

8 Providing victims with advice and assistance regarding violence restraining orders

A victim's voice³⁷⁸

“...the police encouraged me to get a VRO so they could help me. Without it, it was hard for them to keep him away from me and the abuse would continue. They also advised me it could escalate matters, which in my case it did, the VRO and going to the police was a betrayal for my ex-husband. From my ex-husband's view “police are dogs and you don't go to the cops”.

The rage started with him threatening my workplace - that he would burn the building down. Then he smashed through the glass door at my rental, to gain entry as I hadn't arrived home yet. I was reporting that first breach at the police station. But my ex was looking for me ... I had so many missed calls from family, trying to warn me that he was looking for me.

The police that helped me, helped me to understand that he was not stopping and his behaviour was escalating. They also told me he had the means to carry out his threats. It was these opinions, from people I trusted, that forced me to stop ignoring what was happening. The signs were there and I heard the police when they told me I was at HIGH risk of being murdered.

I left Perth with my boys, quit my job, stopped contact with all my friends and family, and left. It was like jail for me and the boys those early months, we stayed in a house days and days and days until I could leave Perth.

My ex-husband was free. I know it's hard, but he was hunting me down, there were other events and threats he made ... and were made to me by people he knew ... I couldn't stop him and at the time neither could police.

The injustice I felt at the time was, why was I jailed and not him???”

³⁷⁸ This case study was provided to the Ombudsman's Office by a victim of family and domestic violence who was consulted during the investigation.

8.1 WAPOL's initial response to reports of family and domestic violence

As identified in Figure 22, when a victim of family and domestic violence reports this violence to WAPOL, it provides an initial response. This initial response can include:

- attending the scene of the violence;
- providing information and advice about VROs;
- asking the victim and the suspected perpetrator if they consent to WAPOL sharing their information with support and referral agencies; and
- applying for a VRO, or issuing a police order.

The importance of this opportunity has been identified in the New South Wales Police Force *Code of Practice*, as follows:

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.³⁷⁹

8.2 Police officers are required to attend the scene of reports of family and domestic violence

8.2.1 Legislative requirements

Section 62A of the *Restraining Orders Act* provides:

62A. Investigation of suspected family and domestic violence

A police officer is to investigate whether an act of family and domestic violence is being, or has been committed, or whether an act of family and domestic violence is likely to be committed, if the police officer reasonably suspects that a person is committing, or has committed, an act of family and domestic violence which —

- (a) is a criminal offence; or
- (b) has put the safety of a person at risk.

³⁷⁹ New South Wales Police Force, *Code of Practice for the NSW Police Force Response to Domestic and Family Violence*, NSW Police Force, Sydney, November 2013, p. 24.

This requirement is supported by section 62B of the *Restraining Orders Act*, which provides:

62B. Entry and search of premises if family and domestic violence suspected

- (1) If a police officer reasonably suspects that a person is committing an act of family and domestic violence, or that such an act was committed before the officer's arrival, on any premises, the officer may without a warrant enter those premises and may remain in those premises for as long as the officer considers necessary —
 - (a) to investigate whether or not an act of family and domestic violence has been committed; and
 - (b) to ensure that, in the officer's opinion, there is no imminent danger of a person committing an act of family and domestic violence on the premises; and
 - (c) to give or arrange for such assistance as is reasonable in the circumstances.

8.2.2 Policy requirements

WAPOL's policies and procedures are set out in the COPS Manual. The COPS Manual provides:

Mandatory Scene Attendance

Members must, unless exceptional circumstances exist, attend the incident location of all complaints/reports where it is reasonably believed an act of family and domestic violence has been or may be committed.

Examples of exceptional circumstances are (but not limited to):

- the complaint/report has been proven to be false; or
- where the victim/s have left the scene and attended a police station; or
- immediate attendance may jeopardise the safety of a person.³⁸⁰

8.2.3 WAPOL complied with requirements to attend the scene of family and domestic violence in 96 per cent of incidents relating to the 30 fatalities

As identified at section 5.3, in 14 of the 30 fatalities there were no prior domestic violence incidents between the person who was killed and the suspected perpetrator recorded by WAPOL. In the 16 fatalities where WAPOL recorded a history of family and domestic violence between the person who was killed and the suspected perpetrator, WAPOL recorded 133 family and domestic violence incidents.

The Office examined WAPOL's records regarding these 133 family and domestic violence incidents to determine whether WAPOL attended the scene. Exceptional circumstances, as defined by the COPS Manual, were noted in 13 instances (for example, the victim attended a police station to report family and domestic violence which had occurred

³⁸⁰ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.4. pp. 9-10.

earlier). Of the remaining 120 family and domestic violence incidents, the Office identified that WAPOL attended the scene of 115 (96 per cent) of these incidents.

Further information regarding actions taken at the scene was available for 64 of the 115 incidents (recorded on a DVIR, discussed in more detail below). The Office identified that, in all of these 64 incidents, it was recorded that the violent incident had ceased and steps were taken to prevent the commission of further offences. In all of these 64 incidents, it was recorded that attending police officers also assisted victims, as well as other parties present, to obtain medical treatment when required.

8.3 WAPOL's policy requires police officers to identify whether reported incidents involve acts of family and domestic violence

After responding to certain types of incidents, WAPOL's policy requires police officers to submit an incident report. The incident report provides a written account of actions taken by police officers, including details of alleged offence/s, whether or not the suspected perpetrator was arrested and/or charged, as well as any orders issued and advice, assistance or referrals provided. In the case of family and domestic violence incidents, the COPS Manual requires a Domestic Violence Incident Report (**DVIR**) to be submitted:

Submission of Incident Reports

Incident Reports in relation to family and domestic violence incidents (DVIR) must be submitted prior to the end of the shift to ensure DV protocols can be initiated by the Family Protection Units without undue delays.³⁸¹

8.3.1 WAPOL correctly identified incidents as family and domestic violence and a DVIR was submitted 65 per cent of the time

As identified above, in the 16 fatalities where WAPOL recorded a history of family and domestic violence between the person who was killed and the suspected perpetrator, WAPOL recorded 133 family and domestic violence incidents. A DVIR was submitted for 87 (65 per cent) of these incidents. 75 DVIRs were submitted relating to these 87 recorded incidents of family and domestic violence (some DVIRs recorded responses to multiple incidents, for example incidents reported or responded to on the same day). These 75 DVIRs related to 13 of the 30 fatalities.³⁸² For the remaining 46 incidents, a general incident report was submitted, or the actions of attending police officers were recorded on WAPOL's Computer Aided Dispatch (**CAD**) system.

Where no DVIR was submitted, other actions in response to family and domestic violence incidents were not triggered, such as:

- the victim is not provided with a record of police attendance to be used as evidence in legal proceedings, for example to assist them in obtaining a VRO;
- a DVIR is not submitted and the incident is not assessed as part of existing multi-agency triage processes;
- no information is collected and recorded to inform future decisions; and

³⁸¹ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.4.3. p. 15.

³⁸² Three fatalities recorded domestic violence incidents between the parties but no DVIR was submitted.

- the incident is not recorded in WAPOL's Incident Management System as a family and domestic violence incident and cannot be included in future assessments of the history of family and domestic violence between the parties (including assessments regarding risk).

In addition, actions by other state government departments and authorities (and non-government organisations) in response to WAPOL referrals are not prompted to be undertaken.

Recommendation 7

WAPOL ensures that all family and domestic violence incidents are correctly identified, recorded and submitted in accordance with the *Commissioner's Operations and Procedures Manual*.

In order to analyse the actions taken by WAPOL in providing an initial response to family and domestic violence in the 30 fatalities, the Office examined the 75 DVIRs. The 75 DVIRs related to incidents which involved predominantly Aboriginal people who were killed, and suspected perpetrators who were Aboriginal people living in regional and remote Australia, as shown in Figure 23 below.

Figure 23: Demographic characteristics of people involved in the 75 DVIRs

Demographic characteristic ³⁸³	Number and percentage in the 13 fatalities	Number and percentage in the 75 DVIRs
Aboriginal person who was killed	10 (77%)	65 (87%)
Aboriginal suspected perpetrator	11 (85%)	69 (92%)
Regional Western Australia	3 (23%)	21 (28%)
Remote and very remote Western Australia	6 (46%)	43 (57%)

Source: Ombudsman Western Australia

It is important to note that the DVIRs examined by the Office relate to family and domestic violence incidents which ultimately resulted in a fatality, however, when an issue has been identified, it does not necessarily mean that the issue was related to the fatality.

³⁸³ The characteristics counted here relate to the characteristics of the persons in the fatal incident, not in each interaction. That is, the number of DVIRs involving persons in regional and remote Australia refers to the number of people who were killed in regional and remote Australia who were recorded at these incidents.

8.3.2 Changes to WAPOL's definition of 'family and domestic relationship' will narrow the scope of relationships for which a DVIR is submitted

In December 2013, WAPOL amended the COPS Manual definition of family and domestic relationship for which a DVIR will be required to be submitted. Specifically, the COPS Manual definition of 'family and domestic relationship' is now limited to intimate partners and immediate family members.³⁸⁴ The COPS Manual observes that the amended definition 'has distinct types of family and domestic relationships allowing a focus on persons who may potentially be subjected to ongoing coercive, controlling, behaviours as opposed to isolated incidents involving a "relative".'³⁸⁵

The Office notes that in the 30 fatalities, 27 fatalities would have met WAPOL's revised definition of 'family and domestic relationship' (90 per cent). Of the remaining three fatalities, one fatality recorded prior domestic violence incidents between the parties.

However, while the intention of the amended definition is to 'ensure that resources focus on the core group of victims ... especially women and children,'³⁸⁶ the risk exists that family and domestic violence occurring in other types of relationships will not be identified. This is of particular concern in cases of Aboriginal family violence, where the definition of family violence deliberately extends beyond these relationship types. Specifically, the concept of Aboriginal family violence is used:

... in relation to violence that occurs in Aboriginal and Torres Strait Islander extended kinship and family networks. These networks may include grandparents, uncles and aunts, cousins and other community and cultural relationships that aren't captured by the Western nuclear family model.³⁸⁷

On the identification of family and domestic violence in these broader relationship types, the COPS Manual notes that:

For family related incidents where members become aware that there appears to be patterns of behaviour facilitating coercion and control from one person to another, it is advisable to submit an incident report inclusive of the DVIR ... to initiate ... assessment and consideration of support and intervention.³⁸⁸

That is, the identification of family and domestic violence in other relationship types, including Aboriginal family violence, will rely on WAPOL conducting checks of prior records to identify and assess whether there is a history of reported family and domestic related incidents.

In addition, as previously discussed, a DVIR provides a written record of the actions taken by WAPOL in response to a domestic violence incident. Completion of a DVIR also

³⁸⁴ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.1.

³⁸⁵ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.1.

³⁸⁶ The Hon. Liza Harvey MLA, Minister for Police, Legislative Assembly, Parliamentary Debates (Hansard), 6 May 2014, pp. 2811b-2812a.

³⁸⁷ Our Watch, *Reporting on Family Violence in Aboriginal and Torres Strait Islander Communities*, Our Watch, Melbourne, September 2014, p. 11.

³⁸⁸ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.1.

prompts WAPOL to complete tasks consistent with the *Restraining Orders Act*, for example, making an application for a VRO or issuing a police order. The revised COPS Manual recognises that the amended definition differs from that in the *Restraining Orders Act* and observes that the COPS Manual definition 'does not override the legal definition'.³⁸⁹

For family and domestic violence incidents involving people in relationships other than intimate partners and immediate family members, the revised COPS Manual sets out alternative reporting methods, including the submission of an incident report if a crime has been committed, or the recording of relevant information on WAPOL's CAD system with no incident report required.³⁹⁰ However, it is not specified in the COPS Manual how compliance with the *Restraining Orders Act* will be ensured, and monitored, in the absence of a DVIR.

Recommendation 8

In implementing Recommendation 7, WAPOL considers its amended definition of family and domestic relationship, in terms of its consistency with the *Restraining Orders Act 1997*, and giving particular consideration to the identification of, and responses to, Aboriginal family violence.

8.4 When investigating reports of family and domestic violence, WAPOL has an opportunity to provide information and advice about violence restraining orders and seek consent to share information with support services

8.4.1 Legislative and policy requirements

Providing information and advice about VROs

WAPOL is not currently required by legislation or policy to provide victims with information and advice about VROs when attending the scene of acts of family and domestic violence. However, its attendance at the scene affords WAPOL with the opportunity to provide victims with information and advice about:

- what a VRO is and how it can enhance their safety;
- how to apply for a VRO; and
- what support services are available to provide further advice and assistance with obtaining a VRO, and how to access these support services.

³⁸⁹ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.1.

³⁹⁰ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.1.

Seeking consent to provide support and referral agencies with contact details of victims and perpetrators

The COPS Manual requires that, for acts of family and domestic violence involving people in a family and domestic relationship, WAPOL asks both victims and suspected perpetrators if they will consent to WAPOL sharing their information with 'support and referral agencies'.³⁹¹ WAPOL records on the DVIR whether consent was provided, and pass the DVIR to a multi-agency team, comprising representatives from WAPOL, DCPFS and non-government organisations, for triage, assessment and further action (this team is now known as the Family and Domestic Violence Response Team). Further action can include referral to Domestic Violence Outreach programs funded by DCPFS, which can assist with applications for VROs. DCPFS states that these programs provide:

...safety focused outreach to consenting victims and/or perpetrators of family and domestic violence identified on DVIRs. These important referral pathways increase the capacity of the service system to follow-up and support victims or perpetrators of family and domestic violence following a police callout. It is an important strategy for helping to manage the high number of DVIRs and demand for services.³⁹²

The research literature suggests that providing victims with information, advice, and referral to support services is critical to victims 'pursuing, rather than abandoning,' efforts to access legal protection.³⁹³ In particular, victims who receive such information and advice, and access support services are more likely to be successful in obtaining a VRO.³⁹⁴

8.4.2 WAPOL provided information and advice about violence restraining orders, and sought consent to share information with support services, in a quarter of instances where WAPOL investigated a report of family and domestic violence relating to the 30 fatalities

Providing information and advice about VROs

The Office examined the 75 DVIRs to determine whether, when responding to reports of family and domestic violence, WAPOL provided information and advice about VROs to victims and, if so, the nature of the information and advice provided. Of the 75 instances in which a DVIR was submitted, the DVIR recorded that WAPOL provided information and advice about VROs in 19 instances (25 per cent). These 19 instances can be broadly categorised as shown in the figure below.

³⁹¹ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV-1.1.4.3 Incident Management System (IMS), p. 16.

³⁹² Department for Child Protection and Family Support, *Family and Domestic Violence Response Team Evaluation Report: July – December 2013*, Department for Child Protection and Family Support, Perth Western Australia, July 2014, p. 5.

³⁹³ Laing, L, 'It's like this maze that you have to make your way through'. *Women's Experiences of Seeking a Domestic Violence Protection Order in New South Wales*, University of Sydney, Faculty of Education and Social Work, New South Wales, 2013, p. 12.

³⁹⁴ Auditor General for Western Australia, *A Measure of Protection: Management and Effectiveness of Restraining Orders*, Auditor General for Western Australia, Perth, October 2002, p. 40.

Figure 24: Information and advice about VROs provided to victims, as recorded by WAPOL in the 75 DVIRs

Information and advice provided	Number
Information related to a breach of a VRO was provided to the victim	5 instances
Information about VROs was provided to the victim	4 instances
The victim refused or did not want a VRO	4 instances
The victim was advised to obtain a VRO (in one of these instances the victim was referred to Victim Support Services via the Courts)	3 instances
The victim was seeking a VRO	2 instances
The victim was provided with outreach ³⁹⁵ to obtain a VRO	1 instance
The DVIR does not record that information was provided	56 instances
Total	75

Source: Ombudsman Western Australia

In a further three instances (not included in Figure 24), the DVIR recorded that the victim was referred to 'court support services'. Although VROs were not specifically mentioned in relation to these referrals, court support services can provide assistance with applications for VROs.

Recommendation 9

WAPOL amends the *Commissioner's Operations and Procedures Manual* to require that victims of family and domestic violence are provided with verbal information and advice about violence restraining orders in all reported instances of family and domestic violence.

DCPFS's Family and Domestic Violence Unit have developed a range of resource materials (discussed in detail in Chapters 14 and 15) which could be used as the basis for an 'aide memoire' for WAPOL, to guide the provision of verbal information and advice to victims of family and domestic violence about violence restraining orders.

In addition, WAPOL has developed a 'victim information card' in consultation with the Commissioner for Victims of Crime, which was rolled out in metropolitan and regional Western Australia in September 2015. The Commissioner for Victims of Crime (in DOTAG) could similarly assist with the development of an 'aide memoire' to guide the provision of verbal information and advice to victims of family and domestic violence.

³⁹⁵ In this instance, the Office's examination of other records indicated that the victim was subsequently visited at home by an outreach worker from WAPOL's Family Protection Unit, co-located with DCPFS.

Recommendation 10

WAPOL collaborates with DCPFS and DOTAG to develop an 'aide memoire' that sets out the key information and advice about violence restraining orders that WAPOL should provide to victims of all reported instances of family and domestic violence.

Bearing in mind that 87 per cent of the 75 DVIRs involved Aboriginal people who were killed in the 30 fatalities, as identified at section 8.3.1 above, the information and advice provided by WAPOL will need to be developed in consultation with Aboriginal Western Australians to ensure its appropriateness for family violence incidents involving Aboriginal Western Australians.

Recommendation 11

WAPOL collaborates with DCPFS and DOTAG to ensure that the 'aide memoire', discussed at Recommendation 10, is developed in consultation with Aboriginal people to ensure its appropriateness for family violence incidents involving Aboriginal people.

Seeking consent to provide support and referral agencies with the contact details of victims and perpetrators

The Office examined the 75 DVIRs to determine whether, when responding to reports of family and domestic violence, WAPOL asked victims and/or suspected perpetrators whether they consented to their information being shared with support and referral agencies. The Office identified that:

- WAPOL spoke directly to victims on 75 occasions (100 per cent), and sought consent from the victim to share information on 30 occasions (40 per cent); and
- WAPOL spoke directly to suspected perpetrators on 58 occasions (77 per cent) and sought consent from suspected perpetrators to share information on 17 occasions (23 per cent).

Recommendation 12

WAPOL ensures that both victims and perpetrators are asked if they consent to share their information with support and referral agencies, in accordance with the *Commissioner's Operations and Procedures Manual*.

8.5 Police orders have been introduced to provide victims with time to consider and seek a violence restraining order

8.5.1 Legislative requirements

The *Acts Amendment (Family and Domestic Violence) Act 2004* amended the *Restraining Orders Act* to allow police officers to issue police orders, as follows:

30A. When a police order may be made

- (1) A police officer may make a police order in accordance with this Division if the officer reasonably believes that the case meets the

criteria set out in section 20(1)(a) or (b) as if the order were to be a violence restraining order and —

- (a) if the officer reasonably believes that —
 - (i) a person has committed an act of family and domestic violence and is likely again to commit such an act; or
 - (ii) a child has been exposed to an act of family and domestic violence committed by or against a person with whom the child is in a family and domestic relationship and the child is likely again to be exposed to such an act;or
- (b) if the officer reasonably fears, or reasonably believes that another person reasonably fears, that —
 - (i) a person will have committed against him or her an act of family and domestic violence; or
 - (ii) a child will be exposed to an act of family and domestic violence committed by or against a person with whom the child is in a family and domestic relationship, and that making a police order is necessary to ensure the safety of a person.

Generally, police orders place conditions on people to restrain them from being on or near the person's home or workplace, coming within a specified distance of another person, or causing or allowing another person to engage in this behaviour (section 30C(2)). As with court issued VROs, it is a criminal offence to breach a police order.

Police orders are intended to be a short term measure used to increase victim safety³⁹⁶ and to allow time for victims to access the courts to apply for a VRO. The *Restraining Orders Act* provides that:

30F. Duration of police orders

- (1) A police order —
 - (a) remains in force for 72 hours (or any shorter period specified in the order in accordance with subsection (2)) after it has been served on the person to be bound by it; and
 - (b) lapses if it is not served on the person to be bound by it within 24 hours of the order being made.
- (2) A period shorter than 72 hours may be specified in the police order if, in the opinion of the police officer who makes the order, that shorter period would be sufficient for an application to be made to a court under Division 3.

³⁹⁶ Western Australian Government, Department of the Attorney General, 2008, cited by Australian Law Reform Commission, *Family Violence – A National Legal Response*, ALRC, Canberra, 2010, 9.10.

As noted by the (then) Attorney General:

These temporary orders can be used only in cases where police believe that the victim would be subject to further violence if they were to be left alone with the offender and when there is insufficient evidence for an arrest. Where the victim consents to the order being made and a little more time is needed, police will also have the power to issue an on-the-spot order, which would apply for longer than 24 hours. These orders will apply either until 5.00 pm on the next court sitting day or at the expiration of 72 hours, whichever occurs first.³⁹⁷

The rationale for 72 hour police orders with consent of the victim was described in the Second Reading Speech of the *Restraining Orders Bill* as follows:

The 72 hour orders are an innovation that were sought specifically by Aboriginal women who were part of the consultation process for the writing and drafting of this legislation and also as we consulted the communities to put in place our domestic violence action plan. Many women said specifically that they did not want their men to be incarcerated, although they wanted to be protected from violent behaviour. Therefore, the 72 hour order allows for a cooling-off period. It will allow for immediate support for these women and that can be followed up with an application for a longer term order if the threatened or actual violence has not been resolved or reconciliation has not occurred.³⁹⁸

As discussed in Chapter 6, this position is supported by the research literature, which also recognises that Aboriginal victims of family violence do not always wish to separate from their partner, and that separation is not always an appropriate or safe option. Frequently, Aboriginal women 'are much more likely to use refuges for immediate safety, particularly while men are intoxicated or enraged over a particular issue.' In particular, Aboriginal women 'very much wanted a place to be safe while the men were "out of control"'.³⁹⁹

8.5.2 Policy requirements

The COPS Manual reflects the legislative intent of the *Restraining Orders Act* and observes that '[i]n this respect, a Police Order bridges the period between police attendance at an incident and the next available court sitting'.⁴⁰⁰

³⁹⁷ The Hon. Mr J.A. McGinty MLA, Attorney General, Legislative Assembly, Parliamentary Debates (Hansard), 2 June 2004, pp. 3303c-3306a.

³⁹⁸ Western Australia, *Parliamentary Debates*, Legislative Assembly, 12 June 1997, pp. 4014 (R Parker), pp. 4015.

³⁹⁹ Gordon, S, Hallahan, K and Henry, D, *Putting the Picture Together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, Department of Premier and Cabinet, Western Australia, 2002, p. 86.

⁴⁰⁰ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO- 1.0 Restraining Orders*, p. 6.

8.5.3 When responding to family and domestic violence relating to the 30 fatalities, WAPOL provided information and advice about violence restraining orders in 25 per cent of instances that police orders were issued

As noted at section 8.4 above, the *Restraining Orders Act* and WAPOL's policies do not set out the requirements for providing information and advice regarding VROs. This is also the case at the time a police order is issued, with no legislative or policy requirements requiring information and advice to be provided to the person protected by the order. However, when a police order is issued, WAPOL has a valuable opportunity to discuss the option of a VRO with victims and provide them with appropriate information and advice, as well as seek their consent to share their information with support services, as discussed in detail at section 8.4.

The Office examined the use of police orders in 71 of the 75 DVIRs (those which related to incidents occurring since the 2004 legislative amendments). The Office identified that a police order was issued at 22 of the 71 family and domestic violence incidents (31 per cent), which related to 12 of the 13 fatalities (92 per cent).

On the 22 occasions a police order was issued, the Office examined the associated DVIRs to determine whether information and advice was provided regarding VROs. The Office identified that VROs were discussed at five of the 22 incidents (23 per cent) as follows:

- VRO information or advice provided - two occasions;
- 'victim does not wish to apply for a VRO' - one occasion;
- VRO information provided to the victim and the victim was advised to attend their local Magistrates Court 'first thing' - one occasion; and
- 'victim provided with details of how to obtain a VRO, and advised a police order only provides time to get a VRO' - one occasion.

Recommendation 13

WAPOL amends the *Commissioner's Operations and Procedures Manual* to require that, if a police order is issued, it is explained to the victim that the order is intended to provide them with time to seek a violence restraining order, and also that victims are provided with information and advice about violence restraining orders in accordance with Recommendation 9.

8.6 Police officers are subjected to hostility and violence when responding to reports of family and domestic violence

8.6.1 Policy requirements

The COPS Manual mandates that:

The primary responsibility for police when responding to any incident is safety first. This includes the safety of attending police and persons who are present at the incident, especially children.⁴⁰¹

The research literature suggests that the role of police is challenging, in particular for frontline police officers responding to reports of family and domestic violence:

A responding officer is expected to keep the victim and their children safe; give them confidence in the policing response; assess future risk so that the force can keep them safe in the longer term; investigate the incident; and gather evidence to support a prosecution. It can be complex and sensitive work. In some cases, victims can appear to be uncooperative when in reality they may be terrified, being controlled by the perpetrator and in desperate need of support. Officers too can be under pressure due to the busy and varied nature of a response shift.⁴⁰²

In 2006, the New South Wales (**NSW**) Ombudsman reviewed police practices in responding to family and domestic violence (**the NSW Ombudsman's Report**). As part of its review, the NSW Ombudsman's Office conducted focus group discussions with police officers. In the focus groups, the NSW Ombudsman's Office 'asked police officers ... what goes through their minds when they are called to a domestic violence incident'⁴⁰³ and found that:

Almost all the officers in our focus groups responded that they had previously attended a domestic violence incident at which they or a colleague had been threatened or assaulted.⁴⁰⁴

The NSW Ombudsman's Report further identified that 'the potential for volatility is inherent in domestic violence matters, and in the past officers have been injured and even killed in the course of responding to them.'⁴⁰⁵

The Office's analysis of the 75 DVIRs identified instances where police officers recorded being treated in a hostile manner, threatened, and on some occasions physically assaulted.

⁴⁰¹ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual*, DV 1.1.3. p. 8.

⁴⁰² Her Majesty's Inspectorate of Constabulary (HMIC), *Everyone's business: Improving the police response to domestic abuse*, HMIC, London, 2014, p. 11.

⁴⁰³ NSW Ombudsman, *Domestic violence: improving police practice: A special report to Parliament under s31 of the Ombudsman Act 1974*, NSW Ombudsman, Sydney, December 2006, p. 13.

⁴⁰⁴ NSW Ombudsman, *Domestic violence: improving police practice: A special report to Parliament under s31 of the Ombudsman Act 1974*, NSW Ombudsman, Sydney, December 2006, p. 13.

⁴⁰⁵ NSW Ombudsman, *Domestic violence: improving police practice: A special report to Parliament under s31 of the Ombudsman Act 1974*, NSW Ombudsman, Sydney, December 2006, p. 13.

8.7 The need for a multi-agency response to family and domestic violence

It is important that there are opportunities for victims to seek help and for perpetrators to be held to account at other points in the process for obtaining a VRO, and that these opportunities are acted upon, not just by WAPOL but by all state government departments and authorities. WAPOL has also recognised this issue, noting:

The increasing diversity of our community, lack of services in remote areas as well as the complexity of the issue means violence and violent offending cannot be solved by any one agency working in isolation.⁴⁰⁶

The following chapters of this report identify some of these opportunities for ensuring a robust institutional response to family and domestic violence, at points beyond the initial response by WAPOL, throughout the process for obtaining a VRO.

Recommendation 14

In developing and implementing future phases of *Western Australia's Family and Domestic Violence Prevention Strategy to 2022: Creating Safer Communities*, DCPFS specifically identifies and incorporates opportunities for state government departments and authorities to deliver information and advice about violence restraining orders, beyond the initial response by WAPOL.

⁴⁰⁶ Western Australia Police, *Frontline Policing Priorities*, viewed 25 August 2014, <<http://www.police.wa.gov.au/Aboutus/Strategyandplanning/tabid/1029/Default.aspx>>, p. 4.