



**OMBUDSMAN**  
Western Australia

**An investigation into the Police Response  
to Assault in the family home**

**5 September 2003**

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## Commissioner of Police's Response

## Summary

This report examines the response by the Western Australia Police Service (WAPS) to assault that occurs in the family home. For the purpose of this report, we have used the term 'Assault in the family home' to refer to assaults causing bodily harm which occur within the context of a familial relationship, in order to reinforce that such assaults are crimes. This is to distinguish this offence from the traditional perspective of behaviour that occurs within the 'private' preserve of the home and family, which is therefore not readily open to scrutiny or investigation by outside individuals or agencies.

The complaint that gave rise to this investigation came from a Community Legal Centre acting on behalf of a complainant. Our examination of the issues raised in that complaint revealed not only the potential seriousness of the allegations about the police response in that case but caused us to consider broader issues surrounding the way police respond to Assault in the family home.

The investigation method we used was primarily designed to help us understand the ways in which victims and other stakeholders such as women's refuges perceived the police response. We considered relevant police policies and procedures and conducted interviews with police, staff of women's refuges and other agencies and victims of Assault in the family home in regional and metropolitan areas across Western Australia. We also conducted an extensive literature search.

Victims and agency workers highlighted the need for the application of consistent standards by police across the State, and for improvements in police communication with stakeholders, as did many police. Each of these perspectives has provided valuable insights.

The first contact that many victims of Assault in the family home have with someone other than the perpetrator of the assault is with police officers. Victims and their supporting organisations emphasised that what police officers do in these circumstances is crucial. The perception is that they often do not do enough. Moreover, our investigation revealed that the quality of the police response to Assault in the family home varied considerably from region to region, district to district and officer to officer, and that it appeared to be significantly affected by the individual personalities of police officers.

Seven recommendations have been made in response to the problems highlighted by this investigation. I recommend that:

1. (a) WAPS formulate a Minimum Standards Protocol to guide police officers attending incidents of Assault in the family home, and do so in consultation with refuge workers in the metropolitan and regional areas of Western Australia; and  
(b) once such a Protocol has been developed, an appropriate training program be established at the WA Police Academy for police recruits and a refresher training program addressing the requirements of the Protocol be provided for serving police officers
2. WAPS revise and clarify existing policy and guidelines relating to the charging of perpetrators of Assault in the family home and promulgate these once revised
3. (a) WAPS clarify its guidelines for obtaining and serving Violence Restraining Orders (VROs) and ensure that these include a requirement that victims are kept informed of any failed attempts to effect service; and  
(b) review current policy and guidelines in relation to the issue of prompt police response to alleged breaches of VROs or bail conditions in cases of Assault in the family home
4. WAPS reinforce to all officers the need to adhere to police policy relating to Assault in the family home and clarify whether 'zero tolerance' forms part of this policy
5. WAPS review Domestic Violence Liaison Officer (DVLO) recruitment procedures, training program support, and allocation of resources to ensure consistency of approach and allow sufficient flexibility to target areas of need
6. (a) WAPS review whether Family Incident Reports are the most effective tool for gathering data relating to assaults that occur in the family home; and  
(b) review current case management practices in light of best nationwide case management practices
7. WAPS explore with Government the possibility of developing legislation for a system of Cautionary Restraining Notices or similar.

The two key concepts of a Minimum Standards Protocol and Cautionary Restraining Notices were developed by this Office during the course of our investigation. Both have been positively received by police management as concepts which could form the basis of effective tools for police officers to use in the future when attending incidents of Assault in the family home.

A number of constructive meetings we have had with police management in response to our draft report indicated that police were in broad agreement with the recommendations made in this report, and that the concepts of a Minimum Standards Protocol and Cautionary Restraining Notices will be included in the future development of police policy relating to Assault in the family home. Subsequently, a formal response was received to our draft report on 1 September 2003 and is appended to this final report. In the WAPS response all of the recommendations listed above were supported.

## Glossary

<b>Assault in the family home</b>	An assault causing bodily harm that results from an attack in the family home or in familial surroundings
<b>CRN</b>	Cautionary Restraining Notice – a concept used in this report
<b>CLC</b>	Community Legal Centre
<b>DVLO</b>	Domestic Violence Liaison Officer - a sworn member of the Western Australia Police Service who has responsibilities relating to matters of Assault in the family home
<b>FIR</b>	Family Incident Report - a report that police officers are expected to complete after attending an Assault in the family home
<b>Mr L</b>	The perpetrator of an Assault in the family home against Ms M, whose complaint gave rise to this investigation
<b>MRO</b>	A Misconduct Restraining Order that, in the context of this report, relates specifically to incidents of Assault in the family home
<b>Ms M</b>	The victim of an Assault in the family home whose complaint gave rise to this investigation
<b>MSP</b>	Minimum Standards Protocol - a concept developed in this report
<b>Perpetrator/ Defendant/ Offender</b>	Depending on the context, these terms are used interchangeably in this report to identify a person who is actually or allegedly responsible for causing an attack on another person in the family home or in familial surroundings
<b>The Act</b>	The <i>Parliamentary Commissioner Act 1971</i> , the legislation that governs the role of the Ombudsman
<b>Investigative Practices Review</b>	A review of WAPS practice conducted in 1999 by members of the Scottish Police Service
<b>TVRO</b>	A Telephone Violence Restraining Order that is the same as a VRO but is acquired by a police officer by telephone when immediate protection is required for a victim of an Assault in the family home
<b>Victim</b>	A party injured as a result of an Assault in the family home
<b>VKI</b>	The Western Australia Police Communications Section
<b>VRO</b>	A Violence Restraining Order that, in the context of this report, relates exclusively to incidents of Assault in the family home
<b>WAPS</b>	Western Australia Police Service

# Introduction

The purpose of this report is to examine the response of the Western Australia Police Service to assaults that occur in the family home; to gauge the perception of the adequacy of that response; and to make recommendations for improvements in service delivery.

Our investigation has highlighted concerns that the police response is of a diverse and fragmented nature across the State. We have also received feedback on the ways in which this response by police may affect victims of Assault in the family home.

Whilst the investigation did not seek to examine the effectiveness of those support agencies also tasked with the responsibility of responding to Assaults in the family home, we recognise that only a collaborative and cooperative approach by all stakeholders will resolve the concerns expressed to us and produce a meaningful outcome for victims.

The report is structured as follows:

- **Section 1** proposes a working definition of domestic violence for the purposes of this report, through the concept of 'Assault in the family home'
- **Section 2** explains why we embarked on this investigation
- **Section 3** acknowledges other important work being done in this State and more broadly on the subject of domestic violence
- **Section 4** outlines what the Ombudsman is required to do under the *Parliamentary Commissioner Act 1971*
- **Section 5** outlines the complaint which gave rise to this investigation
- **Section 6** provides an overview of the investigation process
- **Section 7** covers the key issues raised by women, refuges and support agencies in our interviews with them
- **Section 8** covers key issues raised by police
- **Section 9** includes other issues which we have flagged for further consideration at a later stage
- **Section 10** summarises what we would like to see as a result of our investigation.

# 1 A Working Definition

Traditionally, violent behaviour in the home has been defined as 'domestic violence'. That term connotes a level of intimacy and familiarity which can make it difficult for external individuals or agencies to readily scrutinise or investigate allegations of such behaviour.

The identification of violent behaviour as 'domestic' has no doubt encouraged a view of domestic violence as being something private that occurs within the home, and consequently not as something for others to become involved in. Further, the term 'violence' does not directly denote a criminal act – as opposed to terms which clearly identify specific offences against the person such as 'assault' and 'assault occasioning bodily harm', which are defined in *The Criminal Code*.

Changing the way in which an act or omission is defined or referred to can go a long way towards altering the mindset and misconceptions that may be held regarding the seriousness of an offence. To that end, for the purpose of this report, we have chosen to refer to the issue as 'Assault in the family home', rather than 'domestic violence'.<sup>1</sup>

In so doing, we acknowledge that not all offences of this nature actually occur within the confines of a residence. The term 'Assault in the family home' is used in this report to denote any assault causing bodily harm which occurs within the context of a familial relationship.

Further, we recognise that not all incidents of Assault in the family home are perpetrated by men towards women - although that is most often the case – and that assault is not the only shape that violent behaviour takes within the family framework. Violence in a family setting also includes abusive relationships between same-sex couples, women towards men, adults towards children, and other relationships where one party exercises a degree of physical or psychological power over another that causes the other person to live in fear of the perpetrator.

Having said that, by far the highest reported number of incidents of Assault in the family home as reported to police are those inflicted by men upon women<sup>2</sup> and, for

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1. A precedent that serves to highlight the importance of terminological changes for crimes formerly sheltered by the often problematic notion that they pertain to the private business of the family and home is the review of 'rape' that was conducted in the early 1980s.

2. According to statistics generated by the Crime Research Centre at the University of Western Australia, females were victims in 91.4% of all cases reported to police in 1994 and males in only 8.6% of cases. Cited in Ferrante, A., Morgan, F., Indermaur, D. & Harding, R. (1996) *Measuring the extent of domestic violence*, Perth, Hawkins. p29. Based on the information we received from refuge workers, that data reasonably reflects the current situation in so far as it relates to the gender balance in reported incidents of Assault in the family home.

the purpose of this report and unless otherwise stated, Assault in the family home will be considered within that context.

Finally, while acknowledging the different forms that violent behaviour in the home takes, it is usually the case that when police respond to an incident of Assault in the family home, it is because an assault has occurred<sup>3</sup>.

## 2 Why the Ombudsman is involved

The involvement of my office in this issue arises from the role of the Ombudsman in reviewing police internal investigations and investigating significant issues as they are identified. Our objective is to add value to the existing system by making appropriate recommendations to the Police Service for improved service delivery.

The complaint that gave rise to this investigation was received from a Community Legal Centre (CLC) acting on behalf of a complainant ("Ms M"). The complaint highlighted concerns about the conduct of police in relation to the prosecution of charges of Assault Occasioning Bodily Harm, Deprivation of Liberty and Unlawful Indecent Assault against the complainant's de-facto spouse ("Mr L") that resulted from an Assault in the family home.

On completion of the police internal investigation, the police file was forwarded to my office for review, and the CLC wrote to me expressing dissatisfaction with a failure by the investigating officer to address all the relevant issues, as well as with the length of time taken to conduct the internal investigation.

Our scrutiny of the issues raised in that complaint revealed not only the potential seriousness of the allegations about the police response to Ms M, but caused us to query whether Ms M's experience might indicate broader issues to do with the way in which police officers respond to incidents of Assault in the family home.

On that basis, I determined, pursuant to section 16 of the *Parliamentary Commissioner Act 1971*, to commence an investigation into the police response to Assault in the family home, and how this is viewed by key stakeholders.

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3. Further statistics produced by the Crime Research Centre indicate that, where police records were complete, 88.5% or nine out of every ten callers for police assistance had suffered some form of injury from the incident.

### 3 Acknowledgments

Since commencing our investigation, a number of agencies have issued reports that pertain to issues raised in this report. We acknowledge the work done in the areas of restraining orders, and the review of legislation relating to 'domestic violence' and family violence in Indigenous communities by the Auditor-General for Western Australia, the Department of Justice and the Gordon Inquiry. We also acknowledge the working paper recently distributed by the Department for Community Development inviting public comment about ways in which the community of Western Australia can work together to address family and domestic violence.

We also acknowledge recent police initiatives. It is evident from our discussions with WAPS that police place a high priority on having an efficient and effective model for dealing with Assault in the family home, and are devoting considerable resources to that end.

Finally, we acknowledge the domestic violence intervention projects that have been piloted in other States of Australia; the Duluth Domestic Abuse Intervention Project (United States); the Hamilton Abuse Intervention Pilot Project (New Zealand); and others. Each of these models is important. They all serve to highlight the need for a coordinated and collaborative community approach to the problem of Assault in the family home and to the level of service delivered by police and others working in the law enforcement and judicial system.

A list of references consulted during our investigation is at the end of this report.

This report does not seek to duplicate the important body of work mentioned here. Rather, we wish to contribute to the body of current research. A number of the key recommendations that have been made by those individuals and agencies were reinforced and supported by the evidence gathered during the course of our investigation. Further, I have made recommendations that I anticipate will serve to improve the relationship between victims of Assault in the family home, the organisations that provide support for those people, and the Police Service.

## 4 What the Ombudsman is required to do

Section 16 of the *Parliamentary Commissioner Act 1971* authorises the Ombudsman to initiate an own motion investigation. The Ombudsman's role is to form an opinion about the matter under investigation in the light of criteria set out in section 25(1) of the Act, which states in part:

*"Where as a result of an investigation conducted under this Act...the Commissioner is of the opinion that the action taken to which the investigation relates –*

*a) ...*

*b) was unreasonable, unjust, oppressive or improperly discriminatory;...*

*he shall, as in the circumstances of the case he thinks fit, carry out the duties imposed on him by subsection (2)."*

The evidence gathered during our investigation led us to conclude that the roles and responsibilities of operational police officers who deal with Assaults in the family home are not always properly understood or consistently applied, and that this impacts adversely on victims. Pursuant to section 25(1) of the Act, I have formed the opinion that this is unreasonable. Pursuant to section 25(2) of the Act, this report contains a number of recommendations intended to improve the position.

Section 25(2) provides that the Ombudsman is to report such opinions to the principal officer of the appropriate agency and make recommendations, and section 19(4) provides that, prior to completing a report on an investigation that may affect or concern any department, the Ombudsman must provide the principal officer with the opportunity to comment on the subject matter of the investigation. To that end, draft versions of this report were sent to the Commissioner of Police. The Commissioner's response is appended to this report.

During the course of our investigation, a number of the refuge workers and agencies to whom we spoke requested that they be provided with a copy of our report. Our final report will be forwarded to those bodies.

We will also forward a copy of our report to the Attorney General of Western Australia, together with a discussion paper relating to the judicial response to charges of assault brought by police against perpetrators of Assault in the family home. It has not been the purpose of our investigation to examine the role of the judiciary or the adequacy of the existing legislation under which police are required to perform their duties. Nevertheless, comments made to us have raised issues which we believe will be of interest to the Attorney General.

## 5 Ms M's Complaint

Ms M's complaint was the basis from which our line of inquiry into assaults in the family home was broadened. Initially, the CLC which took up Ms M's complaint alleged that police:

- showed bias in favour of the defendant;
- minimised the seriousness of the alleged assaults and threats against the complainant by the defendant;
- treated the complainant in an off-hand and insensitive manner;
- did not produce essential medical evidence or call upon witnesses whose evidence would support the complainant's case; and
- summoned a witness, other than the complainant, whose evidence was hostile to the complainant's case. This same witness was a person who worked with the defendant on a daily basis and was the son of the defendant's best friend.

At the outset, in order to satisfy ourselves about the weight of Ms M's concerns and then decide whether a broader investigation was warranted, we conducted preliminary inquiries into Ms M's complaint. We interviewed Ms M and her legal representative from the CLC. We also travelled to the region where this incident occurred to ascertain whether a number of the issues raised by Ms M could be substantiated.

Our review of Ms M's investigation is not concluded. The preliminary conclusions we have reached about the way in which WAPS dealt with Ms M's case, based on our examination of the police internal investigation file, interviews with the complainant and her solicitor and our preliminary inquiries, are presently the subject of further communication between the complainant, WAPS and this office.

That matter stands independently of this report and progress towards a review of policy and procedure should not be suspended or delayed on the basis that the individual matter has not been finalised.

## 6 The Ombudsman's Investigation

During our investigation into the broader issues highlighted by Ms M's complaint, we interviewed police, staff of women's refuges and other agencies. The interviews were tape-recorded and transcribed. (See Tables 1, 2 and 3 for an overview of the interviews conducted.) We also reviewed current police domestic violence policy, existing police operating procedures and the present domestic violence training program for police recruits.

At the outset it is important to note that in our view the current police policy is comprehensive and sound, and has the potential to address the majority of the concerns raised with us in our investigation. (An overview of that policy is at section 8.2.) Relevant extracts from the policy are cited throughout our report. However, inconsistency in the policy's application was one of the key issues highlighted by our investigation.

All of the interviews were conducted in person other than those conducted with the Broome police and the women's refuges in Broome and Derby, which were conducted by telephone.

Our investigation process was designed to help us learn what victims and other stakeholders had to say about the ways in which police respond to Assault in the family home. We also learnt a great deal from police. Victims and agency workers highlighted the need for the application of consistent standards by police across the State, and for improvements in police communication with stakeholders, as did many police. Each of these perspectives has provided valuable insights to the matters canvassed in this report.

Victims of Assault in the family home and their supporting organisations almost without exception were concerned about one issue in particular. They emphasised that what police officers do when they attend incidents of Assault in the family home is critical, and the generally held perception was that police often do not do enough.

Police provide the initial response to an Assault in the family home and are often the first contact that the victim has with a person other than the perpetrator. Therefore, in the view of the refuge workers we spoke to, police officers attending incidents of Assault in the family home should engage with victims in ways that provide the necessary support and information needed by the victims at that time.

We were often told that the quality of the police response to Assault in the family home varied considerably from region to region, district to district and officer to officer, and to a significant extent was affected by individual personality.

Our investigation also highlighted a widely held perception that the adequacy of the police response appeared to reflect the attitude of the Officer in Charge and how that person prioritised Assault in the family home in their Region or District.

We were told that some officers consistently followed police policy pertaining to Assault in the family home. These officers tended to take follow-through action to ensure that the victim and children were attended to and that charges were laid as and when appropriate. That type of practice was particularly evident in police districts in the North-West of the State.

Where it was reported to us that police demonstrated a less empathetic attitude towards victims, it seemed that, notwithstanding any injuries sustained by the victim, the response was characterised by an initial attendance at the scene without follow up action. It was reported to us that only rudimentary steps were taken to keep the peace; the victim was provided with little assistance or information beyond being asked whether she wanted the perpetrator charged or being advised to apply for either a Violence Restraining Order (VRO) or Misconduct Restraining Order (MRO) when she was next able to; or the victim was taken to a refuge. In such cases, those interviewed expressed concern that no further action was taken by police.

In our view, such issues of concern could be addressed by the establishment of a mechanism we have termed a 'Minimum Standards Protocol'. The benefit of such a protocol would be that it would provide direction for the actions of police officers attending at incidents of Assault in the family home; allow for the differences of each situation; and form the basis for guidelines to help determine the appropriateness of a police officer's contact with victims of Assault in the family home and refuges. This Minimum Standards Protocol concept is dealt with in detail in section 7.1.1 of this report.

The main issues of concern raised by police and by the women interviewed, whether as victims of Assault in the family home or as support persons or agency workers, are further explored in this report. We have chosen to use their own words to convey their concerns. Our comments and recommendations in relation to the main issues raised are made against the background of these various perspectives.

## 7 Key Issues for Women, Refuges and Support Agencies

It is a challenge to categorise the many and varied concerns expressed during our interviews with women, refuges and other support agencies. However, key themes arose that can be divided into two areas of specific concern: the first relates to the perceived attitude of police; and the second to the apparent lack of depth of police education in relation to Assault in the family home.

Comments by a number of the police officers interviewed validated the concerns expressed by the women and their support organisations. These views have also been included in this section. Where relevant, current WAPS policy is also included.

During the course of our investigation many other matters were brought to our attention that need to be acknowledged, at a minimum, in order to achieve a complete understanding of the issues affecting the police response to Assault in the family home. These matters are canvassed at the end of our report.

### 7.1 Attitude

#### 7.1.1 Personality driven responses and a 'Minimum Standards Protocol'

Police management advised us that it is expected that a police officer attending the scene of an Assault in the family home would, without demonstrating bias or prejudice and irrespective of any preconceived notions of race, class or gender, manage all such incidents in a consistent and pre-determined manner. This expectation is set out in the police policy on domestic violence (see section 8.2 below).

However, a number of comments made by police indicated that some officers who attend incidents of Assault in the family home might hold preconceived and negative views about the type of women who become victims, which might in turn adversely influence the officer's response to such incidents. Comments from refuge workers and victims highlighted a perception of personality-driven responses by police.

*"It's a mixed response, it's personality driven mostly, the quality of the response from the police hinges on their own perceptions of people's class due to the state of intoxication or drug affectedness".*

*(Women's Refuge)*

*"There's [domestic violence] friendly police and there's ones that don't understand".*

*(Women's Refuge)*

*"In some cases [police] don't take it seriously and they don't show women any compassion...it's pretty much across the board".*

*(Indigenous Women's Refuge)*

*"There's certain women who are victims of dv that police don't see as victims compared to other victims..."*

*(Women's Refuge)*

*"[The Police said] 'if we [photograph the injuries sustained during an Assault in the family home] now, it's over and done with', and I said 'what about going to the hospital or something, cos [sic] I need to go up for an examination', and [the Police said] 'well I don't see the point of it, you'll be stuck there all day... you don't mind showing me where your injuries are do you?' He said, 'alright, smile, pose, give us a pose, smile'...I couldn't see the humour in it. There was none for me."*

*(Victim of Assault in the family home)*

*"I don't know the exact response [of a police officer], it wasn't friendly. There was not one sort of friendliness, understanding, openness, nothing that would allow me to go further and explain, nothing like that which offered me an opening to say something."*

*(Victim of Assault in the family home)*

*"If [police] have a personal view about the merits of that, about the merits of women who go back and cohabit with offenders, and so on...that personal view should be kept to themselves... they [should] deal with the crimes and the breaches of the peace, on their merits, not on their personal view about how people should live their lives..."*

*(Women's Refuge)*

*"[I said] 'I don't know when my husband's coming back [to the house]', at this stage I didn't know where he was and [the Police] said, 'your husband's here...in the next room', ...when I spoke to him later he said 'yeah I heard every word you said, I was in the next room'... I was so damn lucky that I didn't get a hiding from him for that. If I'd known that he was in the next room being able to hear every word I said, I would certainly not [have] said it, or [I'd] requested to be taken to a room where no one can hear what I'm talking about...it was an open area."*

*(Victim of Assault in the family home)*

*"It depends on who you've got, ...some of the guys are excellent [and] do their job beautifully and you couldn't fault them, but there are others that think it's a pain in the side, it's a nuisance, it's a disturbance, let's get rid of it and move on...so it depends on who you're working with...some of them follow the letter of the law and others don't".*

*(Women's Refuge)*

#### *Police comments*

*"There's over 4000 police officers so a lot of them probably couldn't be bothered with dv incidents."*

*(Asked 'do you think they see it (Assault in the family home) differently from other assaults?')  
"...oh yeah, some police officers do, yes."*

#### **Minimum Standards Protocol**

Taking into account the responses and observations made by police, victims and refuge workers regarding the potential for personality-derived biases to adversely impact upon the police response, we have formed the view that there would be great benefit in developing a State-wide Minimum Standards Protocol (MSP) for police officers attending an Assault in the family home. The response we received from police and from refuge workers about this proposition was very supportive.

At present, we understand that in a few police districts Memoranda of Understanding (MOUs) exist between certain police stations and women's refuges in those areas. However, we were told that most areas do not operate under MOUs or that, where they do, they can be outdated or non-operational. Further, we were told that the degree of their effectiveness apparently varies considerably according to the personality and level of commitment shown by whoever holds the position of OIC or DVLO.

The concept of a Minimum Standards Protocol could also address the shortcomings of MOUs, and overall would apply consistent standards to the police response to Assaults in the family home, which would assist all parties.

In essence, a Minimum Standards Protocol approach would serve to standardise the police response, provide guidance and ensure an organised and coordinated response for officers tasked to deal with incidents of Assault in the family home.

Such a protocol, based on the information we received from refuge workers, could usefully provide procedures to be followed:

- when police receive an initial call for assistance from the victim of Assault in the family home;
- by the officers who respond to the call;
- by the officers who conduct any follow-up action or who initiate the case management of the matter; and
- when a case of disputed property arises.

Refuge workers provided many practical suggestions about the ways in which police could better address the needs of victims of Assault in the family home, based on their 'hands-on' experience. For instance, they explained that when women are conveyed to a refuge by police it is often the case that, in view of their often disorientated state following an assault, victims arrive without clothes, proof of identity or the means by which to access their bank accounts.

When such matters are not addressed by the attending police officers, victims typically have to return to the scene at a later time to retrieve their possessions with police officers on 'stand-by' should there be any further threat of violent behaviour by a perpetrator – a prolonged process that is usually distressing for the victim and consumes additional police time.

Many of the refuge workers thought that police officers needed to take firm control of the situation at a time when a victim was often vulnerable and disorientated and was

in need of specific direction to gather up certain essential items before being transported to a refuge.

Using this feedback from refuge workers, we see the protocol as ideally covering these areas:

*(i) Initial contact:*

- a procedure for a police communications officer to follow upon receiving the initial call for assistance; and
- a procedure for prioritising the call and dispatching the job.

*(ii) Response to the call:*

- investigation techniques for assessing the incident to decide whether an offence has been committed;
- a procedure for ensuring that the maximum amount of evidence is elicited from the scene to assist the smooth passage of any charges and subsequent court proceedings;
- investigation techniques for deciding the degree of risk for the victim and whether the victim's safety is in jeopardy;
- in the event that a decision has been made to transport a victim and her children to a refuge, a procedure for assisting her to collect the documents and personal items she needs to take. These might include:
  - ⇒ birth certificates for the woman and children;
  - ⇒ all relevant social security documentation;
  - ⇒ divorce and custody documents;
  - ⇒ driver's licence;
  - ⇒ children's school and medical records;
  - ⇒ banking documentation, cash, credit cards, ATM cards and cheque book;
  - ⇒ passport;
  - ⇒ any court orders that are relevant to the situation;
  - ⇒ house titles or rental agreements;
  - ⇒ car registration;
  - ⇒ home and car insurance papers;
  - ⇒ medications;
  - ⇒ children's bedtime toys;
  - ⇒ a change of clothes for the victim and the children;
  - ⇒ keys to the house and car; and
  - ⇒ significant keepsakes.

*(iii) Follow-up:*

- a procedure for handing over the victim to a refuge and for providing her with information to ensure her continued safety and well being; and
- a procedure for ensuring that the officers attending an incident of Assault in the family home provide adequate information to those officers who then conduct follow-up action.

## Conclusion

The perception of victim support agencies is that there is a considerable disparity between current police policy concerning Assault in the family home and the ways some police officers deal with individual incidents. In order to address this perception, an opportunity exists to both improve and standardise the police response to Assaults in the family home by implementing a Minimum Standards Protocol.

It is anticipated that a Minimum Standards Protocol would complement existing police policy by providing a practical working plan for police officers to follow, thus helping to ensure that current police policy relating to Assault in the family home is complied with by all officers attending such incidents. Importantly, a Minimum Standards Protocol which has been developed in consultation with key stakeholders would assist in providing a more resilient framework for the police response to Assault in the family home, which should in turn improve the level of confidence in the police response. Once developed in this way, a Minimum Standards Protocol should then be supported by appropriate levels of training across the Police Service.

## Recommendation

**I recommend that:**

- (a) WAPS formulate a Minimum Standards Protocol to guide police officers attending incidents of Assault in the family home, and do so in consultation with refuge workers in the metropolitan and regional areas of Western Australia; and**
- (b) once such a Protocol has been developed, an appropriate training program be established at the WA Police Academy for police recruits and a refresher training program addressing the requirements of the Protocol be provided for serving police officers.**

### 7.1.2 Lack of insight into Assault in the family home and 'the cycle of violence'

Many refuge managers expressed concern about a perceived lack of police insight into the 'cycle of violence' that underpins many incidents of Assault in the family home and influences the attitude and actions of many victims. They considered that this lack of insight could impact adversely upon the response provided to victims, and believed that the dynamics of the cycle of violence should be properly understood by police so that they could relate to victims of Assault in the family home in a meaningful and non-judgmental way.

*"The first thing one of them said to her was 'why did you go back?'... they [the police] really don't understand what dv's about, it's like very simple, "you get hit, walk out the door".  
(Women's Refuge)*

*"Throughout the interview [by police], it was comments of 'I think you're being paranoid, you're making mountains out of molehills...I just don't think it was as bad as all that...I challenged him...on the way that he dealt with domestic violence and the comment was made, 'oh yeah, I'm very sensitive to it but you know...I can't stand these women that sort of let this happen to them...'"*

*(Victim of Assault in the family home)*

Our research into domestic violence intervention projects has shown that the 'cycle of violence' is the framework that is most often used to illustrate the sequence of events that leads to an Assault in the family home.<sup>4</sup> As we understand it, the 'cycle of violence' recognises that perpetrators go through a well-defined series of behaviours that, in simple terms, include phases of tension, provocation, abuse and remorse (during which time the perpetrator seeks to justify the abuse and makes promises not to abuse the victim again). Finally, the cycle shifts into a 'honeymoon' phase during which the relationship appears to function at a 'normal' or non-abusive level.

The impact of the cycle on victims is likely to influence their attitude to an investigation or prosecution in variable ways as the cycle turns. For example, when the perpetrator shifts to the 'honeymoon' period, the victim may be less inclined to accept police assistance in taking action against the perpetrator. That said, we understand that it is generally during or immediately following the 'abuse' phase of the cycle that victims contact police for assistance and we are told that it is with a view to securing her safety that a victim contacts police for assistance at that time.

In the view of refuge workers and victims, an understanding of the dynamics of the 'cycle of violence' by police officers attending incidents of Assault in the family home could help to overcome some of the prejudices and preconceptions which appear to be held by some officers. Refuge workers and victims have said that in their view, the

<sup>4</sup> By way of example and for a full discussion about the 'cycle of violence', see Dr Leonore Walker's works, cited in the reference section at the end of this report.

lack of understanding manifests itself in inappropriate categorisations of the 'type' of woman who is involved in such matters and a simplistic belief that the solution is for the victim to leave the family home rather than remain and allow herself to continue being a victim. Such a mindset, they believe, could lead to a level of frustration for police that might result in poorer response times to calls for assistance in matters of Assault in the family home or breaches of Violence Restraining Orders.

### 7.1.3 Blaming the victim

#### **Existing Police Policy AD-22.1.3 (13)**

Be empathetic rather than sympathetic exercising caution in advising involved parties. Do not take sides, be impartial. Give advice and information rather than personal opinion.

During our investigation a number of victims and refuge workers expressed the view that police officers are not complying with existing police policy and, either directly or indirectly, are blaming the victim for her plight.

According to police management, sufficient research exists to support the contention that the reasons for this are likely to be a combination of well-established sociological and historical factors that result in stereotypes about the 'private' nature of Assault in the family home and the 'type' of women who become victims.

The impact of those perceived prejudices on the level of the police response to Assault in the family home, and the unwillingness of women to report future assaults or breaches of VROs in the face of such an apparent lack of understanding, should, in our view, be taken into account in the formulation of future police strategies for dealing with Assault in the family home.

*"I felt like [the interviewing police officer] was, not directly, but I felt like he was saying that I provoked [name of the perpetrator] into doing this anyway, that it was my fault and it's [going to be] hard, am I sure I need to take it any further because these are the questions that I'll be asked and stuff,... it was more like he was [trying to] get me not to carry on with it."*

*(Victim of Assault in the family home)*

*"While they had [a victim of Assault in the family home] at the Police Station, they let [the perpetrator] go and then the Police made the fatal mistake of saying to [the victim], 'What did you do to provoke him?'"*

*(Women's Refuge)*

*"We have had lots of cases, lots of women when they've had an emergency and [the police] have talked to them...and said something like, 'what did you do to encourage this?' or 'do you think you might have done something?'"*

*(Women's Refuge)*

*"Because the mum actually accessed [the refuge] it is argued that she [is] mentally unstable...like she is a woman that has to use the services of a refuge...it throws some doubt on her".*

*(Women's Refuge)*

*"[The police] felt that I was playing games and had no intention of following this through, and [that] [name of perpetrator] had suffered enough, more or less...words like, 'she could have got police help, don't believe she's genuine, she plays games'..."*  
(Victim of Assault in the family home)

*"Inappropriate Police questioning [seeks] to lay blame on the victim for provoking the perpetrator. [It] makes women feel like [they] haven't got the back-up from the Police"*  
(Victim of Assault in the family home)

*[upon informing the attending officers 'I have a VRO, he's been charged with assault, he's come here, there's a restraining order on the house']: "[the police officer] looked down at me and said, 'do you think you've provoked this?'"*  
(Victim of Assault in the family home)

*Police comment*

*"...you know, if he's beating the hell out of her, why doesn't she do something? They do get a bit jaded and,[say] 'ok darling, come on, we'll take you to the refuge again, you'll be back here next week and he'll beat you up again, it's your life'..."*

## Conclusion

Current police policy relating to the standard of conduct expected by police officers attending an Assault in the family home is clear. However, the perception of those we spoke to was that some officers attending such incidents allow their personal preconceptions to influence both the way in which they interact with victims and the level of assistance they provide.

The introduction of a Minimum Standards Protocol would set a standard for police officers to follow when attending matters of Assault in the family home and would help considerably in promoting a suitably objective attitude.

### 7.1.4 Lack of action – Unwillingness to charge offenders

#### **Existing Police Policy AD 22.1**

Members will treat incidents of violence that occur within a domestic setting in the same way that they treat a violent incident in any other circumstances. That is, if there is sufficient evidence of a crime being committed charges should be laid. Appropriate steps should be taken to ensure the safety of the victim if hurt or if in danger of further violence.

Current police policy states that police officers who attend incidents of Assault in the family home are required to address these in the same way that they would address a violent incident in any other case. However, in practice, it seems from the information we have received that such assaults are more often seen as part of the domain of 'community policing', where police officers act as mediators in a dispute.

Many women told us that police officers appeared to exhibit a condescending and disapproving manner towards them and made it clear that they did not see it as a

proper function of their role as a police officer to have to mediate in the 'personal' lives of the people concerned.

Refuge workers commented that some police officers consider Assault in the family home is 'just a domestic', not a crime; and that attending to such matters is somehow not a legitimate function of their role as a police officer – an attitude that could lend itself too easily to the provision of a poor response to incidents of Assault in the family home. Further, they indicated that police are reluctant or unwilling to charge perpetrators with breaches of VROs or assault.

*"Sometimes they say, 'it's just a domestic', and they don't actually do anything".  
(Women's Refuge)*

*"They've been to the Police Station to try and do something and they come here and they need someone because Police just aren't listening to whatever they're saying".  
(Women's Refuge)*

*"Here with the police they do respond but again I think [they] get to a situation of saying 'look just nick off you, you go over there, you go over there' and that's it..."  
(Government Support Agency)*

*"It's always that they're too busy, they haven't got the staff to put into these areas, that's virtually what they're telling us, so by extension it seems that domestic violence isn't identified by Police down here as a crime. If they're too busy to deal with domestic violence...they're obviously not identifying it in that arena...it's something separate."  
(Women's Refuge)*

**Existing Police Policy AD-22.1.3 (3)**

On report or detection of an offence, members are to obtain relevant statements and submit an offence report. Members are encouraged to assist the victim with this process and take ownership of the enquiry. The onus of preferring a charge should not be placed solely on the complainant.

**Existing Police Policy AD-22.1.3 (6)**

Where an offence has been committed and evidence exists, arrest is preferable to summons.

Victims and agency workers advised us that they perceived that most police officers attending the scene of an Assault in the family home seemed unwilling to prefer charges of assault or breaches of a VRO unless the incident was accompanied by a particularly serious injury. In addition, some police officers and other support workers interviewed during the investigation were under the misapprehension that it is the responsibility of the victim to lay charges against the perpetrator.

We were told of instances where, following an Assault in the family home, police asked the victim whether she wanted to lay a charge against the offender, and the offender was present at the time. The victims in such cases were understandably reluctant or unwilling to pursue the charge for fear of reprisals once the attending police officers had left.

*"The perception out in the community is [that] it's the women who are laying the charges. It's not the women who lay the charges. It's the Police who lay charges and if they make that very, very clear to the offender, this has got nothing to do with what your wife wants, we have evidence you assaulted her and we are going to charge you. It takes the responsibility away from the woman ..."*

*(Women's Refuge)*

*"[Police said to a client who wanted a serial offender charged] 'Come and see us in a couple of days and give yourself some time to cool off'."*

*(Women's Refuge)*

*"It doesn't happen in any other crime...if you walk down the street and you get assaulted, if you work in a bank and you get held up, they don't ask bank tellers 'excuse me, do you want to press charges?'"*

*(Women's Refuge)*

*"We had one recent incident where an Aboriginal woman was severely beaten...she was transported down to Perth...she did sustain some element of brain damage but the Police didn't independently press charges on her behalf, they had to wait for her to press charges."*

*(Government Support Agency)*

*"As far as referrals to the Police go,...they're looking for the victims to place a charge on the offender. If there's no charge...there's no action from them."*

*(Government Support Agency)*

*"[Police] should treat offenders in exactly the same way as they would treat any other offender and that's by arresting them...but no, they mediate. You know, the police mediate in a violent conflict."*

*(Women's Refuge)*

*"[The perpetrator] should have been treated like any other bloke who hit a woman in the street and [was] charged with assault...[it is] quite often seen as 'a domestic' and not really a criminal offence."*

*(Women's Refuge)*

*"I had one lady in the other day with a black eye...we know it's happening...but there's not really much we can do for her unless she wants to come in and start pressing charges."*

*(Government Support Agency)*

*"...[police] say that for Aboriginal women it's particularly inappropriate to charge the offenders because of the family repercussions."*

*(Indigenous Women's Refuge)*

*"When [police] came to interview her, they said to her 'well, he's saying this that and the other and it's your word against his, no point in coming to court and no point in charging him with assault'. She felt that they'd already made up their mind that she was the one at fault...and it's a waste of time because it's her word against his."*

*(Government Support Agency)*

### *Police comments*

*"...the fact is that the overwhelming amount of information [the refuges] are getting is from their clients...and often it is only the woman saying...maybe she doesn't tell the whole story sometimes...or maybe they don't like police."*

*"...the woman occasionally is seeking sympathy and support...tells [the refuge workers] a story that might not have happened."*

*"The police service is driven by promotion and all of that. If you're going to be continually charging people where charges are having to be withdrawn or costs might be awarded against you, you wouldn't last five seconds...even [when] there's no costs awarded against police, they're all black marks..."*

Although police officers are encouraged by police policy to prefer charges against perpetrators of Assault in the family home if an offence has been committed and sufficient evidence exists to do so, it appears from our investigation that some are reluctant to do so.

According to police, there are certain difficulties associated with charging perpetrators of this type of assault that do not exist in other assault cases. The main reasons we were given were as follows:

- there is no specific provision for doing so under existing legislation;
- victims frequently recant their account after initially wanting the perpetrator charged and when the victim is the sole witness (as is often the case), police are then obliged to withdraw the charges against the offender;
- if charges proceed, more often than not they are difficult to successfully prosecute because of a perceived reticence on the part of the judiciary to support the police position in relation to such matters; and
- the number of charges withdrawn by a police officer is one of the measures by which police management judge an officer's effectiveness in the job.

*Police comment*

*"There's a total contradiction...the Commissioner [says] you will arrest these people and you will take them to court and you will do this, and the IPR [Investigative Practices Review] says if you don't have a good chance of success you won't go there."*

While acknowledging those concerns, it remains the fact that police are encouraged by policy to charge offenders of Assault in the family home and empowered by the necessary legislation within the *Criminal Code*<sup>5</sup> to do so. If police treat scenes of an Assault in the family home differently from other crimes and then demonstrate an unwillingness to proceed with charges against a perpetrator, it seems likely that victims and support workers will continue to hold the view that police discriminate against the victims of Assault in the family home.

While the possibility of a victim retracting her version of events or becoming hostile to the prosecution is a consideration, this factor alone should not dissuade police from preferring charges against an offender of their own volition when there is sufficient other probative evidence of an offence.

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<sup>5</sup> Section 223 of the *Criminal Code* states that an assault is unlawful and constitutes an offence unless it is authorised or justified or excused by law.

## Statements

Consistent with police policy, officers attending the scene of an Assault in the family home should gather up all available forensic evidence and obtain statements from the victim and any other witnesses.

Depending upon the condition of the victim at the time, it may also be necessary for police to obtain her statement or that of other witnesses at a later date. In that regard, we were told that sometimes attending officers require the victim to provide them with a statement when they attend at the family home, or to come to the police station the following day to provide a statement. Where victims were unable or unwilling to provide a statement to police then we were told that almost invariably no further action would be initiated by police.

Further, we were told that police rarely obtain statements from children who have witnessed an Assault in the family home. In the opinion of refuge workers, children are in many cases the 'silent witnesses' to very many cases of Assault in the family home, where their evidence could prove vital to successful police prosecutions.

In our view, police officers tasked with investigating an allegation of Assault in the family home should, if at all possible, smooth the victim's path by securing her statement at a time when she is best able to provide it. That is, if a victim is incapable of providing police with a statement when they initially attend, then she should be contacted the next day or at a more suitable time for her. The onus, in our view, should lie with police and not with the victim with regard to securing a statement.

In the event that a victim withdraws a statement at a later stage and there is adequate forensic and circumstantial evidence to proceed with a prosecution, then police should proceed with a charge of their own volition, or at a minimum, and in accordance with the prosecution guidelines, provide reasons why such a course of action was not followed. The withdrawal of a statement should not automatically lead to the withdrawal of a charge.

## Charges withdrawn by victim and unsuccessful prosecutions

Our interviews revealed a perception by some officers that the number of charges withdrawn and of unsuccessful prosecutions were used as measures of police performance. That would undoubtedly provide a disincentive for officers to lay charges of their own volition in cases of Assault in the family home. However, we have since been advised by police management that this perception is incorrect. We therefore consider that this misapprehension should be dispelled by police

management so that officers realise they are able to charge and prosecute perpetrators without fear of adverse career consequences.

It seems that a contributing factor to the apparent reluctance of police officers to charge perpetrators of Assault in the family home is the uncertainty caused by an inconsistency between two important guidelines. Police policy anticipates that when there is evidence that an assault has been committed then the alleged or suspected perpetrator should be arrested and charged. The Investigative Practices Review (a review of Western Australia police practice conducted in 1999 by members of the Scottish Police Service) on the other hand, states that, in determining whether or not to prosecute a case, police officers also have to take into account the likely prospect of a conviction. An added deterrent is the perception that, in the event that charges are withdrawn or unsuccessfully prosecuted, then that results in a 'black mark' against an officer, which may have a detrimental effect future promotion prospects.

### Recommendation

**I recommend that WAPS revise and clarify existing policy and guidelines relating to the charging of perpetrators of Assault in the family home and promulgate these once revised.**

#### 7.1.5 The more often a woman contacts police about Assault in the family home, the less likely she is to receive a prompt response

Victims and refuge workers gave us their views on how police respond to 'call outs' to reports of Assaults in the family home and breaches of VROs. They told us that their perception is that a victim's call for police assistance in relation to such matters is placed in a queue based on an arbitrary decision made by the police communications section (VKI) as to its priority. They believed that more often than not such matters were given a lower priority rating than burglaries or crimes committed against a person outside a familial environment.

(During a discussion about women maintaining regular contact with police regarding incidents of Assault in the family home) *"They become a pain in their side...the police are less inclined to take notice of them."*

*(Women's Refuge)*

*"I rang the police...it would have taken them a good half an hour to get there. I rang them on the house phone first and [the perpetrator] ripped that out of the wall, then I had my mobile and I rang 000...I would have been on the phone a good ten minutes, just yelling my address...apparently all the neighbours had rang (sic) as well, the Police actually told me when they got there that they'd had 15 other calls and it took them half an hour..."*

*(Victim of Assault in the family home)*

*"[One client] constantly contacts police, she's got restraining orders...she believes that they tend to respond slower to her than they would if she was a new contact...because they know her and they know the circumstances or they've got a history, she believes that as time's gone on, they're less responsive to her."*

*(Women's Refuge)*

#### *Police comment*

*"I think some officers do get browned off going back to the same complainant several times over a course of months and are probably saying 'not this house again, why doesn't she just leave him, why doesn't she just make a complaint'..."*

It was a widely-held conviction among the women and support agency workers interviewed that the more often a victim contacted police, whether to report an incident of Assault in the family home, to call for assistance or to report the breach of a VRO, the slower the police tended to respond. Further, they advised us that the more often a woman is the victim of such an assault, the greater the likelihood that future incidents will result in serious injury or death.

In order to address these perceptions, we consider it would be appropriate for WAPS to review response times and VKI procedures in light of the comments we have received and having regard to any existing best practice guidelines.

## 7.2 Education

The concerns of women and supporting organisations and agencies with regard to police provision of information to victims of Assault in the family home were twofold. Firstly, many women spoke about police officers providing them with either incorrect information or no information regarding future courses of action open to them following an incident of Assault in the family home. Concerns in that regard principally related to providing the victim with adequate information about breaches of VROs and the necessity for her and any children (rather than the perpetrator) to be removed from the family home.

*(In discussion about the information that a refuge manager would like to see police officers give victims at the scene of an Assault in the family home): "...what their rights are mainly..."*

*(Women's Refuge)*

*"[The police officer] advised [the victim] to let [the perpetrator] have access to the baby, it'll be better off for her, make her look better in the Family Court later on. Now that is totally wrong. He shouldn't be giving out that information".*

*(Women's Refuge)*

Secondly, they expressed concern about a perceived lack of proper police training in the area of Assault in the family home. In that regard, it was of particular concern for

the majority of support workers that police officers did not seem to be attuned to the need for the proper forensic management of the scene unless the victim had received particularly serious injuries or had been killed. We were also told about incidents of Assault in the family home where serious injuries were sustained by the victim and the only action taken by police was to take the victim to a refuge.

As part of this broad consideration of education, concerns surrounding the obtaining and service of VROs will be canvassed in this section of the report. Our interviews indicate that the key concerns for women and refuge workers are about the timeliness of service of VROs and a lack of feedback for the victim following the inability to serve VROs. They similarly complained about police failing to advise them when a perpetrator had been released on bail following his arrest on charges of assault.

### 7.2.1 Police training

Inadequate police training in relation to Assault in the family home was a significant concern for the managers of the women's refuges interviewed. They said that, if police recruits were not educated to regard Assault in the family home as a legitimate and serious part of a wider crime regimen, then it was unlikely that such incidents would be adequately dealt with as a crime scene or that victims could expect to receive proper justice.

As we understand it, WAPS has recently removed Assault in the family home from the Community Policing Portfolio and relocated it within the Crime Portfolio. In our view, that should send an important message to police recruits as well as serving officers about how WAPS views the seriousness of the offence. To ensure the success of this change, it should be supported by an appropriate training program together with appropriate refresher training programs for existing officers.

As part of our research we reviewed the latest recruit training program. In our view, that program provides recent recruits with the foundation for a sound understanding of the issues surrounding Assault in the family home, and could effectively be used as the basis for refresher training for serving police officers.

*"[Police] aren't as informed as they could be about family domestic violence...[they] don't want to know...don't have the training...[it] isn't a priority in their work schedule...it's just between him and her."*

*(Government Support Agency)*

*"The amount of women that don't know that refuges exist... is huge. They don't know where to go because they don't know anybody."*

*(Women's Refuge)*

We do not suggest that police alone are responsible for educating the community about Assault in the family home and the availability of associated support services. In our view, that requires a considered multi-agency approach. However, police officers are typically the first line of response and are therefore in the ideal position not only to provide immediate protection for the victim but also to inform victims, and indeed perpetrators, of their options.

In some areas of the State at various times police officers have provided victims and perpetrators with Domestic Violence Information Kits that have taken various forms including pamphlets about relevant support services in their areas and practical wallet sized information cards. Currently, the availability of printed information varies across the State. In some police regions DVLOs have compiled kits that provide relevant information about local support services for victims and perpetrators. However, most areas do not appear to have done this.

When police officers attending Assault in the family home are well informed about support services and available options and can pass accurate information on to all parties, this provides an extremely valuable service.

*Police comment*

*"We probably only have half of our district trained, we've got about 140 officers so it's a matter of working through those, plus we've got things like...people moving out of the district, into the district, so it's very hard to get everybody up and do the course..."*

## 7.2.2 Breaches of Restraining Orders and bail conditions

Comments we received indicated that police officers attending the scene of an Assault in the family home at times appeared to be operating under the misapprehension that a woman could breach her own restraining order (for example, by inviting the restrained party into her home). Notwithstanding that this is a legal impossibility, we were told that in many cases this message was being conveyed to victims. It is important that police officers in these situations know and act on the fact that the legal obligation always lies with the perpetrator and not the victim in such matters.

**Existing Police Policy OP-31.1 (1)**

Where the nature and extent of violence within the relationship indicates to the member it would be in the interests of a person that they obtain either a violence or misconduct restraining order against another, the member will explain to the person the process of applying for such orders via the local Clerk of Courts or apply themselves for an order on behalf of the person needing protection.

Further, we were told that women are not always being informed that police are able to apply for a VRO on their behalf and that it is not necessary for the victim to make a

personal application to the Court. In a number of cases the police officers we spoke to also seemed unclear about their powers in that regard.

In all cases, police are required to investigate an allegation that a VRO or bail conditions have been breached and take appropriate action.

*"If [police] actually approached the [perpetrator] about [a breach] on every occasion, then it sends out a warning that they are on top of it...just go to his door and point out that you're aware of what's going on. That might act as a deterrent."*

*(Women's Refuge)*

*"Some [clients] say a Restraining Order is a waste of time because nobody comes and nobody does anything..."*

*(Women's Refuge)*

*"Restraining Orders, they're not worth the paper they're written on, police will not breach these men. They wait until they've got three or four breaches...they wait until they've got a whole list and then, maybe, they'll go in to Court."*

*(Women's Refuge)*

*"Some officers will actually tell women that they can breach their restraining order."*

*(Women's Refuge)*

#### *Police comments*

*"Breaches [of VROs] are difficult in the sense where consent is always an issue...if there is consent to a breach we don't normally prosecute."*

*"...by consent as a defence...how can police go out and arrest any person for committing an offence or breaching a VRO in the full knowledge that he has a totally winnable case and that consent was granted to him...?"*

These comments from police highlight a wider problem in relation to exercising their discretion to charge a perpetrator. Some police officers told us they felt disinclined to charge the perpetrator for a breach of a VRO or bail conditions, or with assault, when they were not confident that the charges could meet the criminal test of being able to be proved 'beyond a reasonable doubt'. They felt that the judiciary would look unfavourably on a decision to charge based on circumstantial evidence, and feared that costs would be awarded against WAPS resulting in a 'black mark' against the officers responsible for charging the offender.

Possible reasons for police not acting on a breach are many. In the view of some refuge workers, some officers appeared disinclined to act based on a mindset about the nature of the offence or because they were jaded by the number of times they had received calls for assistance from particular victims.

Many of the officers interviewed said that in most cases they were unable to take action in relation to a breach because they were unable to prove 'beyond a reasonable doubt' that an offence had occurred, and that an historical lack of support from the judiciary in

relation to circumstantial evidence meant they were disinclined to charge perpetrators. In their view, strengthening police responses and prosecution of breaches would amount to nothing unless the courts were prepared to support them. Further, these officers said that when they did pursue a breach and laid charges, the sanctions imposed by the courts were often insufficient to deter the offender in the future. Observations about the ways in which courts respond to charges brought by police in relation to Assaults in the family home will be included in a separate Discussion Paper we will forward to the Attorney General for his consideration.

If a perceived lack of evidence is the obstacle for police acting in response to an alleged breach, then in our view it is important that they inform the victim of the difficulties they are facing in that respect. We have been advised by victims and women's refuges that a failure by police to keep the victims properly informed is the principal reason for them believing that police are not taking any action, as a result of which they lose confidence in the process and are disinclined to report any future breaches. (Our Office receives many complaints about the perceived inadequacies of police investigations. In many cases it is not that police have taken insufficient action but that they have failed to keep an open line of communication with the complainant about the status of their inquiries.)

We have also been informed that, in some cases, police fail or are unable to serve a VRO on a defendant and that the victim is not advised that it has not been served, thereby leaving the victim unprotected and vulnerable. Respondents in such cases told us that often the first they learnt that a VRO had not been served (and was therefore not enforceable) was when they contacted police to report a breach.

There are usually justifiable reasons why police at times experience difficulty serving a VRO – particularly if a defendant knows that he is going to be served and actively evades police. Having said that, it is in our view important that, if for any reason police are unable to effect service of a VRO, the victim is made aware of the efforts taken and that these were unsuccessful. In that way, the victim can make alternative provisions to safeguard her well-being and allow her to retain a higher level of confidence about reporting any future breaches to police.

## Recommendation

**I recommend that WAPS:**

- (a) clarify its guidelines for obtaining and serving VROs and ensure that these include a requirement that victims are kept informed of any failed attempts to effect service; and**
- (b) review current policy and guidelines in relation to the issue of prompt police response to alleged breaches of VROs or bail conditions in cases of Assault in the family home.**

### 7.2.3 Removal of women and children from the home

#### Existing Police Policy AD-22.1.3 (10)

Take positive action to assist the victim. The safety of the victim and children is of paramount importance. Where possible the preferred option is for the victim to remain in the premises and for the perpetrator to be removed.

Almost without exception, the women and support organisations interviewed were concerned about police removing women and children, rather than the perpetrator, from the family home following an incident of Assault in the family home. This practice opens up a number of issues for all the stakeholders in the present system, to which there are no easy answers.

*"Our [local police] station won't remove the guy if he's a co-tenant or a co-owner...it's the same with getting a restraining order, if he's a co-tenant they discourage it, they say... 'we're not going to go and tell him he has to leave the house, so how about you and the kids leave and come back when he's cooled off'...it's just easier to remove her and the kids than it is to transfer him."*

*(Women's Refuge)*

*"One of the difficulties is that the man can get back so easily, so she's still there...unless the man's going to be locked away for some weeks, if you just take him out, tomorrow he can come back and cause absolute havoc because she's called the police."*

*(Women's Refuge)*

*"A lot of women would either have to go to a refuge which isn't a long term thing, or go back to [their] partner, there's not a lot of options in between...it's from one extreme to the other...there's got to be some [way] to make it easier."*

*(Women's Refuge)*

*"Why can't they take the perpetrator out of the home and put him somewhere...so the women and children can stay in their own home. Why do they have to be the ones disadvantaged and moved on all the time?"*

*(Women's Refuge)*

*Police have got into a habit of...when a man and a woman are fighting, they'll remove the man and take him and drop him off somewhere else, but it doesn't take him long to come back."*

*(Women's Refuge)*

The dearth of facilities - other than police lockups - to which police can remove men following an Assault in the family home means that this course of action is often not a viable option, unless the perpetrator is arrested. This matter was seen as a significant problem for women and police in nearly all regional areas and across the metropolitan area. It is a problem that, almost without exception, results in the removal of women and children from the home.

In two regional areas we visited, men's shelters went some way towards addressing the problem. Realistically, however, this problem could only be overcome by police having access to more places to re-locate perpetrators at those times when taking them into custody is not a viable option. This is a particular concern in regional and

remote parts of the State where women and children often have to be transported hundreds of kilometres for safety's sake.

A view held by some police officers and most of the women and support agencies is that, more often than not, police should if at all possible remove the perpetrator following an assault and that the victims and children should be allowed to continue living in the family home.

As a general rule there are two main points of view about who should be removed from the family home. On the one hand, removing women and children from the family home often seems to result in their dislocation from their wider family and from their support structures at a time when arguably they need them the most. On the other hand, most of the police officers we spoke to said that their main concern was to ensure the adequate and immediate safety of the victims and children, and that the most straightforward way to do that was to remove them from the family home and take them to a women's refuge where their protection was guaranteed. Both views are valid.

#### *Police comments*

*"When you talk about women being removed, that's because there's actually a facility in [name of the town] to take them to...I appreciate that they feel like they're being punished twice, but we've had the circumstances that if we can't put them somewhere and guarantee their safety then we might have to further consider keeping him in custody...if there was somewhere else to put him...we have a facility for women to go to and that's probably why we take that option...(whereas) I've got to have him locked up because there is no facility other than a prison."*

*"The easiest way is to get the lady out of the situation or even... a bloke would be easier to remove or ask them to leave from there because he hasn't got the children and all the baggage to go with them. It's easy for the women because we've got a facility in town..."*

*"We take it upon ourselves probably 99.9% of the time to automatically remove the victim or the complainant...so we remove them in every instance because the only way you're going to defuse it is to separate them, otherwise it's going to be an ongoing [problem]."*

*"...if you do take away the male in country centres, there's nowhere for him to go."*

*"It's a matter of weighing up everything and in small towns, you don't have the facilities to be able to take the woman away from that location and put her somewhere else."*

*"Crisis accommodation in this City is appalling and... it is not uncommon for our people, as far away as [name of a country town 200 kilometres away] to have to pick up stumps, put people in the car, having done the ring around in Perth and drive to the northern suburbs to place people in crisis care accommodation. That is not unusual because they don't have the resources here to service them."*

*"It's been a catch cry [in the Police Service] for 21 years, 30 years of 'where do we put them?'"*

We recognise the problems associated with a lack of facilities for male perpetrators when arrest is not appropriate. Police officers can take a woman to a shelter when she is willing to go to ensure her safety and that of any children. The perpetrator, on

the other hand, does not generally have any reason to go willingly with police and police do not have the power to take him anywhere unless they arrest him. In our view, those problems indicate a clear need for an additional tool to help police deal with matters where the perpetrator's conduct needs to be restricted but when it is not appropriate for him to be arrested and charged.

To that end, we have developed a theoretical model called a 'Cautionary Restraining Notice' (CRN) which is a notice that could be issued to perpetrators when circumstances require police to take action but do not warrant the perpetrator's arrest (see section 9.4 for further details). We canvassed this model with everyone we interviewed.

At present, the power to issue restraining orders lies with the courts. As we see it, a mechanism such as a CRN would not take the place of restraining orders but would provide police officers attending an Assault in the family home with an additional mechanism with which to secure a victim's safety and wellbeing.

The support for that suggestion from police and women's support agencies alike was overwhelmingly in favour of the idea. The particulars of our proposal are covered in section 9.4 of this report.

## 8 Key Issues – Police

In our interviews, police identified a number of issues affecting their response to Assault in the family home, namely:

- a lack of formal provisions for the inter-agency sharing of information and how that influences the effective case-management of such cases;
- police policy regarding the police response to Assaults in the family home conflicting with a workable practice;
- the need for a multi-agency approach to Assault in the family home; and
- a perceived lack of judicial support for charges brought by police against perpetrators of Assault in the family home.

It is not within our jurisdiction to make recommendations pertaining to the judiciary. However, we believe it is important that concerns raised by police in that respect are canvassed with the relevant authorities, and, to that end, will explore this matter further in the discussion paper we will provide to the Attorney General.

## 8.1 Inter-agency information sharing and case management

The lack of formal provisions for the inter-agency sharing of information and the confidentiality provisions of legislation governing police and agencies such as the Department for Community Development is, in the opinion of a number of police officers, a major stumbling block in their efforts to set up an effective case management system for incidents of Assault in the family home. In their view, those restrictions also have a direct bearing on why it seems that some police officers are willing to take only basic steps in relation to incidents of Assault in the family home without taking follow-through action.

### *Police comments*

*"[police] could [previously] exchange information from anybody because it was implied that if they [said] you couldn't alright, then that was fine, but the legislation has changed, there's legislation that has come in to prevent all that."*

*"There's certain instructions out to all police officers that you can't release that information to these outside agencies like we used to do...unless victims are prepared to let us give that information, you can't do it anymore, so the expectation is that the victims will generally know what agencies they can approach...it's going to be a bit of a stumbling block."*

*"One of the main competitors [to effective inter-agency responses] is this thing called confidentiality."*

In contrast, we found that some police officers, although operating within the same constraints, managed to successfully establish and operate an efficient and effective case management system. While acknowledging the limitations placed on them by existing legislation, these officers did not rely on inter-agency liaison to effectively case manage and provide proper follow-up action for an Assault in the family home. Instead, they used existing resources within WAPS to address the particular requirements of people in their district. Nevertheless, there was general agreement that being able to share confidential information with other stakeholder agencies would improve police capacity to effectively respond to an Assault in the family home.

The role of the police Domestic Violence Liaison Officer (see section 9.1 for a description of the responsibilities of DVLOs) and the support provided to that position in any given police district appear to be important factors in weighing up how well case management of Assault in the family home cases is effected in any area. That role is reviewed in sections 9.1 and 9.2.

In summary, notwithstanding the restrictions contained in existing confidentiality provisions, some police districts have succeeded in establishing an effective process for the case management of Assault in the family home. In most districts, however, this does not appear to have occurred. In this regard, confidentiality issues and the role and resourcing of the DVLO appear to be critical.

The need for an effective inter-agency approach for addressing matters of Assault in the family home is apparent to ensure successful case management of this problem. We understand from WAPS in response to a draft version of this report that substantial work is proceeding in this important area to ensure an integrated 'whole of government' approach, and believe this will have a major impact on the problems that have been drawn to our attention.

## 8.2 Police policy and practice

The expectations on police officers in responding to a report of Assault in the family home are embodied in guidelines in the Commissioner's Operations and Procedures ("COPS") manual. A number of those guidelines have already been referred to in this report.

In our view, those guidelines are very clear and are potentially of significant assistance in achieving minimum service standards. However, based on the information we have received from police officers, victims and agency workers, there seems to be a disparity between those guidelines and some police practice.

In summary, the guidelines require police officers to take the following action in response to an Assault in the family home:

- exhaust all avenues of research to gain as much "history" and relevant information as possible to assist police safety on attendance and contribute to effective intervention;
- obtain relevant statements and submit an Offence Report if an offence;
- assist the victim and take ownership of the enquiry ensuring that the onus of preferring a charge is not placed solely on the victim;
- collect the relevant forensic evidence including statements from children;
- assist victims to seek medical assistance when necessary;
- arrest rather than summons the perpetrator if an offence has been committed;
- if a perpetrator is arrested, consider an application for a VRO or an MRO on behalf of the victim and impose protective bail conditions to ensure the victim's safety;
- in the event that the perpetrator is not arrested, provide the victim with relevant information on restraining orders and apply for a TVRO if necessary;
- record details of the offence on a Family Incident Report and record that information on the Police computer system;
- seize firearms where firearms may pose a threat to a victim;
- take positive action to assist the victim and ensure the victim's safety;

- where possible, remove the perpetrator and allow the victim to remain on the premises;
- stand by while either party leaves the premises to prevent further breaches of the peace;
- refer the victim and perpetrator to local services utilising Domestic Violence Kits and to Crisis Care;
- be empathetic and impartial and provide advice in an informative rather than judgmental way;
- do not rely on the perpetrator, family or children for interpreting language barriers between the parties involved in the dispute and police; and
- if the victim is at serious risk, consider their eligibility under the witness protection programme.

In addition to those guidelines, we were told by one police district that since 1999 their response to Assault in the family home incidents has been regulated by a 'zero tolerance' policy that requires them to arrest and proceed to charge a perpetrator irrespective of whether or not the victim wants a charge to proceed. However, we received contradictory advice from the same district that police want 'zero tolerance' powers but do not in fact have them at the present time.

In our view, this confusion highlights the uncertainties that exist for some police officers in relation to how they are expected to respond to incidents of Assault in the family home.

The comment below from a senior police officer in a position of significant authority indicates to us the ambiguous nature of some of the information that appears to influence the police response to Assault in the family home, notwithstanding current police policy and guidelines.

*"If you've got the Incident Report in relation to that zero tolerance policy, the Incident Report works through the various issues, evidence of physical assault, if you say "yes" then you've got the zero tolerance policy. On the other hand, which I know is like so many of these things for Police, an email sent by [ a police officer] that doesn't seem to have found its way to anywhere in particular,...about the zero tolerance policy...it's been pushed out to this district [and] that's the way we're going. We've had our own disputes with our own people about "well maybe you shouldn't do it that way" but the policy says that's the way we will do it unless there are other mitigating circumstances. I mean policy is policy. For most of the offences we should be doing what the policy says."*

Of particular concern is our observation that some police officers appear to be attending incidents of Assault in the family home with the mindset that police policy does not necessarily provide them with the practical support they need, and that it is idealistic and therefore not able to be practically applied in all such cases. In short, to some officers, police policy relating to Assault in the family home does not lend itself

to a workable practice. In these cases, it is concerning that some police officers appear to be exercising discretion about what action to take without regard to the policy and may in fact take action which unfortunately results in offenders not being charged and victims being left feeling vulnerable and unsupported by police.

In our view, police policy in relation to Assault in the family home provides good practical guidance and represents best practice for police officers. However, it is evident from the concerns expressed by victims and refuge workers that this policy is not being consistently adhered to by some officers. Further, it appears that official police policy about what course of action to take in responding to incidents of Assault in the family home can be distorted by informal messages, with consequences for both perpetrator and victim.

### Recommendation

**I recommend that WAPS reinforce to all officers the need to adhere to police policy relating to Assault in the family home and clarify whether 'zero tolerance' forms part of this policy.**

## 9 Other issues

During the course of our inquiries, many other important issues were raised by those we interviewed. We have selected a number of these for further consideration based on the frequency with which they were raised with us, and our assessment that consideration of these issues can potentially assist WAPS in developing future policy regarding the police response to Assault in the family home.

### 9.1 The role of 'Domestic Violence' Liaison Officers

Most police districts have a Domestic Violence Liaison officer on staff. In some districts the position of DVLO is a full-time dedicated one. However in other districts it seems that the DVLO is expected to integrate tasks associated with Assault in the family home into wider 'community policing' and other duties.

As we understand it, most DVLO positions are held by officers who have been selected to fill the role by a superior officer, and a small number are appointed to the position because they expressed a particular interest in the area of domestic violence.

*"[The role of DVLO is] a bit ad-hoc and more by luck than design. There are serious issues around selection, recruitment, [and] training. Induction, training, support for these DVLO's...there's no process really for [their] selection."*

*(Government Legal Agency)*

The specific role of the DVLO seems to vary markedly from one area to another. Broadly speaking, our understanding is that the DVLO is to provide expert advice to police officers attending Assault in the family home, checking and monitoring Domestic Violence Incident Reports for the need for follow-up action to be taken, and liaising with families, refuge workers and other agencies who are associated with Assault in the family home in their district. However, we interviewed DVLOs in two police regions who have accomplished much more than that, and conversely a number of DVLOs in other regions who seemed unsure about the precise scope of their responsibilities.

Our interviews indicated that the standard of service and the support provided for victims of Assault in the family home by DVLOs and police officers appears to depend upon the person in the role.

*"...[DVLOs] always have a lot of contact with me to begin with because I know they don't know anything about DV situations and then it sort of wanes off because they do their own thing...the priority is not the client, it's themselves to further their career – that's how I see the role..."*

*(Women's refuge)*

The DVLOs who in our view have made an impressive contribution to contemporary police practice for dealing with Assault in the family home operate in remote regions of the State where distance and cultural diversity could be seen by less committed officers as being barriers to good police practice. In our view their approach facilitates a transparent and accountable procedure for dealing with Assault in the family home. The extent of their commitment and dedication is highlighted by the systematic case management practices and comprehensive follow-up procedures that they, with the backing and support of their OICs, have initiated in their regions.

In summary, some DVLO positions are full-time but in most districts their role is wider and includes other general duties. In areas where the position of DVLO is well resourced, supported and encouraged by the OIC, the DVLO seems to provide a high level of service to all stakeholders. However, there appears to be inconsistency in the level of support provided to resource the position of DVLO at some stations, in the level of service provided by some DVLOs to victims and to general duties officers in their area, and in the skill levels brought to the position of DVLO.

## Recommendation

**I recommend that WAPS review DVLO recruitment procedures, training programs, support, and allocation of resources to ensure consistency of approach and allow sufficient flexibility to target areas of need.**

## 9.2 The use of Family Incident Reports

### Existing Police Policy – OP-31.1 (2)

Where members attend or become aware of an incident of family and domestic violence, details of the incident are to be recorded on a Family Incident Report and submitted on the mainframe under NIS option 19.

When police officers attend an incident of Assault in the family home, they are required to complete a Family Incident Report (FIR). They are then expected to commit the information contained in the report to the police computer system and, when there is a DVLO at their police station, pass the report on to that person. According to the information we received from police, however, not all police officers attending an Assault in the family home complete FIRs.

### Police Comments

*"It's a matter of letting them know [FIRs are] there. They don't all know that it's there."*

*"[Police] have been charging people, but of course what they haven't done is put them on what we call Domestic Violence Information Sheets...like all things [the problem is] our workload."*

The majority of police officers we spoke to said that FIRs are "*extremely cumbersome*" to use because of the amount of information required in the report. Further, we were told that it is difficult and often inappropriate for officers to ask a victim for the information they require in order to properly complete a FIR at a time when the victim is stressed or has been injured as a result of Assault in the family home.

In addition, a number of the police officers said that they did not know what happened to the information from the report once it had been input to the police computer system. As far as they knew, the information in the report was extraneous to the provision of any follow-up action by police for victims of Assault in the family home.

### Police Comments

*"[When an officer is committing the information from the FIR to the police computer] you fill out a mainframe..., it's an actual couple of papers on the computer which is logged forever under that person's name and it sits in their 'Incidents Attended'."*

*"[Police officers who have attended Assault in the family home] submit a form and before this it gets submitted on the computer and they disappear into computer land...that's what happens, it disappears into the computer."*

*"[When asked what happens to an FIR after it has been completed]...well that report then goes into the deep, dark depth...it took my staff over 3 hours today to sort all that out."*

By contrast, in some districts, FIRs are used as the basis for effective case-management of Assault in the family home matters. Details are entered onto the police computer system and the report is then forwarded to DVLOs for checking and monitoring the police response and for determining what provisions need to be made to assist the victim, the perpetrator or the family, as appropriate. If details of the report have not been properly completed by the attending officer then the DVLO will establish with that officer the reasons for those omissions.

Further, if the attending officer indicates in the report that they have determined that no further action is required, then that officer is expected to be able to give good reasons for their decision to the DVLO. In that way, the FIR also serves as a tool by which to gauge the appropriateness of an individual officer's response to incidents of Assault in the family home.

It is of concern that there does not appear to be a consistent State-wide approach to the collection and compilation of statistical data relating to police attendances at Assaults in the family home. It is important that WAPS is properly able to determine the extent of the resources it needs to apply to the problem of Assault in the family home. To do this it needs to be confident that the relevant statistics are accurate. This in turn impacts outside agencies that rely on accurate police statistics to assist them in determining the extent of the resources they require in order to properly address this issue.

### Recommendation

**I recommend that WAPS:**

- (a) review whether Family Incident Reports are the most effective tool for gathering data relating to Assaults that occur in the family home; and**
- (b) review current case management practices in light of best nationwide case management practices.**

## 9.3 Telephone Violence Restraining Orders

### **Existing Police policy OP-31.1 (5)**

Where a member has identified that violence has occurred or has the potential to occur and the immediate application for a restraining order is required and the circumstances prevent attendance at a court for the application, the member is to immediately make application for a violence restraining order on behalf of the person to be protected.

Telephone Violence Restraining Orders (TVROs) were originally created to provide police officers with a mechanism for obtaining a Restraining Order when they attend at incidents of Assault in the family home and perceive that immediate protection is necessary for a victim and where the victim cannot make an application for a Violence Restraining Order at a court. Such situations may arise for example when officers attend an incident in the middle of the night or on a weekend when the courts are closed.

However all the police officers we spoke to about the use of TVROs said they were so difficult to obtain that they were rarely used. Most of these officers said that they had never used them for that reason.

*Police comments*

*“the process is, at 3.00 in the morning and you need a [TVRO] right there and then, the process is too drawn out, too long and too involved.”*

*“...a lot of the time you can't get a telephone restraint.”*

*“[The] Magistrate insists that police officers...spend 2-3 hours doing an affidavit on behalf of the complainant, as if we haven't got enough to do.”*

The procedure to be followed by police officers seeking a TVRO requires them to:

- confer with their immediate supervisor for assistance where practicable;
- contact police communications (VKI) to have the grounds for the Order verified by a duty inspector;
- the duty inspector will then pass a contact telephone number for the attending officer on to a Magistrate who will “hear” the application and may wish to speak to the person to be protected;
- the Magistrate will then inform the attending officer of the conditions of the Order;
- the officer will then copy those conditions onto a TVRO form.

According to what we were told, the practical application of this procedure is cumbersome and unworkable. The major obstacle for police officers in obtaining a TVRO is their view that, having contacted the duty inspector at VKI, that person is unwilling to contact a Magistrate for the purpose of obtaining the Order. Further, the paperwork associated with a TVRO is burdensome and the purpose of a TVRO in providing *immediate* protection for a victim is defeated by the length of time it takes to obtain it, if it can indeed be obtained at all.

*Police comment*

*“[Telephone VROs were introduced] some years ago and I understand that a magistrate was going to be on roster week about or month about. The issue is that it didn't cater for the whole State. I think the first week he had about 6 calls from the whole State and the Magistrate has arced up and said “barlees, I'm getting called two times a night for domestic violence in [name of Regional City] and one at [name of a Regional town] and one at [at another Regional City], no, we want to get our sleep.” So there's a process that we have to*

*go through if we want to, if we need to seek one. We ring police headquarters and explain to the duty officer the necessity to have one. He will then make a judgement as to whether or not to contact the Magistrate but they don't just pop out..."*

TVROs were originally created to provide police officers attending an Assault in the family home with an additional tool to immediately safeguard a victim from further attack. However, obtaining TVROs is problematic and police officers appear reluctant to apply for them. Given this, police officers attending an Assault in the family home would benefit from being provided with an alternative and practical means by which to secure a victim's immediate protection from further assault.

To that end, we propose that when police officers need to secure the immediate well-being of a victim in situations where the arrest of a perpetrator is not a viable option, they be given the power to issue what we have termed a *Cautionary Restraining Notice* to the perpetrator. This is detailed in section 9.4 below.

## 9.4 Cautionary Restraining Notices

In our view, and in the unanimous opinion of the police officers and refuge workers we interviewed, police officers attending an Assault in the family home need to be provided with the power to issue some form of notice to offenders which restrains them from re-offending. In effect, what we have termed a Cautionary Restraining Notice (CRN) would be a VRO or MRO issued by a police officer at the scene of an Assault in the family home. It could potentially replace the telephone VRO system, if need be.

CRNs might only last for, say, 72 hours, and might require as a threshold test to their issuance that a police officer be reasonably satisfied that an assault or breach of the peace had occurred or was likely to occur. An appropriate check and balance for the system might be that a CRN be approved by the duty inspector at VKI before being issued. Such a system would be immediate, and eliminate the need to contact magistrates at inconvenient times. (We note in that regard that police officers exercise other significant powers, such as the powers of arrest, without the need for judicial involvement.)

CRNs could not provide a fail-safe guarantee that the perpetrator would not re-offend. However, in our opinion and that of the police officers and refuge workers we interviewed, a CRN would 'up-the-ante' in favour of the victim. If police officers were able to intervene in such a way it would send a powerful message to the perpetrator that his actions had come to the attention of police and that he was on notice that any future transgression or further infractions might result in his arrest. Moreover, it would

have the potential to focus police on taking control rather than the victim deciding whether or not to take action.

It was the opinion of most of the refuge workers we interviewed that a CRN could serve to interrupt the cycle of violence and curb recurrent acts of Assault in the family home. They thought that being served with a CRN could be a 'wake-up-call' for some perpetrators to prevent them from re-offending.

In addition, a CRN would be a legal document that could be used by victims to support any subsequent application to the courts for a formal VRO while at the same time providing them with greater confidence to report subsequent incidents of assault to police in the knowledge that action would be taken against an offender.

### Conclusion

The existing tools available to police officers with which to properly address matters of Assault in the family home when arrest is not appropriate appear to be inadequate. The system for obtaining a TVRO appears cumbersome and police officers are hesitant to use it. Giving officers the power to serve a Cautionary Restraining Notice on perpetrators would go some way towards addressing these shortcomings and would provide victims with a degree of confidence about the way in which some police respond to Assault in the family home that they do not appear to have at present.

Furthermore, empowering police officers with the opportunity to intervene in Assault in the family home in that way at an earlier stage in the cycle of violence could possibly serve to reduce recurrent acts of Assault in the family home.

A 'CRN'-like mechanism would require legislative support, but we believe the benefits would justify such action.

### Recommendation

**I recommend that WAPS explore with Government the possibility of developing legislation for a system of Cautionary Restraining Notices or similar.**

## 9.5 The police response to Assault in the Indigenous family home

Considerable attention is currently being given by Government agencies and police into the particular problems associated with Assault in the Indigenous family home and child sexual abuse in Western Australia. The comments in this section are made against the background of the efforts of WAPS and other Government agencies to

provide a 'whole of government' response to these problems. We acknowledge this broader context, and the progress made to date by WAPS and other agencies in response to the recommendations arising from the Gordon Inquiry. In particular, based on the briefings we have received from WAPS in response to our draft report, we note the initiatives being taken to improve cross-agency responses to occurrences of Assault in the Indigenous family home.

Against this background, the discussion in this section relates specifically to the perceptions of agencies and police themselves about the police response to allegations of assaults that occur in the homes of Indigenous people.

According to many of the police officers we interviewed, there are particular problems that confront police in dealing with such situations. Further, we were told by a Government Support Agency in a regional area that the main reason for perceived police inaction in response to these situations is because of the likelihood of 'payback' for the victim by the perpetrator's family.

A different perspective was provided by a refuge worker whose organisation caters exclusively for the needs of Indigenous victims. This person, while acknowledging that some Indigenous women from the 'stolen generation' have a general lack of trust for police as a result of their experiences, said that when they did report an Assault in the family home, police tended to use the 'payback' argument as an excuse for not taking any action in such cases.

*"...the response [by police to call outs from Indigenous victims] is very poor...one incident [at the refuge] was life threatening and [police had to be called] 3 or 4 times and they waited an hour before the police actually responded."*

*"There's all sorts of arguments really but [police] say for Aboriginal women it's particularly inappropriate to charge offenders because of the family repercussions."*

*"[The police] don't take [Assault in the family home in the Indigenous community] seriously and they don't show the women any compassion...it's pretty much across the board."*

*(Indigenous Women's Refuge)*

There are many factors affecting the reasons why Indigenous women are perceived to be less inclined to report matters of Assault in the family home to police. However, once that contact has been made, police officers should respond to the victim's call for assistance in the same way that they respond to incidents of Assault in the family home in wider society. While there may be certain aspects of the police response to Assault in the family home that require further examination to ensure culturally sensitive application, the argument for the generalised application of a Minimum Standards Protocol is compelling.

## 9.6 Police officers as perpetrators of Assault in the family home

Our interviews showed that the nature of Assault in the family home varied from region to region. For example, in one region, it was seen to be essentially a “middle class” problem where so-called “pillars of the community” were, not uncommonly, the main perpetrators. In another area, incidents of Assault in the family home were seen to occur as a consequence of perpetrators’ work commitments requiring them to fly in and out of their community and the fact that they tended to consume large quantities of liquor when they returned home.

In two areas, problems associated with police officers being the perpetrators of Assault in the family home were identified.

We were told by police that when police officers have been identified as perpetrators of Assault in the family home, WAPS deals with them most seriously.

Of concern to us in the context of this report, however, is that while there are guidelines in place that address how WAPS deals with police officers who are perpetrators of Assault in the family home, there does not seem to be a mechanism in place to ensure that officers who have been identified as perpetrators are (as far as practicable) excluded from attending other incidents of Assault in the family home. We are concerned that offending police officers would have a conflict of interest in such matters.

*“...what I’m talking about...is the police condoning harassment, stalking and violence because they do it themselves...”*

*(Women’s Support Organisation)*

*“...if it’s a situation where it’s in joint names, it’s always difficult, they never want to be involved in that unless it suits them, unless it’s one of their officers. I mean I’ve got an ongoing one here that’s caused all sorts of problems because he’s still in the police force...”*

*(Women’s refuge)*

*“When I spoke to a particular officer [about an Assault in the family home involving a police officer]...he said, “We’ve all been told, we don’t want to know either of them, we don’t want to know her, we don’t want to know him because it’s just too full on” so this happens, they just don’t want to be involved because it’s another police officer.”*

*(Women’s refuge)*

### *Police comments*

*“ We try to look after [police officers who are perpetrators of Assault in the family home], look after the situation or the perpetrator,[we arrange] a transfer somewhere else within the District...we’ll re-locate him, with his consent, he has to agree to it, out of town to maybe one of the out-lying stations which might only be for a short period of time until things calm down or they sort themselves out in some way. But we try to jump on it fairly quickly, we don’t let it fester...”*

*“The coppers don’t get any...we get worse treatment than anyone in relation to that sort of thing. The Police service is very strict...”*

We were also told that when police officers' partners are victims of an Assault in the family home it is perceived that there seems to be a greater level of assistance provided by other police officers to assist the perpetrator in collecting his personal belongings from the family home than is provided for victims of an assault in other cases. We were unable to test this assertion.

*"[Police] don't want to be involved because it's another police officer...I think when you're in a situation and it concerns the police, because it's an authoritative figure, nobody wants to know them and then your victim is disadvantaged a lot...it's a boys' club, they all stick together."*

*(Government Support Agency)*

*"...it's a police officer involved, it's the power and control – it's just overwhelming...he'd left the family home and she was screaming to me on the phone [because] he was there and he had three police officers there to do a 'stand-by' for him while he collected some things...[the officers on 'stand-by' were saying] he can have this and he can have that...She phoned [the name of the police station] and [was told that] "they know what to do", and brushed it off."*

*(Women's refuge)*

When police officers have been identified as perpetrators of Assault in the family home, it appears that WAPS does not presently have a process to ensure that conflicts of interest are limited by excluding the perpetrator from attending other incidents of Assault in the family home where this is practicable. This is a matter we will discuss further with the Commissioner of Police.

## **9.7 Police officers as the 'mates' of perpetrators of Assault in the family home**

A related issue brought to our attention was the response that victims of Assault in the family home have received in smaller towns in the State when the local police officers are 'mates' with perpetrators of Assault in the family home.

We were told that, because police officers in smaller towns sometimes socialise with the perpetrators and are, for example, involved in the same sporting groups, police are hesitant to take any action against them if a victim requests their assistance.

*"The awkward thing in little towns is that the guys go play footy together, they play golf together, they won't go and arrest their mate. They'll acknowledge that what he's doing is wrong, but when it boils down to it, they're not going to arrest him."*

*(Government Support Agency)*

We will hold further discussions with the Commissioner of Police about this matter.

## 10 Where to from here?

The principal recommendation that has emerged from our investigation is for the police response to Assault in the family home to be uniformly regulated via a Minimum Standards Protocol approach.

We are satisfied there is a demonstrated need for a standardised and more accountable response from police officers attending incidents of Assault in the family home. Further, the guidelines governing that response need to be supported and reinforced by a well-coordinated and efficiently managed approach by WAPS which reflects a sound policy platform reflecting best international police practice in the area.

To achieve this, I have recommended that WAPS ensure that any ambiguities in the policy and guidelines regulating the actions of serving police officers attending Assault in the family home are eliminated, and that there is adequate training in place.

We believe that the development of a Minimum Standards Protocol will considerably assist in standardising the response of police officers to Assault in the family home. It will also provide an accountability mechanism to ensure a consistent approach to this important and sensitive area.

Further, providing officers with the power to serve Cautionary Restraining Notices on perpetrators of Assault in the family home would potentially provide a useful enhancement to present police procedure and would provide victims with greater certainty about the way in which police respond to Assault in the family home. This would likely greatly assist in improving relationships between key stakeholders in this process, resulting in improved public confidence in the police response to Assault in the family home.

Deirdre O'Donnell  
**OMBUDSMAN**  
5 September 2003

### **TABLE 1**

#### **Interviews conducted with the Western Australia Police Service**

##### **Regional**

Albany	Broome	Bunbury	Esperance
Geraldton	Kalgoorlie	Karratha	Narrogin
Northam	Peel District	Port Hedland	South Hedland

##### **Metropolitan**

Cannington/Armadale	Fremantle	Joondalup
Midland	Mirrabooka	Perth – Domestic Violence Resource and Referral Centre

### **TABLE 2**

#### **Interviews conducted with Women's Refuges**

##### **Regional**

Albany	Broome	Bunbury	Derby
Esperance	Geraldton	Kalgoorlie	Karratha
Mandurah	Narrogin	Port Hedland	

##### **Metropolitan**

Anawin	Byanda	Dumbara	Fremantle
Koolkuna	Nardine	Orana	Pat Giles
Rockingham	Ruah	Starrick House	Stirling
Warrawee	Wooree Miya	Zonta	

### **TABLE 3**

#### **Interviews conducted with other agencies**

##### **Regional**

- Geraldton Sexual Assault Resource Centre
- Port Hedland Department of Community Development
- Norseman Department of Community Development
- Albany Regional District Violence Committee
- Esperance Crisis Accommodation Service
- Bunbury Domestic Violence Committee

##### **Metropolitan**

- Domestic Violence Advocacy
- Anglicare (Young Mums Support Project)
- Women's Refuge Group
- Midland Domestic Violence Victim Support and Advocacy Service
- Legal Aid Domestic Violence Unit

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WESTERN AUSTRALIA POLICE SERVICE

**ASSISTANT COMMISSIONER  
(PROFESSIONAL STANDARDS)**

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Ms Deirdre O'Donnell  
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Western Australia  
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PERTH WA 6000

Dear Deirdre

I refer to your correspondence of 14 May 2003 to Commissioner Matthews and thank you for the opportunity to respond to the draft investigation report relative to the police response to incidents in the family home. I am able to advise that Commissioner Matthews has referred the report to the Professional Standards Portfolio for coordination of a response.

A copy of the Police Service response to the amended draft is attached and I am able to advise that there is considerable support within the agency for the recommendations contained within your report. In response to this report and other relevant research and reviews on the subject, the Western Australia Police Service is actively seeking opportunities to improve its service delivery and address the identified issues in an integrated and coordinated manner. As you are aware, strategies have already been developed and are currently being progressed.

Representatives of the Western Australia Police Service have liaised and consulted with your staff during your investigation and reported positively on the consultative and constructive approach to addressing this important issue.

Yours sincerely

G LIENERT  
ASSISTANT COMMISSIONER  
PROFESSIONAL STANDARDS

/ September 2003

# **SUBMISSION OF THE WESTERN AUSTRALIA POLICE SERVICE TO THE OMBUDSMAN'S REPORT RELATIVE TO THE *POLICE RESPONSE TO ASSAULT IN THE FAMILY HOME***

## **Background**

In responding to the Gordon Inquiry and other inquiries such as the Auditor General's report on Restraining Orders and the recently completed Ombudsman's inquiry into assault in the family home the Police Service has undertaken a comprehensive redesign of the service delivery and management of family violence and child abuse. This is in recognition of the seriousness, complexity and impact of crimes of this nature.

In October 2002 the Commissioner of Police determined that the Crime Investigation and Intelligence Support Portfolio (CIIS) should assume responsibility for establishing an effective and integrated police response to family violence and child abuse that reflects the serious nature of these crimes. The allocation of the responsibility for the Police Service response for family violence to the CIIS is in recognition of the criminality of behaviours and the clear link between child abuse, sexual assault, missing persons and youth at risk. This is in line with "best practice" as identified by national and international research.

The Police Service has now developed a best practice model inclusive of the following best practice principles:

- all forms of family violence and child abuse are unacceptable;
- individuals have the right to live in a family/environment free of violence and abuse;
- the safety of children and victims is paramount;
- acts of family violence or child abuse that constitute a crime will be dealt with as such.
- perpetrators of violence and abuse will be held accountable for their behaviour; and,
- effective responses to family violence and child abuse require a holistic approach that is coordinated, integrated and involves the community.

This service delivery model and concept of operations highlights that family violence, child abuse, missing persons and factors affecting youth at risk are all areas that have operational relevance and linkages and that there are clear

needs for these areas to be dealt with in an integrated and coordinated manner. It also recognises that the foundation for an effective response must be based on a meaningful criminal justice response supported by proactive crime prevention strategies and community support services. The Major Crime Division (MCD) through the Child Abuse Investigation Unit (CAIU) has a strong culture of collaboration with key stakeholders, which enables investigators to identify, prioritise and initiate action regarding children at risk and family violence. This methodology provides the groundwork for benchmarking a broader, integrated service delivery to incidents of child abuse and family violence.

### **Key Elements of the Police Service Operational Model Response to Child Protection and Family and Domestic Violence**

This model is predicated on a high level of internal cooperation and collaboration to ensure an effective corporate response.

#### **1. Organisational Structure:**

CIIS Portfolio has established a framework for statewide command and control with the peak responsibilities being assigned to the MCD and the management of the operational response to be co-located with the CAIU. This framework includes:

- Appointment of a State Coordinator for family violence to quality control the regional and district Child Protection and Family Violence Officers, coordinate training, policy and integration matters. This position will work in partnership with the Officer in Charge of CAIU to provide a consistent State-wide coordinated approach to incidents of family violence and child abuse.
- Coordination of whole of agency representation at peak forums and involvement with external stakeholders.
- The placement of a Child Protection and Family Violence Officer in each police District at the rank of Sergeant.
- Use and comparative analysis of Performance Indicators through Business Plan and Organisational Performance Reporting.
- A requirement for policy development and a single point of entry to the agency for coordination at a state level.

## **2. Role of Child Protection and Family Violence Officers:**

In recognition of the implementation of the concept of operations the new pivotal role of the Child Protection and Family Violence Officer has been created to replace the previous Domestic Violence Liaison Officers positions.

This position provides the basis for a flexible regional and district application of the model including:

- The establishment of a centre of expertise for child protection and family violence in each District.
- The establishment of specialist child abuse and family violence model within each district that provides a timely and appropriate response.
- Stronger communication with detectives in the investigation of related crimes (including a mentoring role).
- Easy access to and constructive use of Aboriginal Police Liaison Officers where appropriate.
- A case management approach through the use of Incident Management System (IMS) and Victim Offender Management System (VOMS).
- A charter of responsibilities for policing family violence.

## **3. Internal Partners/Support Services**

The harnessing of the relevant internal support services such as Crime Prevention and Community Support Division, Prosecuting Division, Major Projects and Strategic Services and Internal Investigation Unit is essential to ensure provision of quality service delivery across all aspects of family violence and child abuse.

- Crime Prevention and Community Support Division will be required to develop high-level strategies for crime prevention, child protection and family violence to complement the core criminal and investigative responsibilities.

- The District DISC will provide a range of analytical services fundamental to supporting the role of the Child Protection and Family Violence Officers. It is anticipated that the implementation of the VOMS within the IMS will provide a level of intelligence and data relating child abuse and family violence which was previously unavailable.
- Prosecution Division Officers will be required to assist in the presentation of evidence to maintain quality standards across the State in cases of child protection and family violence.
- Training will be the foundation for an effective and consistent response by police to child protection and family violence. Training will be developed and delivered at recruit, operational and advanced levels.
- Strategic and Corporate Development Portfolio will be required to develop policy and performance measures to support desired outcomes.
- The implementation of the VOMS will improve capacity in the effective management of family and domestic violence; child abuse and missing persons.
- Internal Investigations Unit will have a role where violence involving police officers occurs within their family home.

### **Strategic Direction**

1. The Police Strategic Executive has endorsed the Concept of Operations.
2. The Police Service is placing a priority on resourcing to effectively address the endemic nature of family violence and child abuse in the Aboriginal community as well as responding to and addressing family violence in the general community.
3. The role of MCD, and the CAIU has been endorsed as the central specialist unit, having statewide responsibility for the coordination and quality control of investigations and response to all incidents of child abuse and family violence.
4. Each District will develop, in collaboration with MCD, a model of operations that is consistent with the objectives of the Police Service State Plan for child protection and family violence, including time frames for implementation.
5. MCD will develop an expanded charter of priorities based upon the proven Child Protection framework to family and domestic violence that can be administered jointly by the CAIU and State Coordinator for Family Violence.

6. The Police Strategic Executive support the recommendation that training is crucial and must be supported to achieve cultural change. Skilling the service to successfully impact on child abuse and family violence requires long-term commitment within the agency as well as with external stakeholders.

7. The Police Strategic Executive support the resourcing implications and strategies for advancing training for improving service delivery in child protection and family violence.

8. The Police Strategic Executive acknowledge that there will be human and financial resourcing requirements with the broadening of the charters with both Major Crime Division and Districts. Appropriate resource allocation strategies will be developed and supported to address these needs.

9. Strategic and Corporate Development Portfolio will develop strategic policy to support the new model and concept of operations.

10. Crime Prevention and Community Support Division will develop a Plan to complement the new Model.

11. All relevant Support Portfolios will develop plans to clearly articulate their roles in complementing the Police Service State Plan for addressing child protection and family violence.

12. The implementation of the Police Service State Plan for addressing child protection and family violence will be evaluated at twelve and twenty-four months, for identification of emerging trends and issues and to inform the ongoing improvement of service delivery.

## **COMMENTS ON SPECIFIC RECOMMENDATIONS**

### **RECOMMENDATION 1.**

(a) WAPS formulate a Minimum Standards Protocol to guide police officers attending incidents of Assault in the family home, and do so in consultation with refuge workers in the metropolitan and regional areas of Western Australia; and

(b) once such a Protocol has been developed, an appropriate training program be established at the WA Police Academy for police recruits and a refresher training program addressing the requirements of the Protocol be provided for serving police officers.

**Comment**

The intent of this recommendation is supported; it is viewed that this aspect will be captured in the policy and operating framework of the new Concept of Operations.

**RECOMMENDATION 2**

WAPS revise and clarify existing policy and guidelines relating to the charging of perpetrators of Assault in the family home and promulgate these once revised.

**Comment**

Supported. The policy is currently being developed (draft attached).

**RECOMMENDATION 3**

(a) WAPS clarify its guidelines for obtaining and serving Violence Restraining Orders (VROs) and ensure that these include a requirement that victims are kept informed of any failed attempts to effect service; and

(b) review current policy and guidelines in relation to the issue of prompt police response to alleged breaches of VRO's or bail conditions in cases of Assault in the family home.

**Comment:**

Supported. The effect of these recommendations will be one of the primary roles of the Child Protection and Family Violence Officers who will monitor service delivery and make appropriate interventions.

**RECOMMENDATION 4**

WAPS reinforce to all officers the need to adhere to police policy relating to Assault in the family home and clarify whether 'zero tolerance' forms part of this policy.

**Comment**

Supported. This will be a component in the policy and is incorporated Concept of Operations and operating procedures.

**RECOMMENDATION 5.**

WAPS review Domestic Violence Liaison Officer (DVLO) recruitment procedures, training programs support, and allocation of resources to ensure consistency of approach and allow sufficient flexibility to target areas of need.

**Comment**

Supported. Position requirements have already been developed and selection processes have been commenced. A comprehensive training program is being developed to be implemented when selection and appointment of the Child Protection and Family Violence Officers has been made.

**RECOMMENDATION 6.**

- (a) WAPS review whether Family Incident Reports are the most effective tool for gathering data relating to assaults that occur in the family home; and
- (b) review current case management practices in light of best nationwide case management practices.

**Comment**

Supported. The Victim and Offender Management (VOM) enhancement in FrontLine IMS has been rescheduled to become functional in October this year and it aims to improve and standardise the way that Domestic Violence and Child Abuse related information is recorded and managed within WAPS.

The VOM functionality is intended to address WAPS needs in relation to the comprehensive collection of data concerning family violence and child abuse as an important element of effective service delivery by WAPS. It will:

- be accessible to all officers across WAPS dealing with domestic

violence and child abuse incidents

- provide a new incident type called 'General' for recording non-offence and offence related domestic violence and child abuse incidents
- be able to use one system (IMS) to access any incident information for affirmative action to domestic violence and child abuse incidents
- mean that Domestic Violence Incident Reports (DVIRs) in NIS and Child Abuse Allegation Advice Fill-in-a-form in Outlook will be decommissioned when all officers are on IMS (this will happen after the completion of Country IMS rollout, anticipated mid 2004)

IMS will be able to record:

- interview, medical and Restraining order details;
- refuge placement details;
- Information / Referral details provided to victim;
- Abuse situation and Type of abuse on victim; and
- an organisation address rather than personal address for reporting person, witness and victim.

The VOM capability will provide an enhanced capacity to case manage family domestic violence and child abuse cases. This is proposed to be enhanced with the development of information sharing legislation that is part of the Government's Action plan outcomes from the Gordon Inquiry.

#### **RECOMMENDATION 7.**

WAPS explore with Government the possibility of developing legislation for a system of Cautionary Restraining Notices or similar.

#### **Comment**

Supported in principle. Government has committed itself to reviewing domestic violence legislation. A legislative review has been completed by the Department of Justice and comments are now being sought.

The review examines existing legislation that relates to domestic violence in Western Australia (WA) and other jurisdictions and makes recommendations concerning how WA's legislation can be amended to afford greater safety and protection for victims of family and domestic violence. Amendments proposed will enhance the capacity of statutory agencies, in particular that of police.

The review puts forward the view that there may be an argument for WA to adopt completely new legislation. However, the reviewers have chosen to focus on amending existing legislation in the form of the *Criminal Code* and *Restraining Orders Act 1997* as the reviewers believe they are working sufficiently well.

This review has resulted in 38 recommendations. An examination of these has raised a range of questions that will need further detailed and informed consideration. Despite this, there is considerable consensus that the directions proposed are supported.

The review report is positive in terms of direction. The Police Service has identified an opportunity to raise issues for consideration of further examination. These include:

- exploring the feasibility of providing the police power under the *Restraining Order Act 1997* to issue "urgent interim orders" in certain circumstances. This needs to be considered in combination with problems arising from the under-use of telephone orders and processes associated with this which may be causing problems;
- further work needing to occur around the crossover between Family Court Orders and Restraining Orders and ensuring that orders are made with due consideration to the other and that automatic notification occurs between jurisdictions to minimise confusion for enforcement purposes; and,
- the applicability of Restraining Orders for Aboriginal people – significant interagency work needs to occur in this area to ensure that Restraining Orders and the processes around their use are accessible to and effective for Aboriginal victims.

The recommendations in the *Report on a Review of Legislation Relating to Domestic Violence* are considered capable of enhancing police capacity to improve service delivery on this serious and complex crime.

The review report specifically recommends increased powers and responsibility for police as well concentrating responsibilities in certain areas such as prosecuting for breaches of orders.

## **ADDITIONAL COMMENTS**

### **The police response to Assault in Indigenous family homes.**

The "Inquiry Into Responses By Government Agencies To Complaints Of Family Violence And Child Abuse In Aboriginal Communities" (Gordon Inquiry) commenced by the Government has had the most significant impact for all agencies and there has been a requirement for a whole of government response. This requirement has strongly impacted the Police Service and its framework of service delivery to the Aboriginal community. The Gordon Inquiry provided a timely opportunity to fundamentally review service delivery by agencies to Aboriginal communities and families. It also provided the opportunity to consider service delivery, which encourage interagency cooperation

The Inquiry found that there is poor coordination and integration of government services, and that although agencies cooperate in a range of planning activities the focus is often on service provision as determined by individual agencies rather than from the perspectives of the communities that are being serviced. This was supported by evidence to the Inquiry that services within communities are often insufficient, uncoordinated and funded for short periods of time. The whole of Government Action Plan, importantly, has seen the Government allocate resources, with the Police Service receiving approximately 24 million dollars for new initiatives over the next four financial years.

The Gordon Inquiry acknowledges the Police Service as one of the key agencies providing a response to family violence and child abuse in Aboriginal communities. In addition to the need to address service provision to remote Aboriginal communities, the Gordon Inquiry sees that there is scope for improvements to current programs and that there is a range of existing and new strategies for the Police Service to consider.

In August 2002 the Commissioner directed that a framework for consolidating Aboriginal issues throughout the agency be undertaken. As a consequence significant changes have now been made in corporate direction and in the role and function of the Aboriginal Affairs Directorate.

Importantly, the development of the agencies response to the Gordon Inquiry has demonstrated that Aboriginal issues are dynamic and the agency must be positioned to respond in a considered and informed manner, which compliments the whole of Government commitment.

Following a recent review which has recently been completed, key personnel of the Aboriginal Affairs Directorate have been reformed in to the Aboriginal Policy Planning and Liaison Unit. This unit is located within Strategic Services Branch of the Strategic and Corporate Development Portfolio enabling the agency to

continue to develop its service delivery to the indigenous community in a planned and effective manner.

### **Police Officers as Perpetrators of Assault in The Family Home.**

This issue as reported in the investigation report has been noted and recognised as a matter requiring ongoing attention by the agency. A copy of the investigation report has been provided to the Human Resources Directorate for further consideration.

### **Complaints Management**

The Western Australia Police Service recognises that community trust and confidence is essential in encouraging victims of Domestic Violence to report and cooperate fully with the investigative and prosecutorial process. Underpinning this is the development and enhancement of effective complaint handling practises.

The Public Interest Disclosure legislation has recently been promulgated in response to this, the Police Royal Commission and Gordon review recommendations the Professional Standards Portfolio has commenced a review of all aspects of complaint management. The objective of improving both the timeliness and quality of the response to complainants and complaints and provide a mechanism by which the quality of service delivery may be measured.

It is anticipated that increased public confidence in the ability of the Police Service to respond to complaints will positively impact upon the perception of victims and support Agencies.

### **ATTACHMENTS**

- **Draft Policy Family and Domestic Violence**
- **Concept of Operations**

## **WESTERN AUSTRALIA POLICE SERVICE DRAFT FAMILY AND DOMESTIC VIOLENCE POLICY STATEMENT**

Family and domestic violence is a serious crime and the WA Police Service places a high priority on dealing with this form of crime. Family and domestic violence is a significant precursor to homicide and it is clear that any reduction of family and domestic violence can also reduce homicide. Family and domestic violence is a community responsibility, and the role of the WA Police Service is critical. By ensuring that the resources are available to rigorously prosecute offenders and protect victims, there are positive outcomes for victims of this crime, the community and the Police Service now and in the future.

It is the policy of the Police Service that members will respond to family and domestic violence incidents in the same way that they deal with other crimes of violence, with regard to the need to ensure the safety and wellbeing of victims and the necessity to obtain the evidence required for successful prosecution. It is in this role that we hold primary accountability for the way that we deal with the incidence of family and domestic violence.

The Strategic Plan of the WA Police Service clearly articulates our commitment to community safety and indicates through the stated objectives and strategies that our partnerships with other agencies are a vital element in ensuring that we are able to deal with family and domestic violence in an effective manner. Partnerships are an important because not all of the factors that contribute to family and domestic violence can be controlled or influenced by the Police Service.

The nature of family and domestic violence creates social and emotional complexities that do not occur in other forms of assault. The task of protecting the victim and prosecuting the offender has been aided by cooperation between responsible agencies and legislation that permits greater independence of action by police in prosecuting family and domestic violence offences.

For the Police Service, it is vital that we communicate our intent to victims that they will be supported, and to perpetrators that they will be prosecuted. Increasing confidence in the Police Service is vital to ensuring that the community understands, and sees evidence that the Police Service is committed to reducing family and domestic violence. We must also clearly communicate this message within the agency so that all understand that the significant impact of family and domestic violence on individuals and the community demands a most serious and diligent approach.

The Police Service will provide an appropriate response to the needs of vulnerable groups within the community such as Australians from culturally and linguistically diverse backgrounds, and non-heterosexual people.

Family and domestic violence is a significant problem within the indigenous community, where crisis levels of family and domestic violence are complicated by social breakdown, lack of access to services and a distrust of police. Critically some aspects of family violence are made more complex by cultural influences

sometimes overlooked by non-indigenous persons. It is our task as an agency to restore the confidence of Indigenous people in the Police Service by providing equitable services to the Indigenous community and demonstrate our commitment to the sustainability of Indigenous communities.

***WESTERN AUSTRALIA POLICE SERVICE***



***CHILD PROTECTION & FAMILY VIOLENCE***  
***PROJECT***

***CONCEPT OF OPERATIONS***

***FOR***

***METROPOLITAN AND COUNTRY REGIONS***

## ***INTRODUCTION***

This corporate project has emerged from observations and recommendations arising from the Gordon Inquiry (the Inquiry) that concluded, ‘an epidemic of family violence and child abuse exists in Indigenous communities’. The Inquiry also identified that response to Family Violence is core business of the Western Australia Police Service (WAPS).

In responding to the Inquiry the WAPS has accepted and acknowledged this position, endorsed selected recommendations from the review and supported the positive evaluation of several organisational programs and initiatives. These recommendations, programs and initiatives will be evaluated and implemented within the recommendations detailed in this concept of operations.

The police service is undertaking this comprehensive redesign of the service delivery and management of family violence and child abuse in recognition of the seriousness, complexity and impact of crimes of this nature.

The design, implementation and delivery of this project will be consistent with the following guiding principals

- All forms of family violence and child abuse are unacceptable.
- Individuals have the right to live in a family/environment free of violence and abuse.
- The safety of children and victims is paramount.
- Acts of family violence or child abuse that constitute a crime will be dealt with as such.
- Perpetrators of violence and abuse will be held accountable for their behaviour.
- Effective responses to family violence and child abuse require a holistic approach that is coordinated, integrated and involves the community.

A major theme of Government policy is a ‘Whole of Government’ approach or ‘Joined Up services’ strategy across agencies. The Inquiry focused on this aspect and identified a need for coordinated and collaborative approaches between key stakeholders within social and criminal justice systems. This approach, enabled by effective information systems and legislation is critical to ensure effective and quality outcomes.

It is the intention of the Police Service to take a 'lead agency role' in relation to the achievement of a successful 'Whole of Government' approach to addressing this issue.

The benefits of a holistic intervention model based on the strengths of an effective criminal justice response will result in a reduction in incidents of violence and abuse benefiting in the longer term both government agencies with mandated responsibilities and the community.

It is anticipated in the near future the rationalisation and amalgamation of a number of social services committees will occur at both a State and District level. This work is resulting from the Gordon Inquiry and Governments response to recommendations made and will be undertaken by the Director Generals Taskforce which is jointly chaired by the COP and CEO DCD.

#### ***Annexure A: Interagency Child Protection and Family Violence Model***

Family violence, child abuse, missing persons and factors affecting youth at risk are all areas that have operational relevance and linkages and need to be dealt with in an integrated and coordinated manner. In this context the Inquiry has clearly articulated the view that Family Violence is a crime. Responses must be based on a foundation of an effective criminal justice response supported by proactive crime prevention strategies and initiatives.

The Inquiry also recognised that the work done by the WAPS is essentially built on a criminal justice foundation underpinned by strong collaboration between key stakeholders. In particular the inquiry noted:

- The effectiveness of our collaborative outcome based approach to incidents of child abuse – particularly within the Metropolitan Region.
- Reciprocal reporting relationships and agreements between police and key agencies in this regard.
- Child Protection tripartite agreements between WAPS, Health and DCD.
- Collaborative training programs (Joint Approach to Child Abuse).
- The Joondalup Domestic Violence Pilot Program.
- The development of the Evidentiary Video Unit initiative.

- The progression undertaken in implementing the Victim and Offender Management system (VOMS) as an adjunct to IMS.
- Progression toward implementation of the National Child Sex Offender Registration (NCSOR).

Utilising the WAPS's recognised approach to child abuse as a model for best practice the Inquiry made observations that recommended a similar collaborative approach to family & domestic violence on a statewide basis – particularly within indigenous communities.

These and other factors, including two recent reviews into our service delivery to Family & Domestic Violence (Ombudsman's Annual Report 2002 & Strategic Services Review of F&DV) identified the requirement for a stronger criminal justice application to incidents of Family and Domestic Violence. The Commissioner endorsed these findings in arriving at his decision to shift ownership of the F&DV Program from Traffic and Operations Support Services to Crime Investigation and Intelligence Services.

The Major Crime Division and North West Metropolitan District have fostered a culture of collaboration amongst key stakeholders to identify, prioritise and initiate action regarding children at risk and family violence. This methodology is seen by the industry generally as proving the groundwork for benchmarking service delivery to both incidents of child abuse and family violence. Therefore our intention is to build upon that methodology to achieve the following strategic objectives across the agency.

## ***STRATEGIC OBJECTIVES***

The Western Australia Police Service will:

- Be a lead agency in providing a coordinated and collaborative approach between key stakeholders within the social and criminal justice systems to child protection and family violence
- Redesign service delivery to maximise victim safety and reduce incidents of child abuse and family violence
- Provide quality service delivery into child protection and family violence incidents with a strong criminal justice focus

- Provide a coordinated and consistent investigative approach managed on a statewide basis within the crime strand.

### ***Actions required to achieve the strategic objectives***

In order to achieve our strategic objectives the Police Service will

- Maintain and further develop our (collaborative) service delivery model to child protection and family violence to an agreed benchmark and extend these operations service wide.
- Combine and coordinate our response to both child protection and family violence into a flexible and effective operational model.
- Develop and implement our Child Protection, Family Violence model to identified quality standards, benchmarks and clear performance indicators.
- Enable appointed Child Protection and Family Violence Officers (CP&FVO) to demonstrate a lead role in developing and implementing the model within each District.
- Enable CP&FVOs to consult and negotiate with local key stakeholder agencies and individuals to develop and market this concept of operations.
- Implement a district based collaborative model that is outcome driven.
- Develop an efficient and effective resource allocation model.
- Foster a commitment from local individuals and agencies to accept responsibility for their respective roles and functions – within a collaborative framework.
- Develop a flexible model that by the participation of identified individuals and communities is reflective of cultural and demographic factors within Districts.
- Foster a commitment to reducing the incidents of child abuse and family violence by positively influencing the community's culture not to accept child abuse and family violence.
- Implement a corporate system that reflects a consistent and prioritised approach to family violence and child abuse within each District that is inclusive of and able to address cultural consideration.

- Positively influence members of the WAPS and other Government agencies to respond, develop intervention and prevention strategies and apply the criminal justice system (where appropriate) in a timely way that is reflective of Government priorities in this regard.
- Develop and implement a statewide methodology to comparatively analyse and measure performance between Districts and across the organisation to agreed satisfactory benchmarks.
- Maintain quality service delivery and innovative practices.

This concept of operations is therefore delivered with the intention of identifying, developing and applying a flexible, practical operational framework to improve service delivery and to achieve organisational strategic objectives in this context.

## ***DEFINITIONS***

The Police Service utilises the following definitions in relation to Child Abuse and Family Violence to guide service delivery, in keeping with its primary responsibility of the application and enforcement of the law.

**‘Family Violence’** means any form of physical, sexual or psychological abuse, either by the application of force or threats, which takes place within an emotional relationship.

**‘Emotional Relationship’** includes partners who are married, de facto, or otherwise connected, ex-partners and any family/blood relatives.

This definition, which has been developed by the Police Service to guide operational policing practices, encompasses behaviours that occur within the context of family violence which constitute criminal behaviour.

The police service recognises other forms of family violence including verbal abuse, social isolation, economic deprivation and psychological abuse are serious, but are not able to be

addressed by the criminal justice system alone in the absence of their being any criminal offences committed.

**‘Child Abuse’** is defined as

- Any sexual act as defined in the criminal code committed on or with a child
- Any unlawful physical assault on a child
- Neglect of a child where there is a disregard for the responsibility of a caregiver to provide the necessities of life.

These definitions are focused on criminal behaviours, the police service recognises the seriousness of all other forms of abuse inflicted on children and is committed to working with other agencies in a preventative framework to address the harm done in this context.

## ***ACTIONING THE PROJECT***

The development and implementation of the program is underpinned by key actions being analysed and recommended by a flexible, composite Project Group consisting of key operational stakeholders. As each action item is developed in draft format it is then referred to a Reference Group for consideration and approval for recommendation to strategic executive.

The role of the Reference Group is to consider corporate implications and impacting issues to the submission of proposals, concepts and recommendations, developed and provided by composite Project Groups. The Reference Group is then to either make recommendations for further analysis/development (by the Reference Group) or to provide approval for presentation to Strategic Executive for implementation. Ongoing consultation is sought from key stakeholders, internal and external to the organisation, forums and District/Regional command groups.

***Annexure B: Project and Reference Group for the Family Violence and Child Protection Project.***

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The full Project Action Plan detailing timeframes is attached on *Annexure 'C'*, the Action Plan objectives are listed below

1. Establish Project and Reference Groups comprising of key WAPS stakeholders.
2. Identify and consult with key stakeholders during project development and implementation.
3. Review, evaluate and redevelop roles & responsibilities and position description for all CP&FVOs to reflect wider functions inclusive of; Child Protection matters, missing persons, interagency collaboration, cultural intervention strategies and management of District performance. This applies to all CP&FVO positions including the 8 new country positions as approved by Government and the 6 existing positions within each District in the Metropolitan Region.
4. Develop roles & responsibilities and position description for the State FV Coordinator (to be placed within the Major Crime Division). This position in cooperation and consultation with the State Coordinator for Child Protection (OIC Child Abuse Investigation Unit) will be responsible for coordinating consistent, quality outputs by all District CP&FVOs both metropolitan and country based
5. Develop and recommend a Concept of Operations for child protection & family violence for implementation service wide including:
  - Recommended Organisation and District structure & framework (Annexure D&E).
  - Recommended whole of government and District collaborative service delivery model (Annexure A).
6. Develop a risk matrix identifying major risk factors to the successful development and implementation of this project.
7. Identify, develop and recommend performance indicators to comparatively evaluate and centrally report on District performance through the OPR process.

8. Identify and recommend internal and cultural intervention strategies to be implemented within Districts to foster priority focus to family violence and child protection matters within the organisation.
9. Progress placement of selected CP&FVOs into all Districts
10. Coordinate the placement of CP&FVOs into Country Districts and assist Country Regions to provide accommodation, housing and other logistics for placement of the 8 new CP&FVOs.
11. Project teams will undertake a gap analysis of existing and required resources to achieve desired outcomes. The paper will detail a resource management plan to support the project including recommendations to change District and Divisional structures and resources. Recommendations may consider additional FTEs (impacting upon the ECB)
12. Undertake an evaluation of operating service delivery and District projects
  - To identify successful elements of existing family violence and child protection models with a view to including successful elements into a broader model to guide service wide standards.
  - In partnership with Districts ensure that community, geographic and cultural factors are considered in the development of District collaborative models – structured for local community needs and priorities.
13. Develop and recommend training packages for delivery to all CP&FVOs and key stakeholders in a 2-staged approach (central & remote training).
14. Deliver awareness and training packages to all 14 CP&FVOs
15. Assist Major Projects where required to develop and implement the Victim Offender Management System pursuant to documented projected objectives and timeframes
16. Develop a Charter of Responsibilities for policing Family Violence including a priority system and required timeframes for appropriate response and investigation standards as per the Police Service Charter on Child Protection

17. Develop interagency protocols to facilitate an interagency approach to the management of family violence including information sharing and interagency case management processes.
18. Review, redevelop and recommend changes to policy, procedures and guidelines (where applicable) to ensure quality control and consistency in service.
19. Engage with and jointly develop actions to be undertaken in partnership with key agencies that will enhance collaboration and compliment the WAPS's implementation strategies as a part of the Whole of Government response to CP & FV.
20. In conjunction with partner agencies and relevant community members/organisations deliver collaborative awareness sessions to all key stakeholders within each District.
21. As required assist Corporate Research and Development to progress legislation for:
  - Family Violence
  - Information Exchange (to enhance the collaborative environment)
  - The National Child Sex Offender Registration (NCSOR)
  - Restraining Orders
22. Assist Crime Prevention and Community Support Division to foster an understanding of the complementary role crime prevention officers play in supporting and enabling the functions of District CP&FVOs.
  - Link child protection and family violence issues with broader problems of volatile substance use, drug and alcohol abuse, truancy and youth at risk through the Crime Prevention strand and engage interagency cooperation.
23. As required assist Prosecutions Division in the development of protocols to:
  - Develop quality and consistency in the prosecution of offenders charged with child protection family violence related crimes.
  - Building relationships and local arrangements with the judiciary and stakeholders working within the criminal justice system to foster priority and consistency in the provision of penalties to offenders.
  - Provide victims of crime with access to the full range of legal protections available and ensure that they are adequately informed of issues impacting upon them as a victim.
26. Provide information and support to Strategic Services to keep them informed on the progress of the project – ensuring organisational objectives are collectively achieved.

## ***Annexure C: Project Action Plan***

### ***ORGANISATIONAL SERVICE DELIVERY***

The police services response to criminal offences committed against children is outlined below.

#### ***CHILD PROTECTION***

The Child Abuse Investigation Unit has the responsibility of investigating the following matters:

- Sexual abuse of a child, (including intra-familial, non intra-familial and offences committed by persons in authority).
- Serious physical abuse of a child in an intra familial setting. (Includes any suspected or confirmed non-accidental injury, which has resulted in the death of a child.)
- Physical abuse of a child by a person in authority.
- Criminal neglect of a child where there is a disregard for responsibility of a parent/caregiver to provide the necessities of life.
- Investigation of suspected serial child sex offenders. (Includes multiple offender situations, child sex offender networks, and unknown offenders).
- Investigation of all matters involving child pornography, Internet child pornography and online child sexual abuse.
- Investigation of offences pursuant to the Commonwealth Crimes (Child Sex Tourism) Amendment Act in conjunction with other agencies.
- Investigation of child abuse matters as requested by International law enforcement agencies.

Child Abuse Investigation Unit will take a State wide management role for all allegations of child abuse to provide a consistent, coordinated and quality response to investigations.

Child Abuse Investigation Unit will investigate all matters, which fall within their charter of responsibility, involving a 'Child Victim' within the Metropolitan area.

Metropolitan District Police will conduct investigations of intra familial physical abuse of a child, deemed of a less serious nature, to be overseen by the District Child Protection and Family Violence Officer, as directed by the State Child Protection Coordinator. (Officer In Charge Child Abuse Investigation Unit.)

Police in country locations will investigate all offences of child abuse and family violence within their respective districts, in consultation by the State Child Protection and Family Violence Coordinators.

Detectives from the District in which the complainant currently resides will investigate all allegations made by an adult of offence committed upon them as a child.

The Child Abuse Investigation Unit will provide support to Districts where there is an identified need, due to expertise, resourcing issues, or the complex nature of investigations, as ratified by Regional and Crime, Tasking and Coordination Groups.

### ***ORGANISATIONAL PRIORITY SYSTEM FOR THE TIMELY MANAGEMENT OF CHILD ABUSE INCIDENTS IN WESTERN AUSTRALIA***

#### **PRIORITY ONE**

**(Invoke an immediate response to ensure the safety of any child.)**

- The child is in immediate danger of being further abused by the alleged perpetrator.
- Other children are in immediate danger of being further abused by the alleged perpetrator.
- The alleged perpetrator is a person in authority, i.e. police officer, schoolteacher, day care centre employee etc.
- A child is receiving medical treatment or has died as the result of suspected or confirmed 'non accidental injuries'.

#### **PRIORITY TWO**

**(Invoke a response in a timeframe to ensure the safety of any child.)**

- A child must be removed from potential danger within a time frame, i.e. an upcoming access visit, etc
- An alleged perpetrator is intending to flee from the state to avoid interview or apprehension

**PRIORITY THREE****(Response in a timely manner to ensure the safety of any child and promote the collection of evidence.)**

- A child is in no danger of being subjected to further abuse in the short term or the long term.
- No extenuating circumstances are present giving rise of concern for a child's safety or well being.

**PRIORITY FOUR****(Response in a timely manner to ensure the safety of any child and promote the collection of evidence.)**

- Allegations made by an adult, of offences committed upon them as a child.

***FAMILY VIOLENCE***

Crime Investigation and Intelligence Services has corporate ownership of Child Protection and Family Violence to enable a concentrated focus to be applied on the response to and investigation of family violence crimes across the State. Due to the significant overlap and similarities between crimes of this nature, it is considered critical for the planning and management of these issues to be coordinated at a point of central expertise.

It is expected that managers will recognise these issues and commit to the establishment of a district model that will enable the development of a core of specialisation within the district, having the relevant skills and expertise to focus in the areas of investigation and prevention of child abuse and family violence.

Child Protection and Family Violence Officers will play a critical and central role both in the district and the organisation to enable the effective implementation of this strategy. To action the expected changes, these positions will have a dual reporting relationship through the crime strand within their districts, to their District Officer and to the Superintendent Major Crime Division through the State Coordinators for Child Protection and Family Violence.

A charter of responsibilities for policing family violence including a priority system and required timeframes for appropriate response and investigation standards similar to the Child Abuse Investigation Charter outlined above will be developed by the Project Group in consultation with key stakeholders.

## ***ORGANISATIONAL STRUCTURE***

### ***Annexure D: Organisational flow chart***

#### ***District Service Delivery***

It is desirable that each District should have a centre of expertise located within the crime strand. The District CP&FVO will have a direct reporting relationship to the District Superintendent's Crime Advisor.

The Reference Group recognises the differences in demographic and geographic factors that will impact upon any proposed District structure. In this regard the proposed structure has a flexible framework that requires the North Eastern and Southern Regional Commanders to consider those issues.

A suggested structure, in reflecting the principles of a centre of expertise, should consist of:

- The District CP&FVO.
- A number of officers, to be determined by districts, giving consideration to demographics and workload within each districts, to adequately reflect the Police Services commitment and focus in regards to child protection and family violence.
  - o FTE allocation comparative to current resources to remain and the CPFVO position considered as an additional resource.

- o Additional FTE allocations to focus on child protection and family violence where shortfalls in resourcing to meet objectives are identified.
- o A gender mix within units to ensure an ability to provide an appropriate service to victims of child abuse and family violence.
- o Relative skills in investigation and case management of serious crime.
- o Skills in interviewing victims of child abuse and family violence.
- o Ability to work with partner agencies and participate in interagency case management of high-risk families.
- o Undertake the role of investigating domestic violence and child abuse crimes where a specialist response is required due to the complexity, seriousness or time frame required as resources permit.
- o Otherwise provide assistance, advice and expertise to staff within the district on all CP and FV cases as needed.
- Administrative assistance as required.

It is recommended that the CP&FVO and other officers performing dedicated CP&FV duties be co-located within a crime investigation office. Where this is not considered, the relationship between CP&FV personnel and detectives within the district ought to be closely aligned. Detectives need to be responsible for investigation and management of the more serious offences in partnership with members of CP&FV staff.

Likewise the Unit requires easy access to District APLO(s) to provide a corporate focus on the changing roles of the APLO and the functions they perform – including a capability to improve interaction and communication with the indigenous community.

As is already demonstrated by some Districts (in their DV programs) it has been suggested that this Unit may be co-located with Department of Community Development personnel. This is not the preferred model and in dealing with the issue of co location consideration should be given to the shift of family violence from a community services and support focus to one of a crime focus and the district model should reflect that shift in providing an investigative capability.

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## ***DISTRICT STRUCTURE***

### ***Annexure E: Recommended District structure***

#### ***Roles and responsibilities for District CP&FVO and the State coordinators for Child Protection and Family Violence***

The roles and responsibilities of the State Coordinators for Child Protection and Family Violence positions are outlined and attached. The role of State coordinator Child Protection will be undertaken by the position of OIC Child Abuse Investigation Unit. A JDF for the State Coordinator Family Violence will be developed and ratified as a priority. This position is pivotal to the implementation of the project and will need to be in place as a matter of priority.

The roles and responsibilities for District Child Protection and Family Violence Officers are outlined and attached. The placement of these positions throughout the State will also be progressed as a priority. Timeframes are influenced by a requirement to meet Government commitments on addressing the need to improve agencies response to this important issue.

### ***Annexure F and G:***

## ***INTERNAL PARTNERS / SUPPORT SERVICES***

The utilisation of complimentary internal support services such as Crime Prevention and Community Support Division, Prosecuting Branch, Major Projects and Strategic Services is essential for the provision of quality service delivery across all aspects of family violence and child abuse.

Crime Investigation and Intelligence Services, The State Coordinators and District CP&FVOs will work in partnership with these areas at their respective levels to ensure a holistic and comprehensive model to addressing child abuse and family violence is achieved.

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## ***CRIME PREVENTION AND COMMUNITY SUPPORT DIVISION***

The impact to the Community Services Division (represented by District Crime Prevention Strand Officers) is significant. Community Services Division and the Major Crime Division will work to ensure a synergy exists between our crime prevention, child protection and family violence strategies to provide tailored quality service delivery.

This will place greater emphasis on the Crime Prevention and Community Support Division to ensure quality control of the preventative programs initiated to address this issue by the District based Crime Prevention strands.

This strategy will enable the collaborative development and management of crime prevention initiatives, community policing programs, intervention/diversion strategies and proactive management of at-risk families and individuals.

The District Crime Prevention Strand will manage programs of this nature as recommended by the CP&FVO and key stakeholders. They will also seek out and access funding streams and resource opportunities and maintain a commitment to the organisations community policing crime prevention objective.

## ***ROLE OF THE DISTRICT DISC***

The role of District DISCs in the provision of a range of analytical services will be fundamental to supporting the role of the CP&FVOs. Analysts will be required to manage and provide timely information regarding achievement of performance targets, FV & CP trends and patterns applicable to communities, families and individuals.

The DISC liaise with the State Coordinators CP&FV and CP/FV analysts within the Major Crime Division to exchange information/intelligence that has regional and state implications. The DISC will also provide operational intelligence to assist investigators and patrol officers to develop and implement initiatives to track, target and monitor repeat offenders or 'at risk' families.

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It is anticipated that the implementation of the Victim Offender Management system (VOMS) within the Incident Management System (IMS) will provide a previously unavailable amount of data and intelligence regarding child abuse and family violence. The analysis and dissemination of this information will become a critical focus to guide and prioritise the work of the CP &FVO.

### ***PROSECUTIONS***

Consistency in the gathering and presentation of evidence is a crucial factor to maintain quality standards across the state in child protection and family violence cases. CP&FV Officers, detectives and investigators in cooperation with police prosecutors will play a pivotal role in setting quality standards in this regard.

The implementation of the Evidentiary Video Unit and provision of training to selected country posted WAPS & DCD officers (for interviewing young children) will also impact upon the quality of prosecutions.

This aspect and the increased involvement of detectives, underpinned by our organisational strategy of a proactive criminal justice approach to family violence and child protection will require strong communication and training – to be provided by the Prosecutions Division.

### ***RESOURCE CONSIDERATIONS***

#### ***Metropolitan Districts***

All Metropolitan Districts are to implement this concept of operations within existing resource allocations. Each District has a number of FTEs currently undertaking domestic violence related duties. Districts are requested to maintain their current FTE commitment in this regard. With the Police Services' emphasis on the issue of child protection and family violence and the shift in focus to a crime response, districts should critically examine structures within their district, considering the current levels of resource allocation to this area of policing. Those Districts that either, do not have a commitment of FTEs or whose

commitment does not address the changing focus, should reconsider their resourcing commitment in this regard.

### ***Country Districts***

Country Districts will each obtain an additional Sergeant FTE for the purpose of undertaking the role of District Child Protection & Family Violence Officer. Each District may already have a number of constables within current FTE strength that are undertaking domestic violence related duties. Districts are requested to maintain on their current FTE commitment in this regard. If this is not the current District structure then FTEs are required to be allocated for investigative purposes.

### ***Future Impacts***

Given the operational context of this project District Superintendents are requested to evaluate their current FTE commitment to child protection and family violence and to consider whether their current allocation in this regard is appropriate. In the medium term, comparative analysis between Districts analysing performance indicators trends and patterns, will be conducted by the State CP and FV Coordinators, to ensure consistency across the state.

Should this analysis reveal any inconsistencies in any aspects of service delivery that may pertain to FTE allocation discussions would take place between the Major Crime Divisional Superintendent and District Superintendents to implement intervention strategies and to consider resourcing implications.

### ***Major Crime Division***

The Major Crime Division (MCD) will require an additional FTE at the rank of Senior Sergeant to perform the role of State Coordinator Family Violence as has already been explained. The options for creating this position are to either, apply to the ECB for an additional FTE or, to find the position from within.

The preferred option is to apply to the ECB for an additional Senior Sergeant FTE to fulfil this role.

### ***Future considerations for Major Crime Division***

It is anticipated that there will be an increased resourcing implication for Major Crime Division to manage, arising from a raft of changes and activities currently occurring. Some of these being:

- The redistribution of responsibilities for child abuse incidents in the Metropolitan area.
- The implementation of the Evidentiary Video Unit Project
- The impact of NCSOR.
- The impact of the National response to online child sexual abuse.
- A significant increase in Child Protection Workers and other child protection focused staff and associated programs by partner agencies through the provision of State Government funding arising from the Gordon Inquiry.
- The impact of the new role as the State wide coordination and management point for CP & FV and associated work flow from this initiative.
- The implementation of IMS and the Victim Offender Management System.

These and other issues will need to be monitored and analysed over the initial 12-month implementation period. The Major Crime Divisional Officer will oversight the resource implications of this project in consultation with the State Coordinators and in partnership with the District CP & FV Officers.

As an objective of the action plan the project group will develop a plan for future considerations in relation to increased workload and related resourcing implications to be undertaken across the areas impacted by the project with a view to supporting any necessary ECB submissions.

### ***FINANCES, HOUSING AND OFFICE ACCOMMODATION***

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This project will have no direct adverse financial implications to Districts. Placement, travel, housing, office accommodation and associated operational/administrative expenses will be provided including an, 'on-cost' allocation.

### ***MANAGEMENT OF CP&FVOS***

CP&FVOs will be placed into each District and managed by the District Superintendent or their delegate within the crime strand. This position will be a District/Regional FTE for deployment by the District Superintendent within a restricted role based framework. Organisational guidelines will be developed and shaped to ensure that District CP&FVOs are not reassigned other duties.

The quality of service delivery provided and enabled by the CP&FVO will be also quality controlled by the State CP&FV Coordinators who will be attached to the MCD. In undertaking this role the MCD will also accept responsibility for the training, development and rotational placement of the CP&FVO in consultation with the District Superintendents and Regional Commanders.

The Major Crime Division will also report through the OPR on State, Regional and District trends regarding child protection and family violence performance measures. Comparative analysis will be made between Districts and Regions, demographics and geographics considered, with feedback from District CP&FVOs that enable evaluation of organisational outputs against performance indicators.

Within the OPR structure and business plan process child abuse and family violence will be monitored and corporate performance indicators set. Therefore figures relating to this area will be reported similarly to the current crime (e.g. burglaries, SMV, robbery, drugs and assault) and traffic statistics with associated analysis and comment from the Districts as to performance.

## ***TRAINING***

The foundation for an effective and consistent response by police to child protection and family violence is training. The need for officers at all levels to receive adequate training in child abuse and family violence was identified most recently in the recommendations made by the Gordon Inquiry.

Current training courses will be expanded and amalgamated to create a comprehensive accredited package covering child abuse, family violence and sexual assault.

Training will become a separate project to be actioned via the project group in partnership with Training Branch. Training will be delivered in two phases. Phase 1 will be Metropolitan based and focus on initial training of CP&FV Officers. Phase 2 will include the delivery of district based training and awareness sessions. There will be a strong interagency component to the proposed training.

### ***Annexure H: Training***

## ***CULTURAL CHANGE STRATEGIES***

Empirical and anecdotal studies identify family violence and child abuse as major causal factors in a range of social and criminal problems, in particular the creation of dysfunctional families. Research clearly demonstrates the links between children who experience violence and abuse in the family committing crimes themselves or conversely becoming victims of violent personal offences as youth and adults.

Implementing cultural intervention strategies that challenge the normative behaviours of the community and police officers will in the long term reduce the number of child victims who themselves turn to crime or become victims of crime through constant exposure and a lack of effective interventions.

The development and implementation of cultural change strategies/interventions that impact upon the community and the WAPS will be undertaken to raise the profile and priority to child abuse and family violence.

***Key Strategies include:***

- The placement of a CP&FVO in each country District.
- The establishment of a centre of expertise for CP & FV in each District (“the Unit”).
- The establishment of specialist child abuse and family violence investigators within each District Unit.
- Stronger communication with Detectives in the investigation of related crimes (including a mentoring role).
- The appointment of state coordinators for child protection and family violence.
- Easy access to and constructive use of APLOs where appropriate.
- The use and comparative analysis of Performance Indicators through Business Plan and OPR process.

It is desirable that a centre of expertise is established in each District, in line with the suggested model outlined on Page 13, accommodating the appropriate personnel. The benefits to be gained from a synergy between co-located officers, improved/timely communication and subsequent efficiency gains are demonstrated by the outcomes from the Joondalup Domestic Violence Program.

A key strategy for the WAPS should be to market and increase the involvement of detectives (where possible) in the investigation of Child Abuse and Family Violence crimes across the State. The use of detectives in this manner is seen to be a key organisational cultural intervention strategy to shape the beliefs and norms of communities across the State as well as challenging the mindsets of police officers within the organisation - to highlight the context and importance in which the WAPS places child abuse and family violence related crimes.

Where recidivists are identified, investigators and detectives are to explore charging options, including new legislation or alternatives, to obtain maximum penalties for offenders. A recidivist suspected of committing other crimes should be investigated to explore the option

of removing the offender from the victims. Many family violence offenders are often involved in the commission of other offences.

The key objective is to remove responsibility from victims for offenders actions and removing offenders from the victim's environment through a concerted application of the criminal justice system by demonstrating a low tolerance approach to Child Abuse and Family Violence crimes and the proactive application of the criminal justice system in support of victims. This will require collaboration and consultation with District Prosecutors, Brief Handling Managers, Justices and Magistrates and other stakeholders from key agencies.

In this regard all police officers will be required to undertake a leadership role internal and external to the organisation in enthusiastically adopting and marketing a commitment to this organisational objective and by supporting and encouraging witnesses to support the criminal justice system.

The use of performance indicators and the comparative analysis of outcomes between Districts is also an essential change strategy that is intended to raise the priority and profile of Child Abuse and Family Violence.

### ***PERFORMANCE MEASURES***

Performance measures have been developed and will be implemented upon placement of District CP&FVOs. A comparative analysis of performance measures will be undertaken on a quarterly basis to monitor District and State performance. Should District performance be of concern in this regard, given demographic and geographic factors, strategies will be cooperatively developed between the District Superintendents and the Major Crime Divisional Superintendent. This collaboration will foster and enable improved service delivery to achieve desired outcomes.

Through the provision of new technology and systems introduced by the District CP&FVO the State Coordinator will provide a quarterly report comparatively analysing the performance of Districts in this regard. The MCD Superintendent will report at the OPR on these trends

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and the intervention strategies taken to ensure consistent responsiveness and priority is given to incidents of Child Abuse and Family Violence across the organisation.

*Annexure I: Suggested performance measures/indicators*

**JOONDALUP DOMESTIC VIOLENCE PROJECT**

The Joondalup Domestic Violence Project was reviewed and evaluated for possible implementation state wide. Certain aspects of the Joondalup DV Program have been an influence in shaping this concept of operations, in particular the interaction between investigators, prosecutors, the Department of Justice, Magistrates and the Department for Community Development.

The Joondalup program operates on the principles of collaboration, prioritisation of a collaborative response to domestic violence, interagency case management, information sharing and striving for consistency in the application of penalties.

In essence the Joondalup program reflects intrinsic links between applications of the criminal justice system in concert with developed intervention strategies. These strategies are some of the fundamentals to the recommendations within this concept of operations.

An evaluation of the Joondalup pilot was conducted and a number of recommendations made. These will be considered closely when developing a state wide model with a particular focus on including and adding to existing work and plans around the expansion of this model.

An evaluation of service delivery and district projects will be undertaken to identify successful elements of existing family violence and child protection models with a view to including successful elements into a broader model to guide service wide standards.

Various models are currently operating across districts with varying degrees of success and targeting different outcomes. The aim of this project is to recommend a model with a criminal justice focus that incorporates improvements to both reactive and proactive policing practices

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and provides consistency across the districts with an acceptable base level of service delivery being achieved.

The Department of Justice (DOJ) is progressing towards the development of Family Violence Courts throughout the state based on the model that currently exists in the Joondalup district.

### ***VICTIM OFFENDER MANAGEMENT SYSTEM (I/T)***

The victim and offender case management system being delivered by Major Projects is called the Victim Offender Management System (VOMS) and is for the benefit of three business areas within WAPS:

- Family Violence Units;
- Child Abuse Investigation Unit; and
- Missing Persons Unit.

The existing database systems used by these three business areas are predominantly stand-alone. Information sharing between these business units has been a major barrier to integrated case management. Information sharing among service providers is often limited and inadequate. This was identified in the findings of the Inquiry, in particular with regard to non-collaboration between aligned agencies.

The implementation of VOMS will provide a centralised, structured and secure repository of intelligence that each business area can access. This new fully integrated intelligence system will facilitate collaboration between teams and enable them to work more closely together to the benefit of each other's case investigations. Service delivery will be improved in this regard.

The professional utilisation of VOMS will provide a corporate knowledge repository of District and State trends regarding family violence, child abuse and missing persons. Featuring full case management facilities this integrated system will allow for on-line identification of the links between children at risk, missing persons and Family Violence incidents either by name, association or address.

The full extent of realising the business benefits from VOMS functionality will be further enhanced when, through the whole of Government (collaborative) approach, Government

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agencies unite and share information to work more closely together on Child Protection, Family Violence and Missing Persons issues.

The functional potential of VOMS may be further developed and extended to include:

- The integration of the National Child Sex Offender Register (NCSOR).
- The integration of other users into the system from within and external to the organisation (eg other collaborative government agencies to read existing data and input information/intelligence regarding specific cases or identified families, victims or children at risk).

### ***NATIONAL CHILD SEX OFFENDER REGISTRATION (NCSOR)***

National Child Sex Offender Registration is currently being conceptualised and developed for implementation. Whilst legislation is yet to be drafted, debated and introduced local management of the NCSOR will be linked to the role of the CP&FVO.

### ***EVIDENTIARY VIDEO UNIT***

The concept of the Evidentiary Video Unit (EVU) arose from a tripartite agreement between the WAPS, DCD and Health. The concept is based on:

- Joint video recorded interviews of child victims by WAPS & DCD Interviewing Officers with a view of reducing the numbers of interviews and providing for the child's evidence to be presented to the court by way of videotape.
- Co-location between WAPS, DCD and PMH Child Protection Unit. (Metropolitan Model).
- Legislative change to streamline and minimise the trauma of giving evidence by young victims and witnesses.
- Quality control of the methodology and exhibit management of video interview tapes state wide.
- The provision of training/mentoring to selected WAPS, DCD and Health personnel from country districts to implement the concept state wide.

- Enhance the local collaborative model to be implemented as is detailed within the context of this paper.

*Annexure J&K: Flowchart for metropolitan and country model of operations for the EVU*

## **MARKETING**

The Government commenced marketing of this project through the provision of financial support and a commitment to implement recommendations made by the Inquiry.

Subject to approval from Strategic Executive the Project Team in conjunction with Public Affairs will develop and release a collaborative strategic marketing initiative. The project team will recommend that the marketing release be undertaken by the joint chairs of the Directors General Taskforce, Commissioner Matthews and Ms Jane Brazier of DCD. The release of this strategy may be timed with the placement of District CP&FVOs.

Marketing this project through Districts to respective communities and groups will be the role of the District Superintendent and the District CP&FVO. The ideal opportunity for marketing this concept will be during the initial stages of developing the local (District) collaborative model - identifying key stakeholders (from government & non-government agencies), seeking support and participation from communities (including indigenous and cultural communities).

## **RISK FACTORS TO SUCCESS**

Below is a Risk Matrix that identifies the critical risk factors that may impact upon the success of this project.

<b><u>Priority</u></b>	<b><u>Issue</u></b>	<b><u>Risk</u></b>
1	District implementation of CP&FV model.	Failure to provide an appropriately resourced investigative focus within districts to address issues of child abuse and family violence will have a negative impact on the Police Services commitment to a whole of Government strategy to improve systemic problems between agencies responsible for addressing child abuse and family violence within the community.
1	Legislation – Exchange of information between agencies.	Without appropriate legislation information exchange will be fragmented and restricted. The notion of a collaborative approach will be ineffective and promote improper exchange of information. This issue is on the agenda of the DGs’ Taskforce, the introduction of the necessary legislation is a State Government commitment.
1	Restructure of existing Committees	The structure of strategic interdepartmental committees for FV & CP remains fragmented and duplicates effort. Committees should be joined reflecting a unified focus (FV & CP) from the SOG to the District Committees chaired by the CP&FVO.
1	Domestic Violence Legislation - Circumstances of Aggravation for domestic violence.	This legislation is being progressed in draft format. Once assented to this legislation will be a strong foundation to application of the criminal justice system and a deterrent for offenders.

## ***RECOMMENDATIONS***

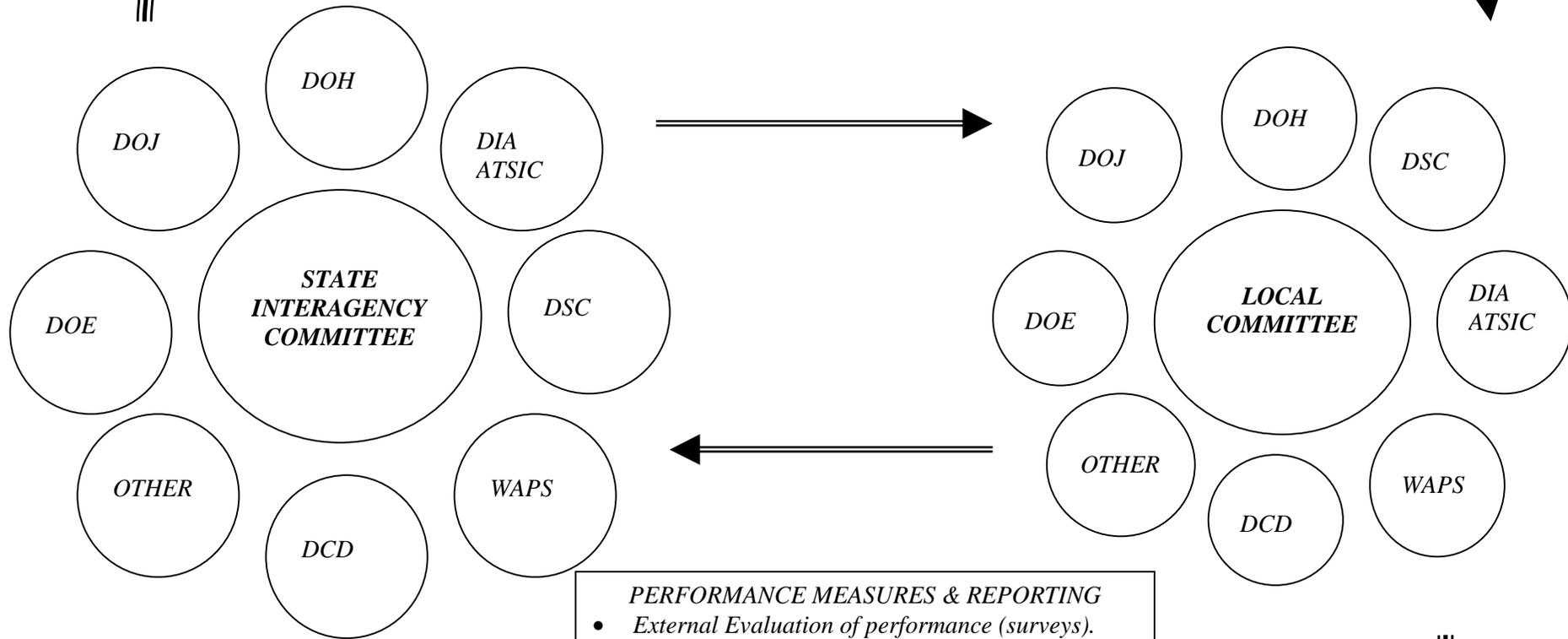
The following recommendations were developed after much consultation with key stakeholders, internal and external to the organisation.

- The concept of operations be considered, ratified and endorsed by the Corporate Strategic Management for implementation.
- The Police Service adopts a lead agency role, at both a corporate and local level, to actively drive the Whole of Government response to address family violence and child abuse.
- The Police Service places a priority on effectively addressing the endemic nature of family violence and child abuse in the aboriginal community.
- The Police Service recognises that training is crucial to cultural change and skilling the service to successfully impact on child abuse and family violence and requires long-term commitment.
- Each district develop a model for implementation, considering local demographics and requirements that reflect the Police Services shift in addressing family violence to a crime focus.
- In conjunction with Major Crime Division each district will develop and provide a model of operations including time frames for implementation to the Project Reference Group for consideration prior to implementation.
- Implementation of the project will be conducted jointly between Major Crime Division and Districts.
- The project is to be evaluated at twelve and twenty four months, for identification of emerging trends and issues, to inform the ongoing improvement of service delivery.

# INTERAGENCY CHILD PROTECTION & FAMILY VIOLENCE COLLABORATIVE MODEL

Annexure A

- Structure will link local and regional needs to a whole of government approach.
- Information systems will enable exchange of information at all levels.
- Training underpinned by the philosophy of engagement & capacity building.
- Protocols are developed state-wide.
- Further agreements are developed at the local level based on local needs.
- Performance indicators are evaluated internally and externally and reported on.



- PERFORMANCE MEASURES & REPORTING**
- External Evaluation of performance (surveys).
  - Internal evaluation of performance (by collaborative agencies and individuals)
  - The number of repeat cases.
  - The number of new cases where:
    - Intervention was successful.
    - Intervention was not successful.
  - The number of interagency meetings (including frequency of participation by partner agencies).

**CHILD ABUSE AND FAMILY VIOLENCE PROJECT**

The Project Group

Inspector Kevin LOOBY, Major Crime Division.

Inspector Martin COPE, North-Eastern Region.

Detective Senior Sergeant John ADAMS, Child Abuse Investigations Unit.

Senior Sergeant Mark VALENTINE, Community Services Division.

Sergeant Steve BUTLER, North West Metropolitan District.

Senior Constable Rebecca WEST, Child Abuse Investigations Unit.

Mr Tim MURRAY, Department of Community Development.

Mr Rob SKESTERIS, Strategic Services Division.

The Reference Group

Superintendent Alan McCAGH, Major Crime Division, CIIS. (Chair)

Superintendent Darryl LOCKHART, Prosecutions Division.

Superintendent Steve ROBBINS, Community Services Division.

Superintendent Ross TOMASINI, Corporate Research & Development.

Superintendent Nic STALTARI, North West District Office.

Superintendent Hadyn GREEN, Professional Standards.

Anne ANSELL, Strategic Services Division.

Inspector Martin COPE, North-Eastern Region.

Inspector Neil BLAIR, Southern Region.

Inspector Keith GALTON-FENZIE, Aboriginal Affairs Directorate.

Sergeant Martin VOYEZ, Major Projects Division (PROtect).

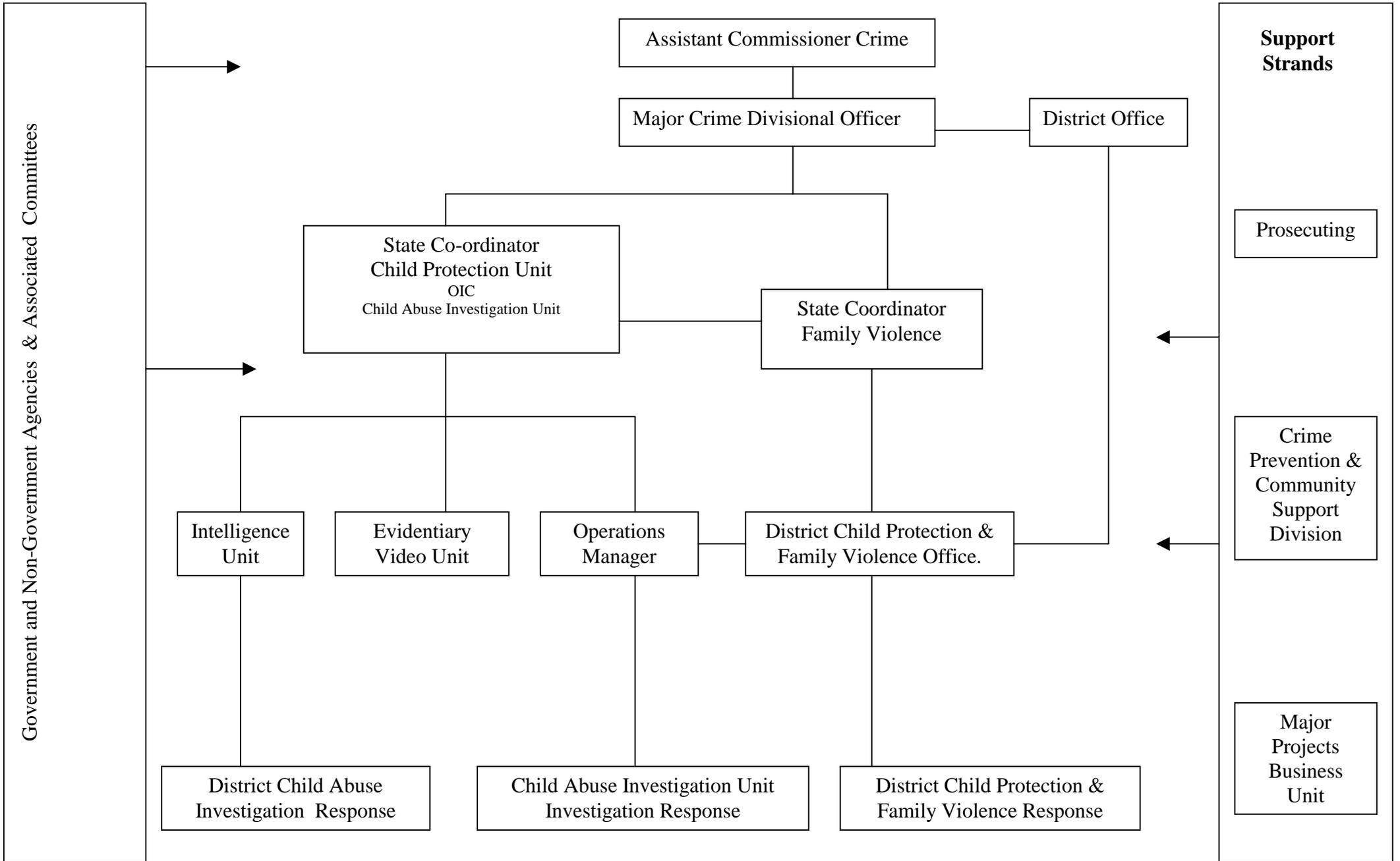
Mr Rob SKESTERIS, Strategic Services.

<b>MAJOR CRIME DIVISION</b>		<b>Date Commenced:</b> February 24, 2003.
<b>PROJECT ACTION PLAN</b>		<b>Last Activity Date:</b> December 31, 2003.
<b>Project No:</b>	<b>Priority: 1 2 3 4 5</b>	
PROJECT:	Implementation of Child Protection & Family Violence Project.	
PROJECT OWNER	AC HAY CIIS	
PROJECT MANAGER	Superintendent McCagh, Reference Group members, Project Group members.	
OBJECTIVES	<ol style="list-style-type: none"> <li>1. Establish Project and Reference Groups comprising of key WAPS stakeholders.</li> <li>2. Identify and consult with key stakeholders during project development and implementation.</li> <li>3. Review, evaluate and redevelop roles &amp; responsibilities and position description for all CP&amp;FVOs (including 8 new remote positions and 6 existing DVLO positions within Metropolitan Region).</li> <li>4. Develop roles &amp; responsibilities and position description for the State FV Coordinator (to be placed within the Major Crime Division).</li> <li>5. Develop and recommend a Concept of Operations for child protection &amp; family violence for implementation service wide including: <ul style="list-style-type: none"> <li>• Recommended Organisation and District structure &amp; framework (Annexure D&amp; E).</li> <li>• Recommended whole of government and District collaborative service delivery model (Annexure A).</li> </ul> </li> <li>6. Develop a risk matrix identifying major risk factors to the successful development and implementation of this project.</li> <li>7. Identify, develop and recommend performance indicators to comparatively evaluate and centrally report on District performance through the OPR process.</li> <li>8. Identify and recommend internal and cultural intervention strategies to be implemented within Districts to foster priority focus to family violence and child protection matters within the organisation.</li> <li>9. Progress placement of selected CP&amp;FVOs into all Districts</li> <li>10. Coordinate the placement of CP&amp;FVOs into Country Districts and assist Country Regions to provide accommodation, housing and other logistics for placement of the 8 new CP&amp;FVCs.</li> <li>11. Undertake gap analysis of existing and required resources to achieve desired outcomes. Detail resource management plan to support the project.</li> <li>12. Undertake an evaluation of operating service delivery and District projects <ul style="list-style-type: none"> <li>• To identify successful elements of existing family violence and child protection models with a view to including successful elements into a broader model to guide service wide standards.</li> <li>• In partnership with Districts ensure that community, geographic and cultural factors are considered in the development of District collaborative models – structured for local community needs and priorities.</li> </ul> </li> <li>13. Develop and recommend training packages for delivery to all CP&amp;FVCs and key stakeholders in a 2-staged approach (central &amp; remote training).</li> <li>14. Deliver awareness and training packages to all 14 CP&amp;FVOs whilst in the metropolitan area.</li> </ol>	

	<p>15. Assist Major Projects where required to develop and implement the Victim Offender Management System pursuant to documented projected objectives and timeframes</p> <p>16. Develop a Charter of Responsibilities for policing Family Violence including a priority system and required timeframes for appropriate response and investigation standards as per the Police Service Charter on Child Protection</p> <p>17. Develop interagency protocols to facilitate an interagency approach to the management of family violence including information sharing and interagency case management processes.</p> <p>18. Review, redevelop and recommend changes to policy, procedures and guidelines (where applicable) to ensure quality control and consistency in service.</p> <p>19. Engage with and jointly develop actions to be undertaken in partnership with key agencies that will enhance collaboration and compliment the WAPS's implementation strategies as a part of the Whole of Government response to CP &amp; FV.</p> <p>20. In conjunction with partner agencies and relevant community members/organisations deliver collaborative awareness sessions to all key stakeholders within each District.</p> <p>21. As required assist Corporate Research and Development to progress legislation for:</p> <ul style="list-style-type: none"> <li>• Family Violence</li> <li>• Information Exchange (to enhance the collaborative environment)</li> <li>• The National Child Sex Offender Registration (NCSOR)</li> <li>• Restraining Orders</li> </ul> <p>22. Assist Crime Prevention and Community Support Division to foster an understanding of the complementary role crime prevention officers play in supporting and enabling the functions of District CP&amp;FVOs.</p> <p>23. As required assist Prosecutions Division in the development of protocols to:</p> <ul style="list-style-type: none"> <li>• Develop quality and consistency in the prosecution of offenders charged with child protection family violence related crimes.</li> <li>• Building relationships and local arrangements with the judiciary and stakeholders working within the criminal justice system to foster priority and consistency in the provision of penalties to offenders.</li> <li>• Provide victims of crime with access to the full range of legal protections available and ensure that they are adequately inform of issues impacting upon them as a victim.</li> </ul> <p>24. Provide information and support to Strategic Services to keep them informed on the progress of the project – ensuring organisational objectives are collectively achieved.</p>
ACTIVITIES TO BE CARRIED OUT	<ul style="list-style-type: none"> <li>• Identify relevant composite project groups for undertaking actions listed 1 to 23 and involve relevant stakeholders to progress draft documents for consideration by the reference group.</li> <li>• Provide concept of operations and associated recommendations to Strategic Executive for approval and implementation.</li> </ul>
EXPECTED TIME FRAME	<p>Actions 1 to 12: To be completed by 30/06/03</p> <p>Actions 13 to 18: To be completed by 31/12/03 (after placement of CP&amp;FVOs).</p> <p>Actions 19 to 24: Ongoing or as individual projects determine.</p>
RESULT/OUTCOME	All actions to be achieved within timeframes other than those nominated as ongoing.
PERFORMANCE INDICATORS	<p>Project implemented within timeframes.</p> <p>District performance indicators comparatively analysed and presented by Major Crime</p>

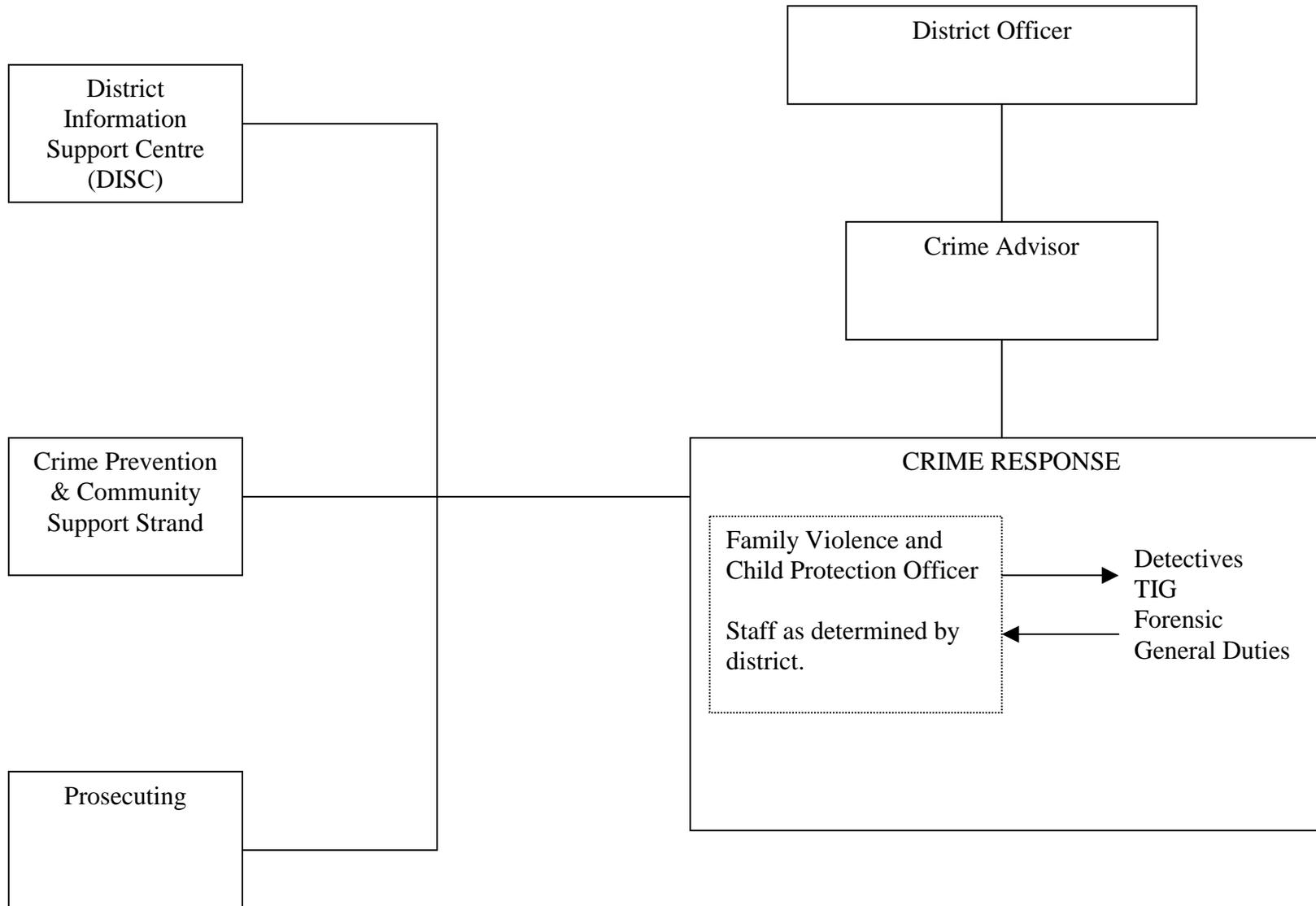
	Division at OPR 2 <sup>nd</sup> quarter 2003/4.
FEEDBACK	Ongoing – To involve all key stakeholders including AC CIS, Commander Northern Region, Commander Southern Region, AC Metro Region & relevant Superintendents.
TOTAL COST (If any)	TBA (Strategic Services have an analysis of cost implications).

# ORGANISATIONAL STRUCTURE – CHILD PROTECTION & FAMILY VIOLENCE



# SUGGESTED DISTRICT STRUCTURE: CHILD PROTECTION AND FAMILY VIOLENCE

*Annexure E*



*State Family Violence and Child Protection Coordinators'*

*Roles & Responsibilities*

The State Family Violence Coordinator (Senior Sergeant level) and State Child Protection Coordinator will be responsible for ensuring quality control of the roles and responsibilities of the District CP&FVOs. The State Coordinator's will be required to develop and monitor the performance of District CP&FVOs to:

- Influence the provision of District service delivery to be consistent with corporate strategies and state-wide outputs/benchmarks.
- Foster a collaborative framework with key stakeholders at both the strategic and operational levels - to support the development and success of the District model.
- Foster information exchange and sharing (legislatively enabled) to profile "at risk" victims and families and to ensure the development and implementation of intervention strategies are initiated where appropriate.
- Foster a strong collaborative internal relationship with Crime Prevention and Community Support Division to enable:
  - Access to alternative funding streams for programs/initiatives.
  - Access to (crime prevention developed) intervention strategies.
  - Access to therapeutic alternatives/programs for victims and offenders.
  - Linking District crime prevention strategies with child protection and domestic violence.
- Foster a strong collaborative internal relationship between Crime Intelligence and Investigation Services and Districts Crime Response to assist District CP&FVOs' to facilitate:
  - The provision of information and intelligence to enable detectives/investigators to progress charges for crimes committed where evidence is identified.
  - To ensure appropriate priority is given to the investigation and resolution of child abuse and family violence crimes.

- To provide information on habitual offenders so that the full extent of the criminal justice system can be applied.
- To provide information on “at risk” victims and families so that detectives and investigators may remove perpetrators from the environment where application of the criminal justice system is applicable.
- To provide timely information to districts to assist in decision-making regarding the imposing of bail conditions on charged offenders who are likely to re-offend.
- To assist in the provision of support to critical witnesses and complainants – particularly where hearings or trials are to take place.
- Ensure consistency state wide in the management and execution of Restraint Orders.
- Liaise with District CP&FVOs to determine Districts effectiveness and provide advice to the MCD Superintendent.

## *Annexure G*

### *District CP&FVO Roles & Responsibilities*

Below are the critical roles and responsibilities of the District CP&FVO (Sergeant level) that are central to achieving success in this program. The CP&FVO is to:

- Perform the role of District Strategist/Tactician for Child Protection, Family Violence.
- Provide interagency leadership and stability and to ensure participation by key stakeholders that reflects the collaborative model.
- Evaluate and manage the exchange of information from VOMS & the NCSOR Systems.
- Review Family Violence incidents attended by police within District to ensure quality control and compliance with new direction.
- Monitor and manage the District's application to Restraint and Misconduct Orders in all facets.
- Maintain a reporting relationship with the State Coordinators to ensure, quality control and consistency in application in state-wide strategies.
- Ensure the District maintains a priority focus to applying the criminal justice system to child abuse and family violence).
- In conjunction with District partners establish and introduce intervention/diversion schemes, modelled on identified successful elements of existing programs.
- Responsible for managing and maintaining the quality of District outcomes.
- Coordinate strategies and initiatives within Districts to ensure causal factors and overlapping areas of responsibility and operational activity are effectively managed.
- Manage cultural intervention strategies that will shape the beliefs and values of police and communities within the District – not to accept child abuse and domestic violence.

## ***Training***

Training will be provided in two phases. Phase 1 will be a Metropolitan based training program in Perth for all CP&FVOs including the 8 new country appointments and 6 Metropolitan Regional officers. Invitations may also be extended to other officers within country and metropolitan Regions who will support the role of the CP&FVOs in each District. This decision will be based on available training funds as the project unfolds.

### **Phase 1**

The training program will take a maximum of three weeks and is developed in module format to include the following disciplines:

- Family Violence (trends, themes, collaboration, cultural interventions, organisational strategies/priorities, families/individuals at risk, crime prevention & intervention strategies).
- Joint Approach to Child Abuse - (trends, themes, collaboration, cultural interventions, organisational strategies/priorities, families/individuals at risk, crime prevention & intervention strategies).
- Managing the Districts response/management of Restraint and Misconduct Orders – ensuring consistency across the organisation.
- Video Evidentiary Training – (collaborative techniques/skills with DCD in interviewing child victims and witnesses, procedures, processes, evidence, continuity and quality issues).
- Metropolitan based collaborative training (reflecting a collaborative approach to the local community, marketing the concept, promoting cooperation and fostering cultural change).
- VOMS & NCSOR technologies upon roll-out (use of technologies, their application and legislative issues).
- On the job training – Country CP&FVOs will be placed within Metropolitan Regional Districts for “on the job” training and exposure whilst waiting for

placement at remote locations. This may not occur if there is synergy between training and the provision of housing and accommodation etc.

## Phase 2

Phase 2 will include the delivery of District-based training and awareness sessions within each remote District for the purpose of educating and involving key local stakeholders from organisations and communities. An interagency team from Perth as facilitated and assisted by the District CP&FVO and local interagency representatives will deliver this training.

This training will take approximately 3 to 5 days and delivered in module format to include the following disciplines:

- Regional based awareness sessions and training involving key players from communities and organisations as also identified by the District CP&FVO (This focus is on building the local model as detailed within Annexure C and generating support for the program).
- Awareness sessions and training will have a predominate focus on the notion of collaboration and information exchange involving case studies – based on the whole of government strategies endorsed by the Director General’s Taskforce.
- Awareness sessions and discussion on a stronger application of the criminal justice system with the philosophy of removing offenders from victims of family violence and child abuse.
- Awareness on performance measures and evaluation methodologies – linking outcomes to corporate strategy and quality of performance.
- Linking crime prevention intervention strategies and local solutions to family violence and child abuse.
- Training for VOMS & NCSOR as rollout stages occur.

There will be no financial impact to the Districts for the provision of this training.

***Performance Measures***

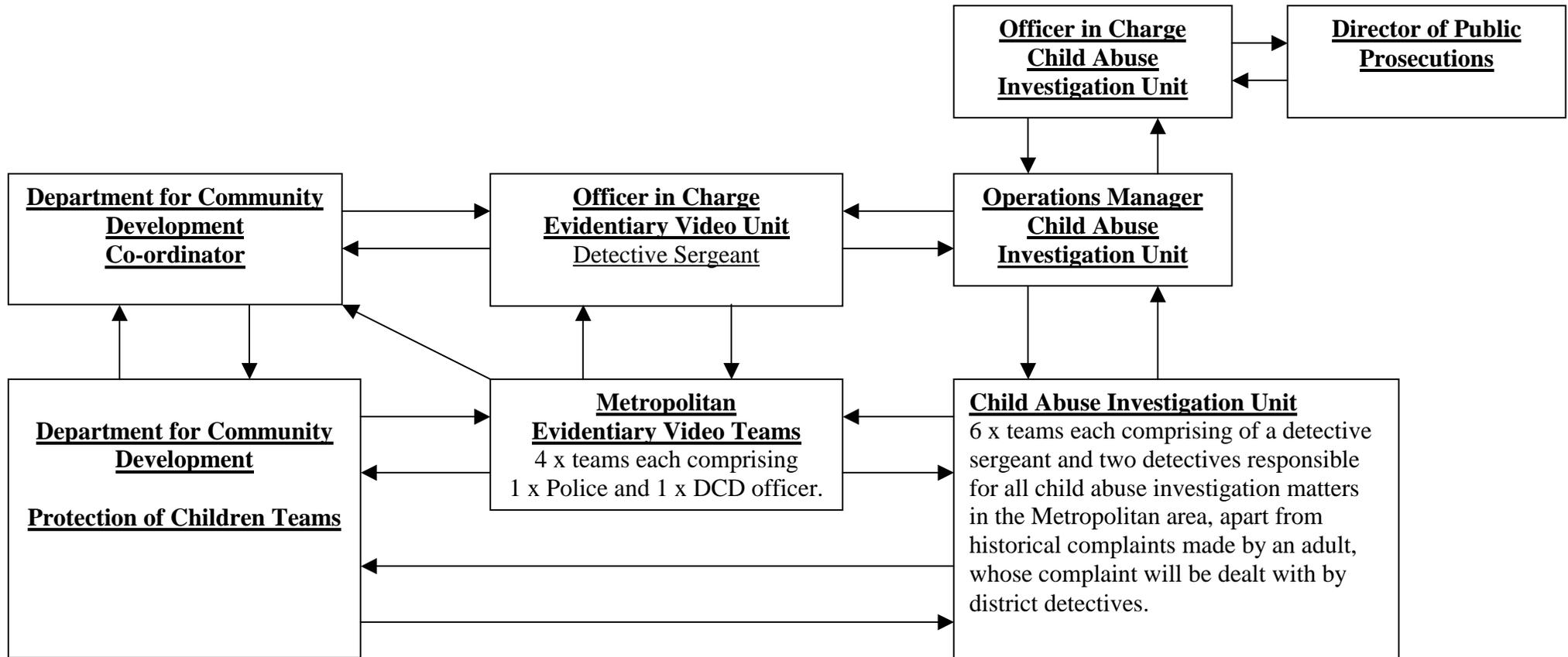
Performance measures were developed and will be implemented upon placement of District CP&FVOs. A comparative analysis of performance measures will be undertaken on a quarterly basis to monitor District and State performance. Should District performance be of concern in this regard, given demographic and geographic factors, strategies will be cooperatively developed between the District Superintendents and the Major Crime Divisional Superintendent. This collaboration will foster and enable improved service delivery to achieve desired outcomes. These measures are:

- The number of family violence incidents attended.
- The number of Child Protection incidents attended.
- Timeliness of police response to attending such incidents.
- The percentage of incidents attended that are converted to offence reports.
- The percentage of offence reports investigated resulting in arrests/charges.
- The percentage of offence reports investigated by the new 'unit' or CAIU.
- Analysis of statistics of offences resulting from Family Violence and Child Abuse incidents (e.g. Murder, Sex Assaults, Serious Assaults, Deprivation of Liberty, No Charge preferred and arrests for Disorderly, Resist, Assault Police etc)
- The trends underpinning why charges are not preferred.
- The outcomes of prosecutions (ranging from acquittals to sentences imposed). (Post Prosecution Reports (PPR))
- The number of repeat offenders identified and targeted.
- Number of family group conferences by the District.
- Number of District Interagency Coordination meetings conducted by the CP&FVO.
- Restraint and Misconduct Orders:
  - Taken out by police.
  - Taken out by victims or other agencies (DOJ court services figures)
  - Served by police.
  - Timeliness of service by police.
  - Number of breaches by offenders.

- Number of referrals to other agencies.
- Number of referrals from other agencies.
- Number and effectiveness of diversion schemes (for new and repeat offenders).
- Aboriginal, non-aboriginal and other cultures.

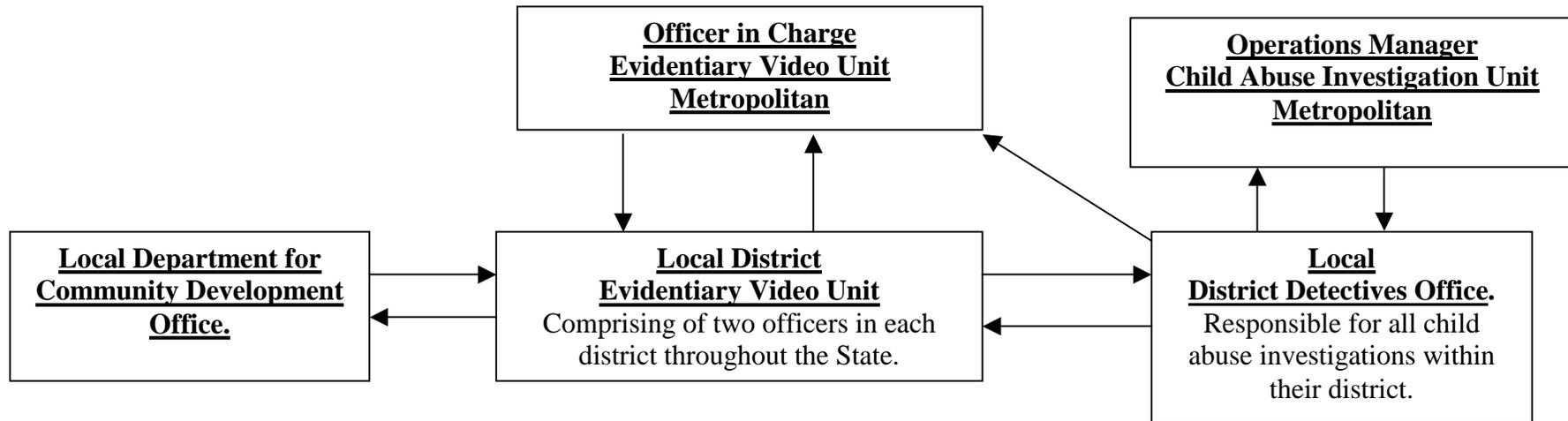
**MODEL FOR EVIDENTIARY VIDEO UNITS**

**METROPOLITAN**



**MODEL FOR EVIDENTIARY VIDEO UNITS**

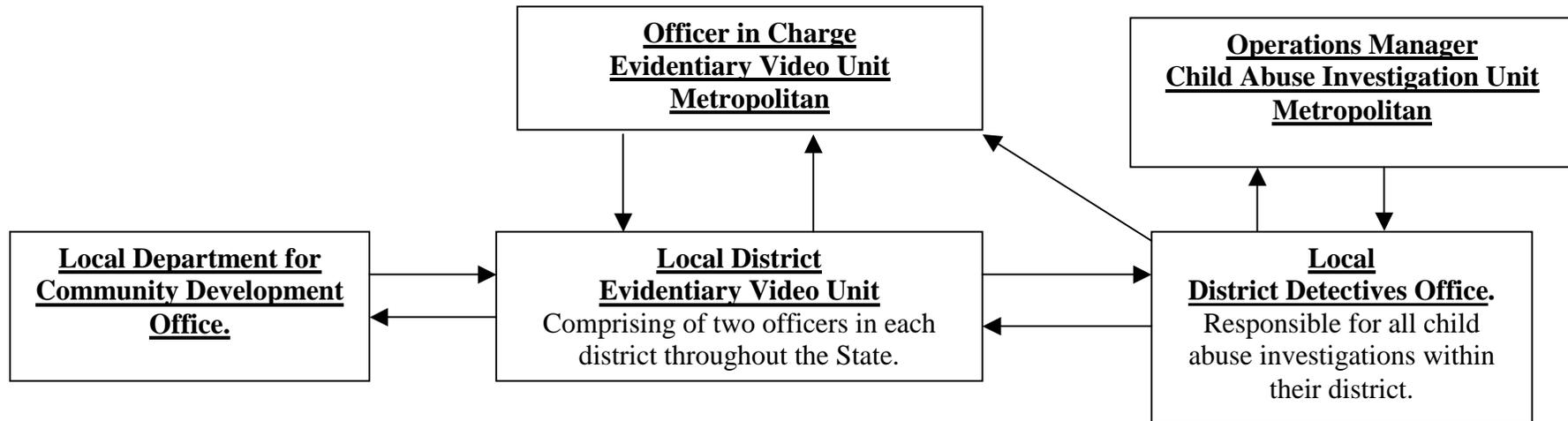
**COUNTRY**



The Officer in Charge of the Evidentiary Video Units will be responsible for the co-ordination and quality control of all interviews as well as the monitoring, training and selection of appropriate staff to ensure that each district has fully trained and experienced personnel available to conduct video recorded interviews.

**MODEL FOR EVIDENTIARY VIDEO UNITS**

**COUNTRY**



The Officer in Charge of the Evidentiary Video Units will be responsible for the co-ordination and quality control of all interviews as well as the monitoring, training and selection of appropriate staff to ensure that each district has fully trained and experienced personnel available to conduct video recorded interviews.

# MODEL FOR EVIDENTIARY VIDEO UNITS

## METROPOLITAN

