

11 Serving violence restraining orders

A victim's voice⁵⁰⁰

Jess had recently separated from her defacto partner Gary, who perpetrated violence against her. Jess and Gary had been living together in a country town in Western Australia.

After leaving Gary, Jess commenced a drug and alcohol rehabilitation program in Perth. Jess attended a function with family and friends in Perth and Gary also attended. At the function, Gary was drinking, smoking cannabis and using amphetamines. Gary approached Jess and verbally abused her for not participating in using alcohol and drugs. Gary became increasingly agitated and slashed Jess across the upper arm with a knife.

Jess was taken to hospital and police officers visited her to obtain her statement. The police officers took photos of Jess's injuries and collected her damaged clothing. The police officers recorded on their incident report that they were unable to locate Gary. Jess informed the attending police officers that she would attend court as soon as possible to apply for a VRO. Two days later Jess was granted an interim VRO by the Magistrates Court.

The following evening Jess contacted police to report a breach of the VRO after Gary approached her and made verbal threats. Police officers explained to Jess that, as the VRO was yet to be served, the VRO was not enforceable and they could not charge Gary with the breach. The VRO was served on Gary six days later when he was located by police.

⁵⁰⁰ This case study is drawn from one of the 30 fatalities with information taken from WAPOL records (with names changed).

11.1 Timeliness of service of violence restraining orders

Bearing in mind the nine principles identified by the Office, service of VROs as soon as possible demonstrates to victims that institutions will provide them with help, and to perpetrators that they will be held accountable for their violence.

11.1.1 Legislative requirements

Once a court has made a VRO, section 8(1) of the *Restraining Orders Act* provides that an explanation of the order is to be given, as follows:

8. Explanation about orders to be given

- (1) Subject to this section, a court that makes a restraining order is to explain, as is appropriate, to —
 - (a) the person who is bound by the order; and
 - (b) the —
 - (i) person protected by the order; or
 - (ii) parent or guardian of that person, if the parent or guardian made the application for the order on behalf of that person,

who are in court when the order is made —

- (c) the purpose, terms and effects of the order, including that the order may be registered and enforced in another Australian jurisdiction; and
- (d) the consequences that may follow if the person who is bound by the order contravenes the order; and
- (e) the consequences that may follow if the person protected by the order —
 - (i) encourages or invites the person who is bound by the order to contravene the order; or
 - (ii) by his or her actions causes the person who is bound by the order to breach the order;

and

- (f) that the order must be varied or cancelled if the person who is bound by the order and the person protected by the order intend to have contact or reconcile with the other person; and
- (g) how the order may be varied, cancelled or extended; and
- (h) if the order is a violence restraining order, the effects of sections 14 and 62E relating to firearms; and
- (i) that counselling and support services may be of assistance, and where appropriate, the court is to refer the person to specific services.

Section 8(3) makes further provision for how this explanation is to be given if the person is not present in court:

- (3) If —
- (a) a person referred to in subsection (1)(a) or (b) is not present in court when the order is made; or
 - (b) it is not practicable for the court to give the explanation at the time the restraining order is made,

then the registrar is to cause a document containing the explanation to be —

- (c) in the case of subsection (1)(a), served on the person; and
- (d) in the case of subsection (1)(b), delivered to the person.

In practice, unless the person bound is present in court at the time the VRO is granted, the service of VROs is usually undertaken by police officers.

The Law Reform Commission Final Report notes that the *Restraining Orders Act* 'currently does not include any requirement for a violence restraining order to be served as soon as possible or within any set period of time'.⁵⁰¹ However, as observed by the Law Reform Commission, 'it is vital that the [VROs] are served on the person bound by the order as promptly as possible; the person bound is not required to comply with the order until he or she has notice of the existence of the order and its terms.'⁵⁰²

The Law Reform Commission Final Report accordingly recommends:

Recommendation 22
Service of family and domestic violence protection orders

That the new Family and Domestic Violence Protection Order Act provide that:

- (a) A family and domestic violence protection order is to be served personally on the person bound by the order as soon as possible.
- (b) If a family and domestic violence protection order has not been served on the person bound within 72 hours, the Western Australia Police are to apply to a registrar of the court within 24 hours for oral service to be authorised and the registrar may authorise oral service if satisfied that reasonable efforts have been made to serve the order personally.⁵⁰³

⁵⁰¹ Law Reform Commission of Western Australia, *Enhancing Family and Domestic Violence Laws, Final Report*, Law Reform Commission of Western Australia, Perth, 2014, p. 93.

⁵⁰² Law Reform Commission of Western Australia, *Enhancing Family and Domestic Violence Laws, Final Report*, Law Reform Commission of Western Australia, Perth, 2014, p. 93.

⁵⁰³ Law Reform Commission of Western Australia, *Enhancing Family and Domestic Violence Laws, Final Report*, Law Reform Commission of Western Australia, Perth, 2014, p. 94.

11.1.2 Policy requirements

The COPS Manual recognises that timely service of VROs is critical,⁵⁰⁴ requiring that:

The highest priority must be given to the service of Restraining Orders. A court issued interim, final and Telephone Violence Restraining Order (VRO) must be served **immediately**.⁵⁰⁵ [Emphasis added]

11.1.3 The average time taken to serve violence restraining orders in the investigation period was 29 days including outliers, and 14 days excluding outliers, and this time varied from less than one day to 658 days

The Office analysed the state-wide data relating to all VROs provided to WAPOL by the courts for service in the investigation period. It is important to note that these VROs were provided to WAPOL for service at different points in the investigation period, for example a VRO may have been provided to WAPOL and served on the first day of the investigation period or provided to WAPOL for service on the last day of the investigation period.

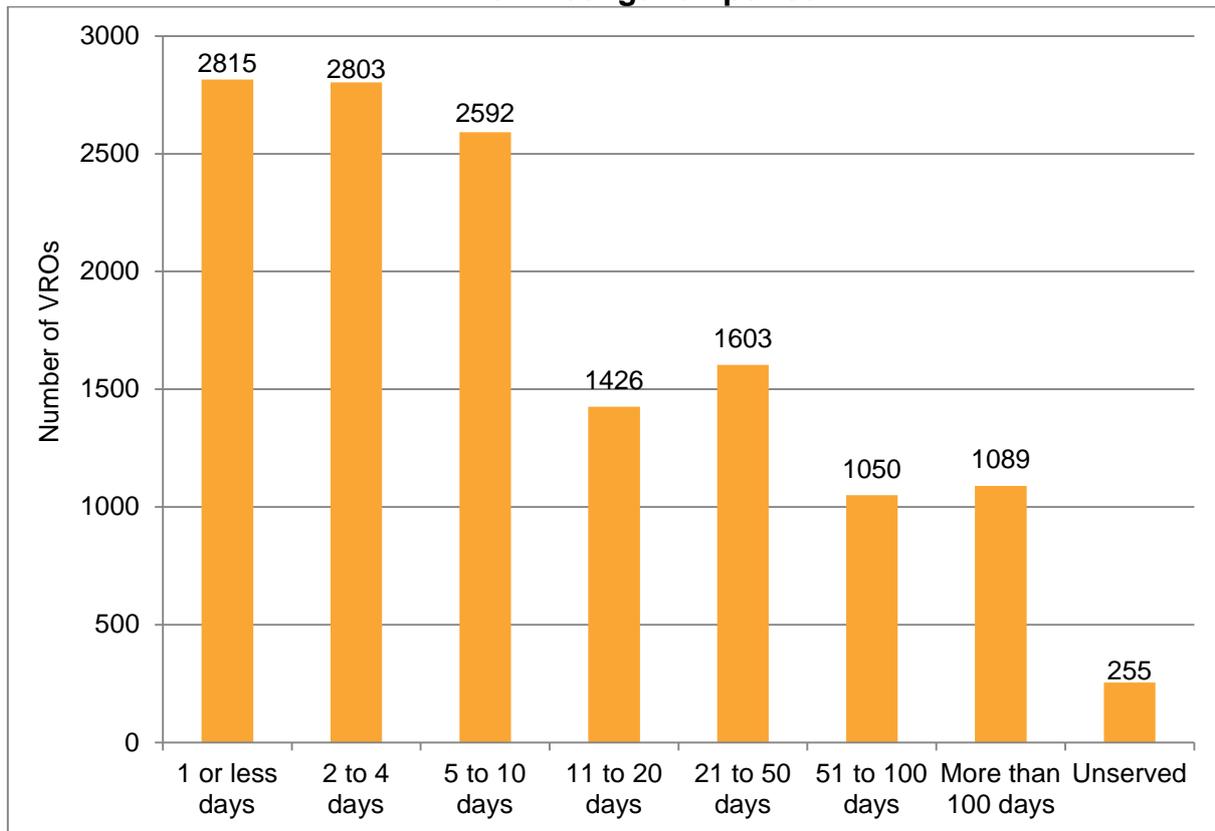
The Office's analysis of the state-wide data identified that, in the investigation period, 13,378 VROs provided to WAPOL by the courts were served, and the average time taken to serve these VROs was 29 days including outliers, and 14 days excluding outliers.⁵⁰⁶ The time taken to serve a VRO varied from less than one day to 658 days. Sixty-one per cent of all served VROs were served within 10 days. The number of VROs served within different time periods is shown in Figure 35 below.

⁵⁰⁴ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

⁵⁰⁵ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

⁵⁰⁶ Excluded outliers were violence restraining orders served on day 101 or after. Further detail is provided in Figure 36 below.

Figure 35: Time taken to serve violence restraining orders in the investigation period



Source: Ombudsman Western Australia

In 2002, the Office of the Auditor General examined the timeliness of service of VROs in Western Australia, in its report *A Measure of Protection: Management and Effectiveness of Restraining Orders (the OAG report)*. In this report, the Auditor General expressed concerns about delays in the service of VROs and recommended that WAPOL ‘monitor timeliness of service of orders and minimise delays in service of orders’.⁵⁰⁷ The Office has compared the state-wide data with the findings of the OAG report, as shown in Figure 36 below. This comparison shows that, since the OAG report, there has been an overall improvement in the average time taken by WAPOL to serve VROs, both overall and removing outliers. However, the percentage of VROs served within four days has declined over this time.

⁵⁰⁷ Auditor General for Western Australia, *A Measure of Protection: Management and Effectiveness of Restraining Orders*, Auditor General for Western Australia, Perth, October 2002, p. 39.

Figure 36: Comparison of time taken to serve violence restraining orders

Measure	Ombudsman's finding for the investigation period	Office of the Auditor General's finding (using data for the period 1999 to 2001)
Percentage of all violence restraining orders issued that were served within 4 days	42%	58%
Average time to serve all violence restraining orders issued	29 days	44 days
Average time to serve, without including outliers ⁵⁰⁸	14 days	18 days

Source: Ombudsman Western Australia and Office of the Auditor General

During the investigation, stakeholders expressed the view that delays in the service of VROs were leaving victims at risk, particularly as victims often believed they were protected as soon as a VRO was granted by the court.

11.2 Methods of service of violence restraining orders

11.2.1 Legislative requirements

Section 55 of the *Restraining Orders Act* requires that, with some exceptions, VROs are to be served personally on the respondent, as follows:

55. Service of restraining order

- (1) A restraining order is to be served personally unless —
 - (a) the registrar has authorised oral service under subsection (2); or
 - (b) subsection (3) applies to the order.

If a VRO is not served personally, Section 55(2) of the *Restraining Orders Act* provides for the registrar (of the Court) to authorise oral service of a VRO 'if the registrar is satisfied that reasonable efforts have been made to serve the order personally.' Section 55(6) further specifies that '[o]ral service may be effected face to face or by telephone, radio, video conference or another similar method.'

⁵⁰⁸ The Auditor General noted that 'the average is impacted by a minority of orders where there is significant delay in service. A clearer estimate of service timeliness may be gained by looking only at orders served in 100 days' or less. To enable this comparison, the Office has also excluded orders served on day 101 or after.

11.2.2 Policy requirements

The COPS Manual⁵⁰⁹ requires that the court of origin be contacted to obtain authorisation for oral service within five days if the VRO has not been served.⁵¹⁰

The Law Reform Commission Final Report observes:

The Commission maintains its view that the preferred method of service should be personal service. It is essential that the person bound by the order is properly informed about the contents and consequences of the order. The provision of oral service via telephone has a number of potential difficulties including how police will verify that the person spoken to is in fact the person bound by the order. The Commission recognises that the Western Australia Police policy requires police to apply to the court for oral service after five days and believes that more timely service can be achieved by including a legislative requirement for police to apply for oral service after a specified shorter period of time and to include in the legislation that service is to be effected as soon as possible.

Recommendation 22

Service of family and domestic violence protection orders

That the new Family and Domestic Violence Protection Order Act provide that:

- (a) A family and domestic violence protection order is to be served personally on the person bound by the order as soon as possible.
- (b) If a family and domestic violence protection order has not been served on the person bound within 72 hours, the Western Australia Police are to apply to a registrar of the court within 24 hours for oral service to be authorised and the registrar may authorise oral service if satisfied that reasonable efforts have been made to serve the order personally.⁵¹¹

11.2.3 92 per cent of violence restraining orders served in the investigation period were served in person by WAPOL

The Office analysed the state-wide data to determine the primary methods of service of VROs. The Office identified that, in the investigation period, of the 13,378 VROs served:

- 13,014 VROs were served personally with 12,032 (92 per cent) of these served personally by police officers;
- 140 VROs were served by post;
- 128 VROs were served orally, all by WAPOL; and
- 96 VROs were served via 'substituted service'.

⁵⁰⁹ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

⁵¹⁰ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

⁵¹¹ Law Reform Commission of Western Australia, *Enhancing Family and Domestic Violence Laws: Discussion Paper*, the Law Reform Commission, Perth, 2013, p. 94.

The Office also identified that 6,300 VROs were served by WAPOL more than five days after the VRO was granted. However, of these 6,300 VROs:

- Ninety-seven per cent (6,141) were served personally; and
- Two per cent (111) were served via oral service.⁵¹²

The Office modelled the implementation of the Law Reform Commission's recommendation that, 'if a family and domestic violence protection order has not been served on the person bound within 72 hours, the Western Australia Police are to apply to a registrar of the court within 24 hours'.⁵¹³ If this had been applicable during the investigation period, WAPOL would have been required to apply for oral service for 63 per cent of served VROs, resulting in 8,450 applications to do so to the registrar of the court.

As noted at section 9.1.5, during the course of the investigation, DOTAG has informed the Office that the State Government is currently considering its response to the Law Reform Commission Final Report. DOTAG further informed the Office that:

A detailed Drafting Options Paper (Family Violence Restraining Orders-Drafting Options Paper) is currently out with key State Government and community sector family violence response stakeholders for comment. This is a targeted consultation process on foundation aspects of the FVROs themselves (there will be other aspects included in the Bill, and further consultation will occur on these as required).⁵¹⁴

In light of the Office's modelling, and the concomitant resource implications, as part of this consideration, DOTAG, in collaboration with WAPOL, could consider whether it may be appropriate to pursue amendments to the *Restraining Orders Act* so that, where a VRO has not been served on the person bound within 72 hours, and reasonable efforts have been made to serve the order personally, the VRO is deemed to be authorised for oral service. Legislative and administrative arrangements could be established to ensure that WAPOL keeps records that demonstrate that reasonable efforts had been made to serve the order personally prior to oral service, and that such records were periodically monitored and reported on by an appropriate agency.

Recommendation 26

DOTAG collaborates with WAPOL to consider whether it may be appropriate to pursue amendments to the *Restraining Orders Act 1997* so that, where a VRO has not been served on the person bound within 72 hours, and reasonable efforts have been made to serve the order personally, the VRO is deemed to be authorised for oral service, including considering establishing legislative and administrative arrangements to ensure WAPOL keeps records that demonstrate that reasonable efforts had been made to serve the order personally prior to oral service.

⁵¹² A further 44 VROs were served by post and four VROs were served via 'substituted service'.

⁵¹³ Law Reform Commission of Western Australia, *Enhancing Family and Domestic Violence Laws, Final Report*, Law Reform Commission of Western Australia, Perth, 2014, p. 94.

⁵¹⁴ Department of the Attorney General, personal communication, 20 October 2015.

11.2.4 The limited information available to WAPOL prior to serving a violence restraining order puts police officers and victims at increased risk

The research literature identifies that applying for a VRO can significantly increase the risk faced by victims.⁵¹⁵ Recognising that the service of a VRO can trigger safety issues, the COPS Manual specifies that certain checks are to be completed prior to the service of a VRO:

Prior to serving a VRO, exhaustive checks on the respondent must be conducted. Members are to pay particular attention to the existence of any violent history and access to firearms, licensed or otherwise ... Members serving Violence Restraining Orders are to be mindful of their safety and welfare, as the reactions of some respondents can be unpredictable...⁵¹⁶

In completing these checks, police officers rely on the information contained in the Incident Management System and the copy of the VRO provided by DOTAG to WAPOL for service. If the respondent and protected person have had little or no prior contact with WAPOL, police officers will have no or limited information to inform their approach to serving the VRO.

The Office's analysis of the state-wide data identified that, of the 21,237 applications for VROs made in the investigation period, only 5,236 (25 per cent) indicated prior attendance by WAPOL at a family and domestic violence incident (this was indicated by the applicant citing a WAPOL incident report as attached evidence). While it is possible the respondent and protected person may be known to WAPOL through other avenues, most frequently this will mean that WAPOL is likely to hold little or no contextual information regarding the respondent. Police officers and stakeholders representing victims noted that it would enable better risk identification and mitigation if the VRO provided by DOTAG to WAPOL for service was accompanied by information regarding:

- the relationship between the respondent and the protected person (particularly if they are in a family and domestic relationship);
- the grounds for the VRO;
- identifying particulars (full name, address, date of birth, telephone contact details) of both parties, as recorded by the protected person; and
- any relevant information regarding the history of family and domestic violence disclosed by the applicant when seeking a VRO.

The Office confirmed that the information listed above is provided by the person seeking to be protected on the VRO application form and is therefore readily available to DOTAG. This information would not only assist police officers in serving the VRO safely but would also be useful to inform further WAPOL responses to family and domestic violence between the parties. In addition, victims who are granted a VRO may have sought advice

⁵¹⁵ Buckley, M and Sheckler, C, 'Protective order just part of safety plan,' *South Bend Tribune*, Indiana, 9 June 2013, viewed 8 October 2014,

<http://www.southbendtribune.com/news/local/keynews/watchdog/protective-order-just-part-of-safety-plan/article_27c0b7de-e097-5875-b013-e2ffe56fd17d.html?mode=jqm>.

⁵¹⁶ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

from support services, such as DOTAG's Victim Support Service and/or Family Violence Service. With the consent of the victim, this information could also be used to assist WAPOL with their risk identification and mitigation and inform their future contact with the victim.

Recommendation 27

DOTAG collaborates with WAPOL to establish a process for providing WAPOL with the following information, together with the violence restraining order for service:

- the relationship between the respondent and the protected person (particularly if they are in a family and domestic relationship);
- the grounds for the violence restraining order;
- identifying particulars (full name, address, date of birth, telephone contact details) of both parties, as recorded by the protected person; and
- any relevant information regarding the history of family and domestic violence disclosed by the applicant when seeking a violence restraining order.

11.3 Explanation of violence restraining orders at the time of service

11.3.1 Legislative requirements

As set out at section 11.1.1, section 8 of the *Restraining Orders Act* requires that, when a VRO is made by the court, certain information is to be explained to the person bound and the person protected by the VRO. If the relevant person is not in court, then this explanation is to be provided at the time of service or when a copy of the order is otherwise provided to the parties. In practice, unless a VRO is granted in response to a telephone application, the person protected is usually present in court at the time the order is made. However, as described at Chapter 10, the person bound is usually not present in court.

While the *Restraining Orders Act* specifically provides that '[a]n order is not invalid merely because a person who should have been given the explanation referred to in subsection (1) was not given the explanation' (Section 8(4)), the research literature suggests that a lack of understanding of VROs can contribute to respondents breaching the VRO.⁵¹⁷

⁵¹⁷ Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, pp. 17-18.

11.3.2 Policy requirements

The COPS Manual⁵¹⁸ quotes section 8 of the *Restraining Orders Act*, and notes that ‘the following section will apply to members serving VRO’s on respondents and in some cases where a TVRO⁵¹⁹ is granted, the person seeking to be protected’.⁵²⁰

11.3.3 Respondents may not comprehend information about violence restraining orders provided by police officers at the time of service

Alleged breaches of VROs in the 30 fatalities are discussed in detail in Chapter 12. However, of particular relevance, the Office identified that, of the 16 people in the 30 fatalities who were restrained by a VRO, nine were charged with breaching a VRO at some point (56 per cent). At the time the VRO was breached, some of the suspected perpetrators also allegedly committed violent offences against the victim, including assault occasioning bodily harm and unlawful wounding.

During the investigation, WAPOL and stakeholders, including non-government organisations conducting perpetrator programs, reported that police officers attempt to provide relevant information verbally to respondents as set out in the *Restraining Orders Act*. However, at the time of service, respondents can be unwilling or unable to digest this information. WAPOL and stakeholders reported that respondents may:

- refuse to engage with police officers at the time of service;
- have diminished capacity for some reason, for example, be intoxicated at the time of service; and/or
- dispose of, or destroy, their copy of the order (which contains critical information).

This issue was also highlighted by the Auditor General in his 2002 report which found that:

A verbal explanation of the order is provided by the police serving the order, but in many cases the respondent is not willing to listen to, or able to comprehend the details provided at this time.⁵²¹

⁵¹⁸ Western Australia Police, *Commissioner’s Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

⁵¹⁹ Telephone violence restraining order.

⁵²⁰ Western Australia Police, *Commissioner’s Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*.

⁵²¹ Auditor General for Western Australia, *A Measure of Protection: Management and Effectiveness of Restraining Orders*, Auditor General for Western Australia, Perth, October 2002, p. 43.

11.3.4 Lack of perpetrator understanding of violence restraining orders contributes to alleged breaches of these orders

As identified above, at the time of service, respondents to VROs may not fully comprehend the information provided by police officers. In addition, respondents may require further information, for example regarding associated court processes and their legal options.⁵²² This lack of understanding and access to information may contribute to alleged breaches of VROs.⁵²³

In Western Australia in 2013, a study undertaken by DCPFS, Curtin University, Communicare and the Women's Council for Domestic and Family Violence Services (WA), interviewed men who had breached a VRO.⁵²⁴ The findings of these interviews were reported in the 2014 report entitled *Breaching Safety - Improving the effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence (the Breaching Safety Report)*.

The Breaching Safety Report found that the men who had breached a VRO reported that they had limited understanding of the court processes associated with a VRO and where to go for further information.⁵²⁵ This sometimes resulted in the men interviewed contacting their partners, with participants reporting that:

...there was not a lot of clarity about the court processes ... or how to find out about what would happen in the future. For some participants this manifested in a sense of isolation and for others this prompted their decision to contact their partners or former partners for various reasons despite knowing they were not meant to be doing so.⁵²⁶

⁵²² Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, pp. 17-18.

⁵²³ Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, pp. 17-18.

⁵²⁴ Chung, D, Green, D and Smith, G, et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014.

⁵²⁵ Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, pp. 17-18.

⁵²⁶ Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, pp. 17-18.

11.3.5 A proactive contact and information service for violence restraining order respondents may contribute to reducing the incidence of alleged breaches and provide opportunities to manage associated risks

The Office's findings set out above indicate that a lack of perpetrator understanding of VROs, and associated court processes, may contribute to alleged breaches. Accordingly, alternative methods of providing information to VRO respondents could assist in reducing the incidence of alleged breaches. On this issue, the Auditor General observed in 2002 that:

The MoJ [former Ministry of Justice] six-month evaluation recommended that information brochures about restraining orders and associated issues be made available, particularly to respondents. This has not yet occurred in any of the localities visited.⁵²⁷

More recently, the Breaching Safety Report also examined alternative methods of providing information to respondents and found that, while two Western Australian courts have piloted information sessions for respondents to VROs, this was not a sufficient response, further finding:

There was a view that there also needed to be a proactive contact person for men who had been served with a VRO. This contact person could provide information as well as referrals to relevant agencies and would contact the respondent 24 hours after the police order or VRO was served.⁵²⁸

The Breaching Safety Report recommended that:

Current models of practice are enhanced with the addition of a proactive contact and information service for men who are VRO respondents. This would include a coordinating worker at local sites being responsible for contacting all respondents 24 hours after being served with a VRO to provide information, answer questions and assess risk. They would be the ongoing contact person for the respondent throughout the process. The contact and information service would include:

- Provision of telephone and face-to-face contact on a regular basis
- Provision of information about the processes and consequences of what is occurring
- Printed and web based information
- Referrals to relevant services
- Contact with relevant agencies where men are deemed to be high risk so that safety plans can be implemented and risk management strategies increased.⁵²⁹

⁵²⁷ Auditor General for Western Australia, *A Measure of Protection: Management and Effectiveness of Restraining Orders*, Auditor General for Western Australia, Perth, October 2002, p. 43.

⁵²⁸ Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, p. 19.

⁵²⁹ Chung, D, Green, D and Smith, G et al, *Breaching Safety: Improving the Effectiveness of Violence Restraining Orders for Victims of Family and Domestic Violence*, The Women's Council for Domestic and Family Violence Services, Perth, 2014, p. 21.

The findings of this investigation support the implementation of evidence-based strategies to reduce the potential for alleged breaches, including those identified in the Breaching Safety Report.

Recommendation 28

Taking into account the findings of this investigation, DCPFS consults with key stakeholders to explore issues associated with the provision of information to respondents to violence restraining orders, whether these issues require a state-wide response, and the appropriate form of this response, for potential incorporation into future Action Plans.

11.4 WAPOL's administrative processes for service of violence restraining orders

11.4.1 Enhanced electronic records of attempts to serve would assist in timely service

If a VRO is not served immediately, the COPS Manual⁵³⁰ requires police officers to create an inquiry in its Incident Management System to detail the:

- Existence of the Violence Restraining Order
- Location of order
- Its accessibility 24 hrs⁵³¹

The COPS Manual also specifies that:

A running sheet must be attached to the [v]iolence [r]estraining [o]rder, which will clearly show - date, time, location, officer and details of all attempts to serve the order. This information becomes critical when a later application for substituted or oral service is made.⁵³²

The running sheet is a key source of information for the police officers responsible for serving and enforcing VROs, since it creates an electronic record of all attempts to serve the VRO and the current status of the VRO. In addition, if a victim contacts WAPOL for information about whether the VRO has been served, police officers refer to the running sheet for the most up to date information.

Currently, there is a limit to the number of characters which can be entered into the electronic running sheet. This limitation means that police officers cannot add new entries to the running sheet once the limit is reached. This issue is exacerbated as the Incident Management System automatically adds information (such as the details of the officer making an entry) on the running sheet whenever the running sheet is updated. Where the limit on entries to the running sheet has been reached, police officers are unable to access

⁵³⁰ Department of the Attorney General, *Restraining Orders, Version 1.1*, Government of Western Australia.

⁵³¹ Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*, p. 37.

⁵³² Western Australia Police, *Commissioner's Operations and Procedures (COPS) Manual, RO - 1.8 Service of Interim and Final Restraining Orders*, p. 37.

up to date information on the status of the VRO for their own purposes in serving and enforcing the VRO, and for the purpose of providing people seeking to be protected by the VRO with advice about its current status. During the investigation, WAPOL informed this Office that, as this occurs regularly, officers limit the information they record on the running sheet to avoid running out of space in future.

A minor administrative change to WAPOL's Incident Management System could significantly enhance the ability of police officers to access current and comprehensive information regarding unserved VROs, increasing officer safety and improving the information provided to victims.

Recommendation 29

WAPOL amend its Incident Management System to ensure all information relevant to a violence restraining order can be included on its associated running sheet.