**Family & Sexual Violence Involving Police Policy**

TRIM: A22/102820

Updated: 19 July 2022

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# Background

The *Family & Sexual Violence Involving Police Policy* (hereinafter referred to as the Policy) has been developed in recognition of the Tasmania Police pro-intervention policy in relation to family violence. The Policy applies to family and sexual violence perpetrated within family (significant) relationships involving members of Tasmania Police (police officer or trainee constable). Sexual violence that does not occur within family relationships is not within the scope of the Policy and management of such allegations will occur according to the provisions of *Abacus - Commissioner’s* *Directions for Conduct and Complaint Management, and Compliance Review.*

Tasmania Police acknowledges that there are barriers to reporting family and sexual violence and in the case of incidents involving members, there are additional and unique barriers. These unique barriers to reporting may include:

* A victim’s perception that their spouse or partner who is a member, may be subject to favourable treatment by their peers who respond to and investigate an allegation of family and sexual violence;
* A member who is a victim of family and sexual violence may fear adverse judgement by their peers and/or experience shame;
* Members in a family relationship with another member, may fear reputational consequences for reporting family and sexual violence;
* Victims of family and sexual violence committed by a member may feel intimidated and reluctant to report this violence, due to their perception that their partner’s knowledge of legislation and procedure will enable them to avoid prosecution and/or disciplinary action;
* Victims of family and sexual violence committed by a member may feel intimidated and reluctant to report this violence, due to the members access to weapons, including firearms.
* Victims of family and sexual violence committed by a member may feel an unwillingness to and reluctance to report this violence, due to their perception that their family and financial situation may be detrimentally impacted by the associated prosecution and/or disciplinary action.

Members are uniquely situated as the frontline responders to family and sexual violence, including those incidents involving other members. This situation has the consequence of fostering actual, potential or perceived conflicts of interest, which requires additional measures to ensure consistent management, accountability and impartial oversight of these incidents. These additional measures aim to contribute to fostering the confidence of victims, to report family and sexual violence involving police.

The policy applies to members of Tasmania Police who are involved in family and sexual violence as either perpetrators or victims and should be read in conjunction with the Family Violence Manual*,* the *Family Violence Act 2006* and the *Justices Act 1959.*

A key feature of the policy is the role of the Family and Sexual Violence Involving Police - Review Committee (hereinafter referred to as the Review Committee). This committee is the key body within the review structure for family and sexual violence involving members. It is chaired by an independent person and is made up of internal and external subject matter experts.

The committee aims to provide assurance to parties of family and sexual violence involving police, that such incidents will be reviewed with impartiality, thereby increasing confidence in reporting incidents.

The function of the Review Committee is to review Tasmania Police attendance, action and management of all family and sexual violence incidents involving members of Tasmania Police. As the Review Committee is separate from the initial response and actions, it is well placed to review such matters in an impartial and objective manner.

# Objective/s

The objectives of this policy are:

* to ensure the safety, wellbeing and interests of victims of family and sexual violence (including children) involving police, is paramount;
* to ensure appropriate oversight, focusing on adherence to the Tasmania Police pro intervention response to family and sexual violence involving police;
* to provide clear direction for the response, investigation and management of family and sexual violence involving police;
* To ensure that procedural fairness in accordance with legislation and Policy applies to all parties under investigation;
* to ensure impartial and objective review of all incidents of family and sexual violence involving police;
* to ensure continual improvement of Tasmania Police policy, procedures and practices where opportunities are identified;
* to promote trust and accountability and meet community expectations in how police respond to family and sexual violence involving police.

# Values and/or Principles

This Policy will operate in accordance with the values of DPFEM:

**Integrity** We believe in honest, professional, transparent and ethical behaviour in all aspects of our business

**Equity** We believe in fair, consistent and inclusive behaviour when interacting with our people and our community.

**Accountability** We believe in being answerable for our decisions and actions, behaving professionally and being responsible for outcomes.

This Policy reflects the following principles of DPFEM:

**Values-led** Our service and behaviours will reflect our values

**Professional** We will be respectful, honest, confident and competent

**Accountable** We will be responsible and transparent

# Key Definitions

Unless otherwise stipulated, definitions of terms used within this policy are consistent with the provisions of the *Family Violence Act 2004*, and the Tasmania Police Family Violence Manual.

|  |  |
| --- | --- |
| **Members** | For the purpose of this Policy, ‘members’ refers to Tasmania Police Officers:* member includes a ‘police officer’ or a ‘trainee constable’ as defined by section 3 of the *Police Service Act 2003*
 |
| **Must** | Indicates a mandatory action. |
| **Should** | Indicates a recommended action to be followed unless there are sound reasons for taking a different course of action and that these actions are documented. |

# Context

The *Safe Homes, Families, Communities; Tasmania’s action plan for family and sexual violence 2019-2022,* states that family and sexual violence can affect people of all ages, genders and backgrounds. Tasmania Police acknowledges this statement and recognise that family and sexual violence can also affect its members as victims and as perpetrators. Tasmania Police further acknowledges that family and sexual violence involving police, may be under reported due to the barriers to reporting and aims to minimise these.

In addition to investigating and managing family and sexual violence involving police, Tasmania Police assists in the prevention of family and sexual violence, by providing Wellbeing Support to its members and their families to address the attitudes and behaviours that may lead to family and sexual violence. Further, Wellbeing Support is provided to members and their families to assist in facilitating recovery following family and sexual violence incidents, including the safety, protection and support of children within or from the relationship. Referrals to specialist support agencies will also be offered in addition to Wellbeing Support.

In recognition of the vital need to ensure a consistent approach to the management of reported family and sexual violence incidents involving police, Tasmania Police has allocated a dedicated member to the Professional Standards Command, to undertake the specialised role of Police Family Violence Investigator.

Whilst it is the position of Tasmania Police that members involved in family and sexual violence will be treated in the same manner as members of the public, it is also recognised that these incidents require additional measures to ensure investigative accountability and impartiality, thereby withstanding scrutiny from parties to the incident, Tasmania Police, the wider community and government. The establishment of a *Family and Sexual Violence Involving Police Review Committee* provides for the impartial and objective review of all incidents of family and sexual violence involving police.

Further, determinations concerning all criminal complaints to be laid against members, including those relating to family and sexual violence, are made by the Office of the Director of Public Prosecutions. This follows extensive review of the relevant investigations completed by Professional Standards.

# Mandatory Requirements

The following responsibilities and requirements are specific to family and sexual violence involving police and are additional to those for all family and sexual violence incidents, contained within the *Family Violence Manual*.

Section 2 of the *Family Violence Manual* details that it is the policy of Tasmania Police for reports of family and sexual violence, including those involving police, to be treated in accordance with a pro-intervention approach. Pro-intervention strategies include:

* prompt action;
* providing immediate protection for victims and affected children;
* timely and thorough investigation of alleged incidents;
* investigation of any other offences identified;
* gathering of evidence;
* involvement of external agencies where applicable;
* arrest or summons;
* prosecution of offenders; and
* Communication with, and response to victims.

## Reports of Recent Incidents

Recent incidents are those that require immediate police attendance, or where the reported behaviour presents a risk to the safety, wellbeing and interests of a party to the family and sexual violence. Classification of an incident as ‘recent’ is at the discretion of the Divisional Inspector/Duty Officer.

**Radio Dispatch Services**

Where such incidents are reported to Radio Dispatch Services (RDS) and it becomes apparent that one or both of the parties are members, personal details should be communicated via a secure communication medium such as mobile telephone, where available.

If exceptional circumstances exist (e.g. any delay in communicating the incident could result in an obvious and immediate danger) then members should revert to use the RDS system to avoid delay.

**Divisional Inspector/Duty Officer**

Upon becoming aware that one or both parties are members, RDS is to advise the relevant Divisional Inspector or Duty Officer, who must provide oversight and assessment of the incident, to determine if it constitutes a family violence incident or family argument/family information report (as defined within the Family Violence Manual). They will then provide direction for the most appropriate police response.

The Divisional Inspector/Duty Officer should attend reports of family violence involving police to directly manage the police response. If the arrest of a member is necessary, it will ordinarily be conducted by the Divisional Inspector/Duty Officer. **However, attending members should not delay their response or use of police powers, including arrest without warrant, pursuant to the *Family Violence Act 2004,* where it is apparent that immediate action is required to ensure the safety, wellbeing and interests of victims and affected children.**

Members attending incidents where an order is issued are reminded of s. 2.5.3 of the TPM relating to the immediate surrender of firearms [2.5 General Duties and Procedures](https://conexus.dpfem.tas.gov.au/taspol/resources/tpm/part-02-general-duties-and-procedures/5-family-violence)

For all family violence matters involving police, the Divisional Inspector/Duty Officer must advise the Director, Wellbeing Support as soon as practicable, to enable the provision of appropriate services for all involved parties. They must also advise the Commander, Professional Standards of the incident and their determination of its nature.

If the incident is determined to be a family argument/family information report, the Divisional Inspector/Duty Officer will retain management of the incident. The Police Family Violence Investigator will review all matters to determine if the offenders’ behaviour is escalating and further action may be required.

If the incident is determined to be a family violence incident as defined in the *Family Violence Act 2004*. the Police Family Violence Investigator, or on call Professional Standards member will be available to provide advice and guidance with the investigation if required, in cooperation with the Divisional Inspector/Duty Officer. In consultation with Professional Standards, the Divisional Inspector/Duty Officer is responsible for ensuring completion of any preliminary reports, orders and other relevant actions including completion of a child safety occurrence report where an affected child/children are involved.

For matters that are determined to be family violence incidents, the Divisional Inspector/Duty Officer is to ensure the District Commander is notified as soon as practicable.

The Divisional Inspector/Duty Officer is to ensure that matters determined to be family arguments/family information reports are dealt with in the following manner:

* the incident is managed in accordance with the *Tasmania Police Manual*, the *Family Violence Manual* and the *Family Violence Act 2004.*
* a family argument report/family information report is completed on the Family Violence Management System (FVMS). Such report may be completed by another attending member as delegated by the Divisional Inspector/Duty Officer.
* review and validate the FVMS report.
* an Information Only report is to be submitted on BlueTeam™
* The relevant District Commander should be notified as soon as practicable.

**Police Family Violence Investigator, Professional Standards**

The Police Family Violence Investigator, or on call Professional Standards member, will be available to assist with management of family violence incidents with the cooperation of the Divisional Inspector/Duty Officer, utilising such investigative resources as appropriate.

The Police Family Violence Investigator will monitor and ensure the following initial actions are completed:

* the incident is managed in accordance with this Policy, the *Tasmania Police Manual*, the *Family Violence Manual, Abacus* and the *Family Violence Act 2004*
* where appropriate, information holdings from Professional Standards are provided to attending members.
* a family violence incident report is completed on the FVMS. The report may be completed by another attending member as delegated by the Divisional Inspector/Duty Officer or Police Family Violence Investigator.
* the FVMS report has been validated.
* the matter has been recorded on BlueTeam™ in accordance with the provisions of *Abacus*.

## Reports of Past Incidents

Past incidents are those matters where behaviour is reported that has not occurred recently, or where a historical offence is alleged that no longer falls within legislative statute of limitation timeframes. Classification of a ‘past incident’, is at the discretion of the Divisional Inspector/Duty Officer and should also be informed by the present likelihood of the reported behaviour adversely affecting the safety, wellbeing and interests of a party to the family and sexual violence or behaviour appears to be escalating.

Past incidents may be reported directly to Professional Standards by telephone, email, written statement etc. Professional Standards will be responsible for classification and determining the most appropriate management of the incident.

**Divisional Inspector/Duty Officer**

Upon becoming aware that one or both parties are members, attending members or RDS are to advise the relevant Divisional Inspector/Duty Officer as soon as practicable, who will determine if the incident is a past incident.

Early consultation with the Professional Standards family violence investigator may be appropriate to determine if the matter can be referred directly to Professional Standards for review and/or investigation

The Divisional Inspector/Duty Officer is to ensure that matters determined to be past incidents are dealt with in the following manner:

* the incident is managed in accordance with the *Tasmania Police Manual*, the *Family Violence Manual* and the *Family Violence Act 2004;*
* a report is completed on the FVMS. The report may be completed by another member as delegated by the Divisional Inspector/Duty Officer;
* review and validate the FVMS report;
* a report is to be submitted on BlueTeam™ and registered according to the provisions of *Abacus* with consideration given to the fact that whilst the expiration of a statute of limitations would prevent criminal proceedings being initiated for offending behaviour, that same behaviour may amount to a breach of the code of conduct. Refer to *Abacus* part 5.14 ‘Complaints Made More Than 6 Months after Conduct became known to Complainant’ for guidance. The Police Family Violence Investigator may be contacted for further advice.

**Police Family Violence Investigator, Professional Standards**

* Following initial attendance, evidence gathering and report completion, reports of past incidents will be referred directly to Professional Standards for investigation by the Police Family Violence Investigator or other Investigator, as appropriate.
* The Police Family Violence Investigator will ensure the Director, Wellbeing Support is advised of the incident to enable the provision of appropriate services for involved parties.

## Blue Team ™

* All matters relating to family or sexual violence involving police are to be recorded on Blue Team™, this includes recent matters where orders are issued, family arguments/family information reports and reports of past incidents.
* Time frames for reporting matters on Blue Team™ are outlined in [s.3 of Abacus](https://conexus.dpfem.tas.gov.au/taspol/prof-stnds/abacus/process-overview-categorisation-levels-cpd). It is recommended that all Blue Team™ entries are completed prior to the conclusion of the shift/incident.

# Family and Sexual Violence Involving Police Review Committee

The function of the Review Committee is to review Tasmania Police attendance, action and management of family and sexual violence incidents involving members of Tasmania Police. As the Review Committee is separate from the initial response and actions, it is well placed to review such matters in an impartial and objective manner.

The Review Committee is responsible for making timely recommendations and providing advice regarding incidents under investigation and for making recommendations to ensure the continual improvement of attendance, actions and management of these incidents.

In addition, the Review Committee will make broader recommendations for amendments to Tasmania Police policy, procedures and practices, where opportunities for improvement are identified.

Following notification from Professional Standards of a new or existing matter requiring review, the Chair will schedule a Review Committee meeting.

*The Family & Sexual Violence Involving Police Review Committee – Terms of Reference* contains further information relating to membership, member roles and administration of the Review Committee.

# Orders for Parties of Family and Sexual Violence involving Police

A Police Family Violence Order (PFVO) must only be issued and served upon a member, by a member holding the rank of Inspector or above; or a Sergeant attached to Professional Standards. Further, a PFVO issued to protect a member must only be issued and served by a member holding the rank of Inspector or above; or a Sergeant attached to Professional Standards.

If the matter involves a member holding the rank of Inspector or above, advice should be sought from the Commander, Professional Standards in the first instance.

Where it is necessary to make an application for a Family Violence Order (FVO) in which a member is the respondent, such application will be overseen by the Commander, Professional Standards. Applications for a FVO in which a member is a person to be protected may be overseen by the relevant District Family Violence Unit, District Prosecution Inspector or Senior Safe at Home Lawyer as required by the Commander, Professional Standards.

# Communication Strategy

The Communication Strategy will be developed and implemented in consultation with Media and Communications.

#  Legislation and/or Related Documents

## Legislation

* [*Family Violence Act 2004*](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2004-067#GS12@EN)
* *[Police Service Act 2003](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2003-075?query=((PrintType%3D%22act.reprint%22+AND+Amending%3C%3E%22pure%22+AND+PitValid%3D%40pointInTime(20220322000000))+OR+(PrintType%3D%22act.reprint%22+AND+Amending%3D%22pure%22+AND+PitValid%3D%40pointInTime(20220322000000))+OR+(PrintType%3D%22reprint%22+AND+Amending%3C%3E%22pure%22+AND+PitValid%3D%40pointInTime(20220322000000))+OR+(PrintType%3D%22reprint%22+AND+Amending%3D%22pure%22+AND+PitValid%3D%40pointInTime(20220322000000)))+AND+Title%3D(%22police%22+AND+%22service%22+AND+%22act%22)&dQuery=Document+Types%3D%22%3Cspan+class%3D%27dq-highlight%27%3EActs%3C%2Fspan%3E%2C+%3Cspan+class%3D%27dq-highlight%27%3EAmending+Acts%3C%2Fspan%3E%2C+%3Cspan+class%3D%27dq-highlight%27%3ESRs%3C%2Fspan%3E%2C+%3Cspan+class%3D%27dq-highlight%27%3EAmending+SRs%3C%2Fspan%3E%22%2C+Search+In%3D%22%3Cspan+class%3D%27dq-highlight%27%3ETitle%3C%2Fspan%3E%22%2C+All+Words%3D%22%3Cspan+class%3D%27dq-highlight%27%3Epolice+service+act%3C%2Fspan%3E%22%2C+Point+In+Time%3D%22%3Cspan+class%3D%27dq-highlight%27%3E22%2F03%2F2022%3C%2Fspan%3E%22)*
* [*Justices Act 1959*](https://www.legislation.tas.gov.au/view/html/inforce/current/act-1959-077)
* [*Children and Young Persons and Their Families Act 1997*](https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-028)
* [*Personal Information Protection Act 2004*](https://www.legislation.tas.gov.au/view/html/inforce/current/act-2004-046?query=((PrintType%3D%22act.reprint%22+AND+Amending%3C%3E%22pure%22+AND+PitValid%3D%40pointInTime(20220615000000))+OR+(PrintType%3D%22act.reprint%22+AND+Amending%3D%22pure%22+AND+PitValid%3D%40pointInTime(20220615000000))+OR+(PrintType%3D%22reprint%22+AND+Amending%3C%3E%22pure%22+AND+PitValid%3D%40pointInTime(20220615000000))+OR+(PrintType%3D%22reprint%22+AND+Amending%3D%22pure%22+AND+PitValid%3D%40pointInTime(20220615000000)))+AND+Title%3D(%22personal%22+AND+%22information%22)&dQuery=Document+Types%3D%22%3Cspan+class%3D%27dq-highlight%27%3EActs%3C%2Fspan%3E%2C+%3Cspan+class%3D%27dq-highlight%27%3EAmending+Acts%3C%2Fspan%3E%2C+%3Cspan+class%3D%27dq-highlight%27%3ESRs%3C%2Fspan%3E%2C+%3Cspan+class%3D%27dq-highlight%27%3EAmending+SRs%3C%2Fspan%3E%22%2C+Search+In%3D%22%3Cspan+class%3D%27dq-highlight%27%3ETitle%3C%2Fspan%3E%22%2C+All+Words%3D%22%3Cspan+class%3D%27dq-highlight%27%3Epersonal+information%3C%2Fspan%3E%22%2C+Point+In+Time%3D%22%3Cspan+class%3D%27dq-highlight%27%3E15%2F06%2F2022%3C%2Fspan%3E%22)

## Related Documents

* [*Tasmania Police Manual*](https://conexus.dpfem.tas.gov.au/node/16186)
* [*Abacus*](https://conexus.dpfem.tas.gov.au/taspol/prof-stnds/abacus)
* [*Family Violence Manual*](https://conexus.dpfem.tas.gov.au/taspol/ops/sfcu/resources/fvm)
* [*Family Violence – Support and Management Guidelines*](https://conexus.dpfem.tas.gov.au/bes/pc/ecs/family-violence-member-support-and-management-guidelinespdf)

## Tasmanian Government Documents

* Safe Homes, Families, Communities[*Tasmania’s action plan for family and sexual violence 2019-2022*](https://www.communities.tas.gov.au/children/safehomesfamiliescommunities)

#  Document Information

*General Information*

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| --- | --- | --- | --- |
| **HP Records Manager No.** | < record number> | **Replaces document** | N/A |
| **Effective from** | <the date the policy was approved> | **Review date** | <two months prior to three years of the effective date maximum> |
| **Business Owner** | Commander, Professional Standards |
| **Applies to** | Tasmania Police |
| **Information Security Classification** | PUBLIC |

*Approval*

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Name** | **Position, Division/Area** | **Date** |
| Prepared by | Vanessa Castle  Eloise Penney  | Det. Sergeant, IIU, Family and Sexual Violence investigator, Professional StandardsSergeant, IIU, Professional Standards | 19 July 2022 |
| Through | Douglas Oosterloo | Inspector, IIU, Professional Standards | 20 July 2022 |
| Policy Management Framework Compliance  | Peter Harriss | Commander, Executive Support | 18 April 2022 |
| Supported by | Robert Blackwood | Commander, Professional Standards | 20 July 2022 |
| Supported by | Donna Adams | Deputy Commissioner |  |
| Approved by | Darren Hine | Commissioner |  |

*Revision History*

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Approved By (Name)** | **Approved By (Title)** | **Amendment Notes** |
| 1 |  |  | Consultation Draft – approved for feedback |
| 2 |  |  | Version 2 – Post Consultation |

## Review and Audit

* This Policy shall be reviewed at the expiration of twelve (12) months from the date of commencement.