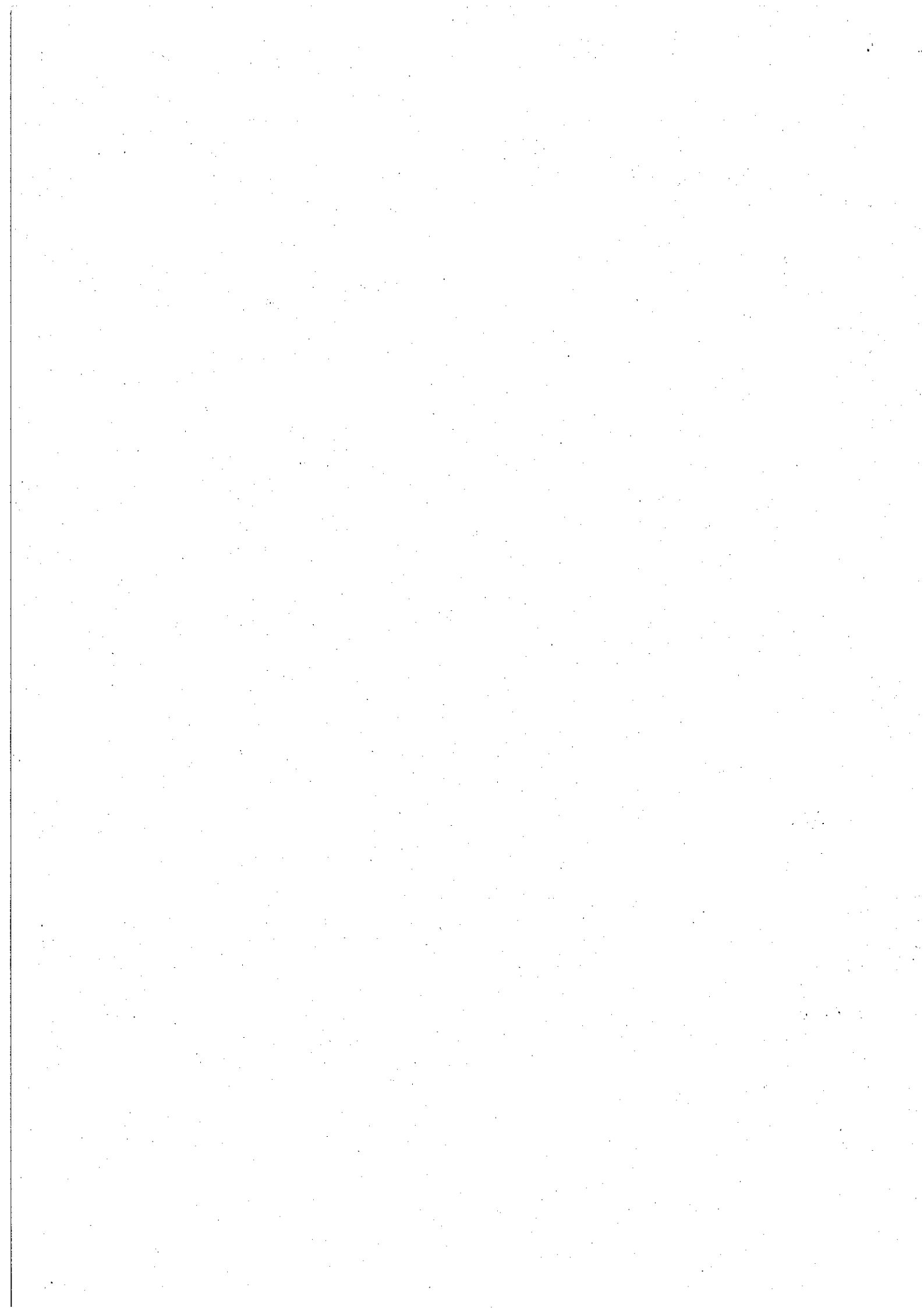
The Court System

2. What is Victoria Police's view of the Neighbourhood Justice Centre at Collingwood?

The NJC is not a specialised family violence court so we do not have a specific view.

3. During our visit we were told that ensuring that people understand their orders is a significant challenge for the courts. What are your views here, and have you any practical advice for New South Wales?

Police initially explain the process then this is clearly articulated by a Magistrate in court to the Respondent. Victorian Legal Aid has produced simple explanatory booklets to help guide people



through this process. Where support can be provided to AFMs at Court it is of significant benefit and assists in the whole process. The Magistrates' Court of Victoria would be in a better position to provide advice on this question. However, we acknowledge this is an issue that we need to continue to work on.

4. How valuable do you consider a Magistrates' ability in the Family Violence Court Division at Heidelberg and Ballarat to order that the respondent participate in a behaviour change program?

There is ongoing discussion at a system wide level around the need for increased accountabilities for perpetrators of family violence. Mandatory attendance at MBC programs changes the group dynamics. Ballarat is currently trialling MBC with a mix of voluntary and mandated men, and in the early stages it appears that men attending voluntarily support facilitators in holding mandated attendees to account. We think it is certainly with merit however on a national level there is much research to be done to look at the effectiveness and what we as a system can do, both judicial and non-judicial, to hold individuals accountable for the behaviour. In Victoria Police's context, we continue to actively investigate contraventions, or breaches, of intervention orders.

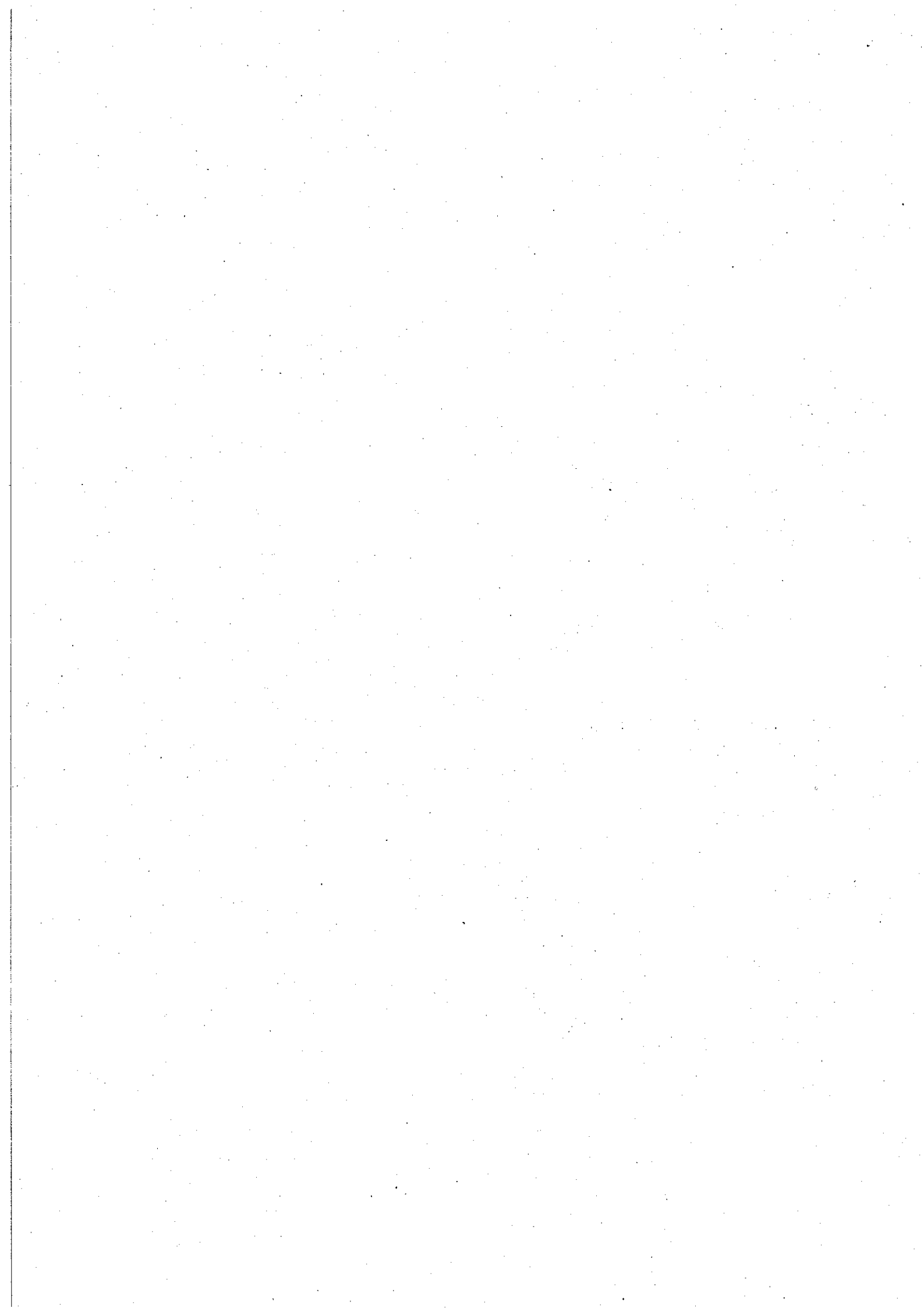
Proceedings against women

5. In NSW there has been a documented increase in proceedings against women in respect of family violence.

a. Have you seen a similar trend in Victoria?

Victoria has not seen the same trend that you are describing in NSW. Victoria Police crime statistics show a small increase in women being proceeded against by police for family violence-related offences. Overall, women were recorded as the offender in 14.9 per cent of offences arising out of family incidents in 2010/11, compared with 13.4 per cent in 2009/10 and 12.8 per cent in 2008/09. This increase is proportional to overall increases in family violence reporting over the last few years, rather than increased action against female perpetrators. Although women were recorded as the 'other party' at 21.6 per cent of incidents in 2010/11, they represented only 14.9% of offenders processed for offences arising from family violence incidents (by comparison men represented 84.7% of offenders processed). This indicates that the rate of criminal offending attached to family violence for women as respondents is much lower than that of male respondents.

b. Some inquiry participants have suggested that the trend reflects inadequate police consideration/ investigation of the 'primary aggressor' in a violent relationship. How is this dealt with in Victoria?



Where women do perpetrate physical violence against a partner, it is more likely to be in defence to an immediate threat to their own safety than is the case for men who use violence. As part of its commitment to improving responses to victims of family violence, Victoria Police had intensive training with the launch of the Code of Practice on the identification of primary aggressors in a family violence context. Police members also undertake a risk assessment and risk management process (known as the L17 form) as part of their attendance at an incident which is governed by the *Code of Practice for the Investigation of Family Violence*. Sometimes both parties in a family violence incident have used violent behaviour. For reporting purposes, it is the predominate aggressor who is recorded as the 'other party/perpetrator'. To assist in deciding the **primary aggressor** consideration is given to the following:

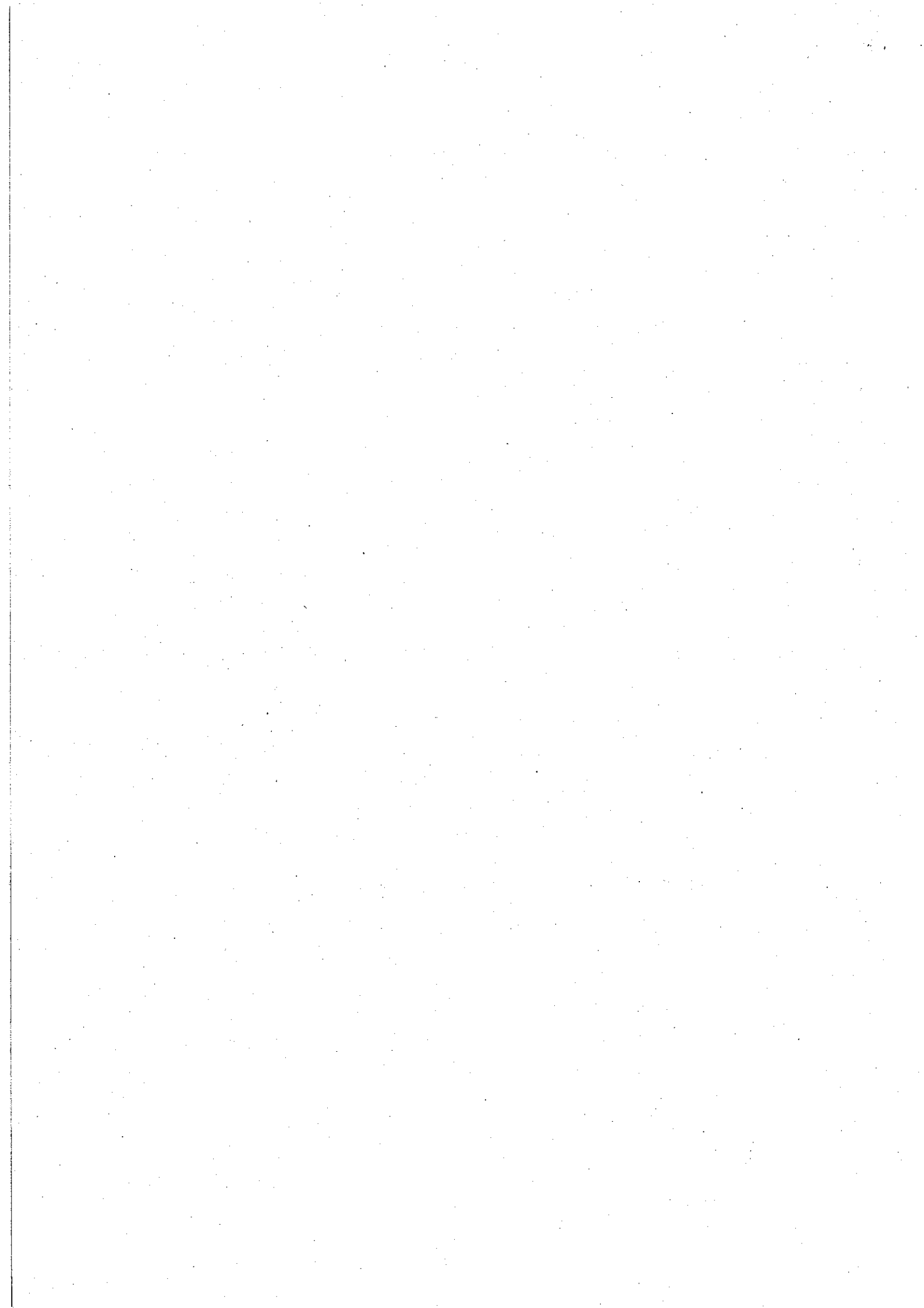
- Respective injuries – nature and severity;
- Whether either party has defensive injuries;
- Likelihood / capacity of each party to inflict future injury.
- Patterns of coercion, intimidation and violence by either party;

If the criteria have been applied and the primary aggressor is still unclear, the AFM should be nominated as the party who appears to be in most need of assistance. We also rely on the referrals to services to assist in determining this, particularly if police have got it wrong in the first instance. However since 2005 we have made significant improvements in identifying primary aggressors, and although there is always room for improvement, there have not been as many concerns raised with Victoria Police regarding this as there used to be. This would be one of the benefits in working in the integrated system and the development of the shared understanding we referred to earlier. Members have undertaken force wide training after the launch of the Code of Practice for the Investigation of Family Violence in 2004, and at the commencement of the *Family Violence Protection Act 2008* (Vic).

Lessons for New South Wales

6. You mentioned that a key lesson taken from your transition towards a greater focus on family violence was that courts needed to be prepared for the increased workload. In your experience, how have Victorian courts gone about this?

The Courts are responsible for managing their lists and for further detail about the management of demand on the Courts' we would have to refer you to the Magistrates' Court of Victoria for further information.



7. What do you see as the key lessons for NSW from the Victorian experience, bearing in mind our geographical differences?

One of the key experiences that Victoria can share is the importance of working with service providers in achieving the desired response. A shared understanding and a commitment by leaders to reform is critical in ensuring changes can be made within the system. We also had a central, coordinating area in Office for Women's Policy who provided oversight and support to the governance structures. This included secretariat support to key statewide committees. Victoria would describe the governance as a 'bottom up' and 'top down' approach. Meaning local area responses were feeding statewide responses. We refer you to the attached document titled *VPS Innovation Case Study – Victorian Family Violence Reforms* which provides additional information about the reforms which may be of assistance.

8. How satisfied are you that people have access to the Tertiary Services required?

Victoria Police's *Code of Practice* is clear about formal referral pathways and responsibilities of police to link people to support services including (but not limited to) men's behaviour change program and women's and children's counselling, support and accommodation programs. This process ensures that people are getting the support they may need but that cannot be provided by the police. In terms of demand management and the ability of services to respond to the volume of these referrals or access you will need to refer this question to the Department of Human Services (Vic) who are responsible for the funding of service providers who provide this service on behalf of the Victorian Government.

