

Information Sheet

Family Violence: What Police Do



VICTORIA POLICE

Freedom from violence is a human right

Everyone has the right to be free of violence or the fear of violence. Everyone wants to feel safe and respected in their family and relationships. Family violence occurs and is considered unacceptable in all communities and cultures. In Australia, family violence is against the law. Victoria Police is here to help people in need and to uphold the law.

What is family violence, what does the law say?

The *Victorian Family Violence Protection Act 2008* defines family violence as behaviour by a family member that creates fear and control over an intimate partner, ex-partner or other family members. These behaviours can include:

- physical assault (e.g. hitting, pushing, burning or choking, rough or neglectful care giving);
- sexual violence (e.g. being forced to perform sexual acts);
- financial abuse (e.g. withholding money, food, medicine, property damage, or dowry related abuse);
- psychological and/or verbal abuse (such as threats, repeated put downs, name calling, sexist, racist, ageist, ablist or homophobic abuse);
- causing a child to hear, see or be aware of violent acts (for example by hearing fights, seeing injuries or damage).

Children are negatively affected by family violence and can be legally protected.

What is a family?

The law defines family broadly to include:

- intimate partners (e.g. husband, wife, girlfriend, boyfriend, defactos, same sex partners) and
- ex-partners,
- children, siblings, adult children; or
- a relative or extended family such as a grandparent, father-in-law or mother-in-law, aunt, uncle, blended or cultural family member.
- a carer who is like a family member

If you consider someone to be part of your family and their actions are making you or other family members fearful, ask for advice and help.

If you are hurting your partner or family ask for help. There are some services on the back of this sheet.

How can police help?

Victoria Police will act to protect people hurt by family violence and to prohibit any more violent actions or behaviour from the person who has harmed their partner and/or family.

Police can receive reports of family violence from someone experiencing violence, concerned friends or family or from neighbours or services. Police may also discover family violence when doing other duties or due to a triple 000 call.

When police help at a family violence incident, they will ask who lives or stays at the home. They will check everyone is safe. Police will speak to each person on their own. They may speak to children. They will ask what has been happening now and in the past.

They will check if, due to the violence, anyone needs medical attention and take note of any damage. Police will make referrals for each individual.

Police may also ask if anyone has a disability, or any medical or other needs, that they are happy to disclose, that are relevant to safety or the police response.

Police are obliged to ask if anyone, including children, identifies as Aboriginal. Aboriginal people can indicate if they prefer mainstream or Aboriginal services.

Police will make an assessment of risk, considering past family violence and any recorded criminal history. They will identify who is being harmed most (the victim or affected family member) and who is the main person harming others (the primary aggressor or 'other party'). Depending on circumstances, there are a range of actions police can take.



Interpreter Services

24 hrs

131 450

<https://www.tisnational.gov.au>



Relay Service (24 hrs)

For people who are deaf or have a hearing or speech impairment

www.relayservice.gov.au

Speak and listen 1300 555 727



In an emergency, call Triple Zero (000)

Safety is the highest priority. If a crime has been committed police will investigate and may pursue charges. However, not all types of family violence are criminal offences. Civil (i.e. non-criminal) actions that police can take are to:

- issue a **family violence safety notice** for immediate protection and/or
- apply to the court for a **family violence intervention order**, or
- change an existing intervention order to increase protection.

What is a family violence intervention order?

A **family violence intervention order** is a legal order issued by a court that aims to protect people from further family violence.

The **family violence safety notice** is like a short term intervention order issued by police that aims to protect people until court.

They both use some technical terms. The person being protected, including any child, is called the '**protected person**'. The person who has used violence is called a '**respondent**' or '**other party**'.

The notice or order can also include an **exclusion condition**, which creates a safety zone around the person needing protection and any children. It prohibits the person who has used family violence from coming near them or the places they go. This may mean the person who has used family violence needs to live somewhere else.

This **exclusion condition** lasts until a court decision or a new **family violence intervention order** is served on the respondent.

On the court day, a magistrate considers what measures are necessary to provide ongoing protection. The magistrate will decide if the **exclusion condition** needs to continue.

A safety notice or intervention order alone does not create a criminal record.

What if the conditions are disobeyed?

The **respondent** is the person who must obey the notice or order. If the **respondent** fully obeys the order, and has not committed any other crimes, they will not have a criminal record.

The **respondent** must not commit any form of family violence.

This means:

- no physical or sexual violence,
- no threats to hurt anyone,
- no verbal or written abuse,
- no sending abusive or threatening images,
- no stalking,
- no financial abuse,
- no property damage.

The **exclusion condition** means, the **respondent** is:

- not to go near the protected people, or where they live or work or go to school or child care.
- not to get other people to hurt, threaten, harass, stalk or abuse the protected people in any way.

There may also be conditions limiting communication by telephone, text message, email or social media.

Disobeying any condition is called a **breach** or a **contravention** of the order or notice.

If the respondent disobeys any of the conditions on the order, and the police find out, the police may arrest the respondent and criminal charges, criminal record and penalties can result, for example fines or jail.

The protected person cannot give the respondent permission to disobey a notice or order. The police, not the protected person, decide if charges are to occur.

If you don't understand the order, or any part of it, ask the police or a legal service.

In an emergency call Triple Zero (000)

Why must you attend court?

Your **family violence safety notice** or **family violence intervention order** will have the date of court. You should be there. It is wise to plan to be at court all day.

Before court, it is a good idea to call support services to fully discuss your situation and needs. In-person interpreters can be booked for the court day, if you tell police or the court your communication needs.

On court day, it is the **respondent's** responsibility to stay away from the protected people. There are often areas for respondents and protected people to sit. At court, there are security officers to help people feel safe.

At court there are free legal services and support services who can explain your rights, options and the court process.

When you arrive, tell the court worker at the counter you are there and if you want the help of a lawyer and other services.

Ask if the court has a **Police Family Violence Court Liaison Officer**, who coordinates with all parties, when Victoria Police have applied for the **family violence intervention order**.

Listen for your name to be called for your hearing. In the court hearing room, sit behind your legal representative. The magistrate will listen to both legal representatives and may ask you directly what has been happening.

The magistrate will decide if a **family violence intervention order** is needed to provide protection and prohibit further violent behaviour. The magistrate will consider what conditions, like the exclusion condition are needed and how long the order will last. The magistrate's decision will replace the safety notice or change any existing intervention order.

After your hearing, wait at the court for a copy of any new order. Ask the court worker any questions you have about what the new order means for you and your family.

Do you have more questions?

If you have any questions about your order, ask your local police station or a legal service.

Police will refer you to local support services, which may text or call you, or you can call services yourself.

In an emergency call Triple Zero (000)

More information, support & help

Magistrates' Courts, www.magistratescourt.vic.gov.au

State court that deals with family violence matters

Victoria Legal Aid 1300 792 387 (9-5) free advice in a range of languages www.legalaid.vic.gov.au

Women's Legal Service Victoria www.womenslegal.org.au
8622 0600 (metro) 1800 133 302 (rural) Tu & Th 5.30 – 7.30

Victims of Crime Help Line www.victimsofcrime.vic.gov.au
1800 819 817 8am-11pm (7 days)

1800 Respect www.1800respect.org.au 1800 737 732 (24 hrs)
telephone counselling for victims of family violence

Housing state wide referral for emergency housing
1800 825 955 (24 hrs)

www.housing.vic.gov.au/crisis-and-emergency-contacts

Salvation Army Crisis Service (24hrs) metropolitan emergency housing 1800 627 727
www.salvationarmy.org.au/en/Find-Us/Victoria/CrisisServices

safe steps Family Violence Response Centre
www.safesteps.org.au 1800 015 188 (24hrs) support & referral women's family violence crisis service

Men's Referral Service www.ntvmrs.org.au
1300 766 491 (8am – 9pm M-F) support & referral

Aboriginal Services

Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS) <http://fvpls.org/> 1800 105 303 (9-5 M-F)
legal & support services to prevent family violence

Victorian Aboriginal Legal Service (VALS)
<http://vals.org.au> 1800 064 865 / 03 9418 5999
(M-F 9-5) & 24 hour on call legal advice.

Elizabeth Morgan House, Aboriginal Women's Services
Support services for Aboriginal women and children who have experience family violence
<http://www.emhaws.org.au> 9482 5744 M-Th 9-5, F 9-4

Victorian Aboriginal Community Services Association Ltd (VACSAL) <http://www.vacsal.org.au> which includes
Aboriginal and Torres Strait Islander Referral Centre for Males. (M-Th 9-5, F 9-4) 9487 3000 and
Time-Out Referral Service (24 hrs): 1800 352 624

Victorian Aboriginal Child Care Association (VACCA)
<http://www.vacca.org> for statewide referral
Koorie Connect 1800 993 783 (M-F 9-5)
A culturally friendly space for community members to drop in, get assistance and referrals to a range of culturally appropriate mainstream and Aboriginal services.

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This artwork is reproduced with the consent of the artist, Sharon Kirby. Sharon Kirby is a Barkindji woman.

Technical terms and definitions

Civil action (for family violence)

Legal action to protect rights, a non-criminal measure (e.g. application for an intervention order).

Family violence

Family violence is behaviour by a family member that creates harm, fear and control over an intimate partner or ex-partner, children, or other family members.

It includes physical assault, sexual assault, and emotional, psychological or financial abuse.

Respondent or other party

A person who is legally on notice, or ordered, to stop family violence.

Protected person / victim/ affected family member (AFM)

A person, who is protected from family violence by an intervention order or safety notice.

Children can be protected people.

Children who are under 18 years can be included on a protected parent's order.

Family Violence Safety Notice (FVSN)

A legal notice issued by police to prohibit family violence until the court hearing.

Police Roles

Family Violence Liaison Officer (FVLO)

A police officer who oversees family violence matters in a police area, based at 24 hour station

Family Violence, Court Liaison Officer (FVCLO)

A police officer, at a major Magistrates' court, who liaises with all parties of a family violence intervention order application made by police

Informant A police officer who lays a charge

Investigator or Detective A police officer who is investigating a report of family violence.

Aboriginal Community Liaison Officers (ACLOs)

An Aboriginal community member employed by Victoria Police to assist in building strong relationships between Victoria Police and Aboriginal people

Police Aboriginal Liaison Officers (PALOs)

A sworn Police Officer who, as well as doing operational duties, holds a liaison role to build relationships between Aboriginal Communities and Victoria Police. There are a range of liaison officers dedicated to support the diversity within the Victorian Community. Ask for your local PALO or ACLO or other liaison officers at your local police station or see www.police.vic.gov.au

Officer in charge (OIC): Supervisor, or most senior officer at a police station.

If you have concerns about how police acted, ask to talk with the supervisor at your police station or seek advice from an ACLO, a PALO or another liaison officer. See 'compliments and complaints' at the www.police.vic.gov.au

Remember in an emergency call Triple Zero 000

Family Violence Intervention Order (FVIO)

An order made by the court to prohibit family violence.

Exclusion condition

A condition on the notice or order that bans the respondent from coming near the protected person, or the places the order lists (e.g. protected person's home, work, school or child care).

Served

When the order or notice is legally delivered to the respondent, it is 'served' and must be obeyed.

Contravention or breach

If a respondent has disobeyed a condition on a family violence safety notice or intervention order this is a 'contravention' or 'breach'.

A contravention should be reported to police as soon as possible and can result in criminal charges.

Arrest

The detention of a person who police reasonably believe has broken a law.

Criminal Charge

When a police investigation has enough evidence, or information, that a person has broken the law, a charge is laid so the person has to come to court