

**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

STATEMENT OF SUPERINTENDENT CHARLES THOMAS ALLEN

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I, CHARLES THOMAS ALLEN, Superintendent, Priority Communities Division, Victoria Police, SAY AS FOLLOWS:

1. I am a Superintendent of Victoria Police and have held this position since February 2014. I have been a member of Victoria Police for 33 years and have acted in various frontline and management roles over this time, including as an investigation manager, supervisor and detective.
2. Most recently, I was the Local Area Commander for the Transit Safety Division from 2012 until 2014. The Transit Safety Division is responsible for ensuring a safe transport system and, during my leadership, the Division experienced significant growth in activity and personnel as it managed the deployment of 940 new Protective Services Officers across the rail system.
3. Prior to that, I was the Local Area Commander for the City of Greater Dandenong from 2008 to 2012. Greater Dandenong is the most culturally diverse local government area in Australia, with 156 recognised and discrete settled cultures. As the Local Area Commander, I was responsible for managing 245 police officers and it was (and continues to be) a key priority in that area to ensure that police services are provided in a constructive and culturally appropriate way to the highly multi-cultural community – both in terms of Victoria Police's ability to respond reactively and act proactively.
4. I am currently a Superintendent of the Priority Communities Division of Victoria Police, which is a Division of the Corporate Strategy and Operational Improvement Department. I report to the Commander of Priority Communities Division, Commander Susan Clark.

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5. The Priority Communities Division is responsible for leading the way in which Victoria Police engages directly with identified 'priority' groups within the community. It is the conduit for communication and consultation between community representatives and Victoria Police's frontline services, and it is responsible for implementing Victoria Police's values and strategic directions in relation to 'priority' groups throughout the organisation. There are three work units in the Division:
 - 5.1 Priority Communities Portfolios, which I lead;
 - 5.2 Priority Communities Service Delivery, led by Superintendent Tony Silva; and
 - 5.3 Priority Communities Group, led by Executive Manager Leanne Sargent.
6. Commander Susan Clark is responsible for the Priorities Communities Division. Within the Division, I am the Superintendent responsible for Priority Communities Portfolios. I explain my role and the structure, objectives and activities of the Priority Communities Division further below.
7. I hold a Masters degree in Leadership (Monash University). I also hold a Certificate in Human Rights in Policing (Curtin University), which was undertaken as part of a Victoria Police initiative for certain senior police officers to participate in an advanced human rights program. I also hold a Certificate of Attainment in Peace and Conflict Resolution studies from the Rotary Peace Centre, Chulalongkorn University, Bangkok, Thailand.
8. Outside of my police duties, I am a director of Uniting Care Life Assist, which is a not-for-profit organisation that provides home-based care to elderly and disabled members of the community. I am also a Rotary International Peace Fellow and participate in and present at various local, national and international Rotary peace centres, projects, forums, symposiums and conferences. My areas of focus as a peace fellow are security sector reform, multi-sector collaboration and gun control.
9. I have received a notice from the Royal Commission into Family Violence pursuant to s 17(1)(d) of the *Inquiries Act 2014* (Vic.) requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.

SCOPE OF STATEMENT

10. I understand that the Royal Commission has requested that I give evidence in relation to matters the subject of Module 17 (Diversity of experiences, community

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attitudes and structural impediments). In particular, the Royal Commission would like evidence about:

- 10.1 Victoria Police's policies and practices in relation to the ways in which it engages with certain family violence victim cohorts, including those that are members of minority and culturally diverse communities;
 - 10.2 the current barriers and challenges these victim cohorts may experience in their interactions with Victoria Police; and
 - 10.3 the measures that Victoria Police are undertaking to address these barriers and challenges to ensure that there is appropriate support for victims.
11. I understand that a number of statements have been or will be filed by other members of Victoria Police in relation to various Modules. This statement should be read together with those other statements filed by Victoria Police members.

PRIORITY COMMUNITIES DIVISION

Objectives and strategic framework

12. In establishing the Priority Communities Division, Victoria Police has recognised the need to improve the support and response it provides to certain 'priority' communities and groups within the broader public. These communities and groups include minority communities for which the number of victims are disproportionately high, or groups that require additional or specifically tailored responses by police to ensure they receive appropriate and effective police support and response. Under-reporting of crime is also evident amongst some of these priority communities, and is a further reason for an explicit and tailored focus by police. Developing strategies, and monitoring and improving frontline responses for these priority groups, is critical to building and maintaining their confidence in Victoria Police.
13. The Priority Communities Division identifies the following 'priority' communities and groups:
- 13.1 Aboriginal and Torres Strait Islander people;
 - 13.2 People living with disabilities and/or mental health concerns (which includes families and carers);
 - 13.3 Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people;
 - 13.4 Culturally and linguistically diverse communities;

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- 13.5 Faith communities;
- 13.6 Seniors; and
- 13.7 Youth.
14. In relation to culturally and linguistically diverse communities, it is also important to recognise that there is a distinction between well-established, settled communities and new and emerging communities. The distinction is important as well-established communities will often have much deeper community support networks, fewer language barriers and the benefit of a longer history of engagement and trust building with government agencies, including police.
15. It should also be emphasised that, having acknowledged these particular 'priority' groups, Victoria Police understands that individuals do not necessarily identify with a single community. Indigenous youth, for example, may experience complex and interconnected challenges arising from their Indigenous status as well as simply being a young person. Members of the LGBTI community, as another example, do not identify as one homogenous group and will obviously not all share precisely the same experience in their interactions with police.
16. The Priority Communities Division was established in December 2013 as a response to a review of the Operations Coordination Division. This was supported by a consultation and review process that was undertaken by Victoria Police in the second half of 2013. The purpose of this consultation and review process was to explore ways for Victoria Police to improve its engagement with diverse communities. The consultation and review process focused in particular on policies and practices in relation to field contacts and data collection, as well as the scope to improve cross-cultural training for police officers. The term 'field contacts' refers to interaction 'in the field' between officers, typically on patrol duties, and members of the public. Field contact reporting and data collection is the recording of incidents and observations by officers, both as evidence for use in potential criminal proceedings and as intelligence on which police draw in investigating suspected crime and taking action to prevent it.
17. The review process involved an eight-week consultation process, the holding of five community forums and the commissioning of two external reports. The community forums were held in Footscray, Dandenong, Thornbury and two in Carlton, and Victoria Police was assisted by various community organisations, including the Ethnic Communities Council of Victoria, the Centre for Multicultural Youth, the

Aboriginal Advancement League, the Brotherhood of St Laurence and the South East Migrant Resource Centre.

18. The outcomes of the review were published by Victoria Police in December 2013 in its report, *Equality is not the same ...* (**Attachment CA-1**). The two external reports commissioned by Victoria Police, and which accompany the *Equality is not the same* report, are:

18.1 the *Review of field contact and policy processes: final report* (November 2013), prepared by the Cultural and Indigenous Research Centre Australia (**Attachment CA-2**); and

18.2 *Learning to engage: a review of Victoria Police cross-cultural training practices* (December 2013), prepared by the Centre for Cultural Diversity and Wellbeing at Victoria University (**Attachment CA-3**).

19. Several key themes arose out of the *Equality is not the same* review (discussed at pages 22 to 47 of the report). They were, in summary:

19.1 Victoria Police needed to do more to formally integrate community engagement practices into the organisation, both at leadership and frontline levels. This was recognised as involving an organisational commitment to human rights and diversity and the establishment of formal structures within Victoria Police to facilitate communication with the community.

19.2 Communication and respect in the everyday interactions between police and members of the public is vitally important to maintaining confidence in Victoria Police. It was appropriate for Victoria Police to work further with community representatives to review its methods and style of communication in the field, particularly in relation to people's legal rights and obligations.

19.3 There was a need to strengthen Victoria Police's policies and procedures in relation to field contacts and to better recognise human rights principles in the Victoria Police Manual (**VPM**). The VPM is the principal document setting out Victoria Police's operational policy and practice guidelines for officers. Concerns were expressed in the community consultations that the reasons for police contact were not always well explained, and that some police unfairly target specific groups or cultural communities (for example, Aboriginal members of the community).

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- 19.4 Some attention was required to ensuring that the community understands and has effective access to Victoria Police's complaints handling processes. Victoria Police has clear and rigorous policies and practices in relation to investigating and reporting on complaints, however community feedback was that there needed to be an improvement in the way the processes worked, how they could be accessed and what accountability mechanisms were in place.
- 19.5 Cross-cultural training for police officers provides an important skill base. It helps officers to understand when they might be engaging in 'unconscious bias' and how this can affect their operational decisions. It encourages flexible, confident and empathetic thinking, and it embeds a respect for human rights. It was acknowledged that Victoria Police would continue work to institute cross-cultural training within the organisation, including at foundational level and as good practice education for Local Area Commands. It was identified that the cross-cultural training provided to police officers and protective services officers needed strengthening and further human rights underpinning. Developing the capability of members to adaptively deliver service to the diverse community requires enhanced decision-making, reflective practice that can assist in identifying biases, an understanding of complex social and cultural contexts and enhanced communication. It was acknowledged that Victoria Police would continue to strengthen its approach to implementing curriculum reforms that encompass a values-led approach to cultural, community and diversity education, both through formal programs (foundation and promotional programs) and education provided locally to regional members.
20. As further described in the *Equality is not the same* report (see pages 3 and 48 to 54), Victoria Police has instituted a three-year action plan to implement changes in support of the consultation findings. The three-year action plan is, in summary form, as follows:

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Year One	Establish community / stakeholder advisory groups
	Produce and publish a strategy to improve engagement with community
	Review our policies to ensure they do not lead to racial profiling
	Revise and implement field contact policy and processes
	Scope and develop a receiving pilot
	Reform communication and feedback mechanisms of complaints process
	Develop a cultural, community and diversity education strategy
	Develop and implement unconscious bias training packages as a component of redeveloped human rights refresher training
Year Two	Develop and communicate cultural and community awareness guidelines
	Implement the receiving pilot
Year Three	Implement a cultural, community and diversity education strategy
	Commence curriculum reform
	Evaluate the receiving pilot (note this timeframe is to be confirmed)
	Continue curriculum reform
	Assess implementation of the program of works in the Action Plan
	Publish an assessment report

21. The three-year plan is overseen by a Victoria Police stakeholder engagement committee, which meets monthly and reports to Executive Command. It is chaired by the Deputy Commissioner for Strategy and Organisational Development, Acting Deputy Commissioner Jack Blayney.
22. One of the key roles of the Priority Communities Division is to lead the implementation of the three-year action plan. This includes working with newly established Community Portfolio Reference groups (which are explained further below), developing the organisation's community engagement strategy, and assisting in the development and implementation of effective training and education initiatives that build cultural capability.

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23. The specific actions undertaken throughout the course of the first year of the three-year plan are reported in Victoria Police's *Year One Report – 2014*. A copy is at **Attachment CA-4**. I discuss some of these actions below.

Structure, staff and initiatives

24. When fully staffed, the Priority Communities Division has 26 members of staff. 12 of these staff are sworn police officers and 14 are public service employees of Victoria Police.
25. The core commitments of the Division are:
- 25.1 to coordinate accessible and transparent processes that improve feedback from and to community on police activities and contact;
 - 25.2 to report actions and performance outcomes against local community expectations;
 - 25.3 to increase community confidence in cultural competency and respectfulness of police;
 - 25.4 to assist in increasing reporting to police of crime, victimisation and incidents involving prejudice; and
 - 25.5 to reduce the over-representation of vulnerable young people, seniors, mentally ill people, people living with disabilities, seniors, LGBTI community and the Aboriginal community in crime, victimisation and family violence.
26. Generally speaking, the key work of the Division in leading organisational commitment to cultural respect is the liaison and relationship building that the members of the Division undertake with Divisional and Local Area Managers and local managers at station levels. As an example, staff from the Priority Communities Division will attend Regional Leadership meetings, Divisional Leadership meetings, Local Area Leadership meetings and, where specific local issues arise in relation to community engagement, staff assist local members to develop case-specific strategies and introduce members to community representatives and bodies. These activities are occurring right across all four police regions in the State, and the Division's number one priority is to ensure that local police members and staff acknowledge and value the role for community engagement and respect for diversity.

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27. As outlined above, there are three work units in the Division. Priority Communities Portfolios has established eight portfolio work areas structured to address the identified 'priority' communities. The areas are:
- 27.1 Aboriginal Portfolio;
 - 27.2 Disability Portfolio;
 - 27.3 LGBTI Portfolio;
 - 27.4 Mental Health Portfolio;
 - 27.5 Multicultural Portfolio (which includes faith communities);
 - 27.6 Seniors Portfolio;
 - 27.7 Young People Portfolio; and
 - 27.8 Human Rights Portfolio.
28. There are staff members dedicated to manage each of these portfolio areas. Their responsibilities include:
- 28.1 meeting with peak community bodies, community organisations and government agency partners and developing relationships and points of contact;
 - 28.2 coordinating community stakeholder meetings (which are known as **Portfolio Reference Groups**), and reporting on and responding to concerns raised by the Portfolio Reference Groups;
 - 28.3 developing organisation-wide policies and practice standards relating to their portfolio area; and
 - 28.4 generally driving the strategic direction of the Division throughout Victoria Police.
29. Priority Communities Service Delivery is the conduit between each of the regions and the Priority Communities Portfolios. Its focus is on service delivery at the regional and local level, and it provides support to the regional areas in their implementation of new practice standards and their response to community concerns raised in the Portfolio Reference Groups. It is reactive to issues, particularly critical incidents, impacting on priority communities and responsive to requests for assistance from the police regions.

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30. The Priority Communities Group has a policy, project, research and development focus. It undertakes research and analysis to inform the work in the portfolio areas generally. It also undertakes specific projects committed to the *Equality is not the same* three-year action plan, including the development of a sustainable approach to professional learning opportunities that contribute to developing cultural capability.

Portfolio Reference Groups

31. As indicated above, the Priority Communities Division has established Portfolio Reference Groups for each of the 'priority' communities Victoria Police has identified. Peak community bodies are represented on each of these Reference Groups, and this enables community concerns to be raised on a routine basis with Victoria Police and, similarly, policing concerns to be raised with communities. Some Reference Groups also have government representatives from other agencies, for example the Koori Justice Unit on the Aboriginal Portfolio Reference Group, or the Department of Education and Training on the Young People Portfolio Reference Group.
32. In this way, the focus of the Reference Groups is to foster a partnership between priority communities and Victoria Police, with the support of other agencies, to create solutions to identified, systemic concerns. In that regard, family violence is a significant issue for the Reference Groups, including concerns about low reporting levels by some of the priority communities.
33. The full membership of the Reference Groups is set out at pages 15 to 17 of the *Year One Report – 2014* (see **Attachment CA-5**). The membership of the following three related Victoria Police initiatives is also provided: the Human Rights Strategic Advisory Committee, the Education Advisory Group and the Receipting Pilot Working Group.

Liaison Officers

34. In order to better facilitate acknowledgment, representation and knowledge of the interests and concerns of priority communities, Victoria Police has created a number of 'liaison officer' roles within the organisation. These roles include:
- 34.1 Youth Resource Officers (**YROs**);
 - 34.2 Multicultural Liaison Officers (**MLOs**);
 - 34.3 Aboriginal Community Liaison Officers (**ACLOs**);

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- 34.4 New and Emerging Community Liaison Officers (**NECLOs**);
 - 34.5 Police Aboriginal Liaison Officers (**PALOs**);
 - 34.6 Gay and Lesbian Liaison Officers (**GLLOs**); and
 - 34.7 Mental Health Liaison Officers (**MHLOs**).
35. Each of these positions creates a contact point for the priority communities that the liaison officers represent. Victoria Police promotes the existence and purpose of the positions through its website, and regularly through the Portfolio Reference Group processes.
36. PALOs, GLLOs and MHLOs are all sworn officers, who have general policing duties but also an additional responsibility for working with their priority community and providing advice, assistance and recommendations to Victoria Police about the policing needs of that community. There are currently around 90 PALOs, 80 GLLOs and approximately 100 MHLOs.
37. YROs and MLOs are also sworn members, but occupy full-time roles dedicated to those work areas. YROs are tasked by the local areas to youth specific issues which could entail programs, projects or proactive initiatives such as youth inclusion programs and youth development programs. Effective relationship management with partner organisations, schools and service providers is important to these roles. There are 120 YROs across the State. The YROs are the largest cohort of proactive officers in liaison officer roles. The forerunner of YROs was the Police Schools Involvement Program and the YROs maintain relationships and work in partnership with schools, either for individual case management or program delivery. MLOs work with culturally and faith diverse communities, by being tasked by their Regions and Divisions to issues impacting on multi-cultural and multi-faith communities. This could include response to and/or recovery from critical incidents impacting on multi-cultural communities, commitment to programs, projects or proactive initiatives such as community development programs, and educational programs about police roles and responsibilities. There are 13 MLOs across the State.
38. ACLOs and NECLOs are unsworn Victoria Police employees. They undertake specific initiatives with Aboriginal communities (in the case of ACLOs) and new and emerging cultural communities (in the case of NECLOs) to build relationships and trust and to inform policy and practice development. There are 9 ACLOs and they are all Aboriginal employees. They represent Victoria Police within their communities of responsibility. Maintaining relationships and working in partnerships

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with community organisations, particularly Aboriginal co-ops and Aboriginal-specific organisations, is vital to these roles. They are tasked by their Division based on identified priorities which could include supporting the response or recovery to critical incidents and commitment to programs and projects, which could be inclusion or development focussed. ACLOs also have a role representing Victoria Police on Regional Aboriginal Justice Advisory Committees (**RAJACs**) and Local Aboriginal Justice Advisory Committees (**LAJACs**). There are 4 NECLOs employed by Victoria Police located in areas of high cultural diversity. Their functions are similar to the ACLO role with a multi-cultural and multi-faith focus.

Additions and amendments to the VPM

39. Over the last year, the Priority Communities Division has worked to produce two new and two revised sections of the VPM relevant to commitments in the *Equality is not the same* three-year action plan. The new and revised sections are:
- 39.1 VPM Policy Rules – Human Rights, Diversity and Equality Standards (new): to ensure decisions are compatible with a human rights decision-making framework and policing is not discriminatory;
 - 39.2 VPM Policy Rules – Interactions with the Public (new): to ensure human rights compliant policing when interacting with the public;
 - 39.3 VPM Policy Rules – Professional and Ethical Standards (revised): to ensure standards are in line with human rights obligations; and
 - 39.4 VPM Policy Rules – Reporting Contacts and Intelligence (revised): to ensure engagements with the public are in line with legislation and respect people's human rights and, in particular, their rights to privacy and reputation.
40. These new policy rules and revised policies create a human rights overlay to the policies relevant to police interactions with the public.
41. The new VPM Policy Rules have not yet been published and so I have not provided copies of them with my statement. I understand, however, that they are due to be published in their final form by the end of August 2015.

Educational strategies

42. Another commitment of the *Equality is not the same* review is the establishment of an organisation-wide strategy for cross-cultural education and training. In that

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regard, the Priority Communities Division, in partnership with the People Development Command (Victoria Police's education and training related command area), has recently, in April 2015, launched Victoria Police's *Cultural, Community and Diversity Education Strategy 2015-16 (CCD Education Strategy)* (**Attachment CA-6**).

43. The CCD Education Strategy has been designed to guide the development of new professional learning, training and education opportunities for police members in relation to developing cultural capability, as well as to enhance existing training and education programs. The CCD Education strategy outlines a 'golden thread' approach to enhancing cultural, community and diversity training and education. This means that formal stand-alone programs have not been implemented as such. However, there have been some tangible outcomes and specific changes made to curriculum.
44. Through foundation training a model called the Professional Approach to Community Engagement (**PACE**) has been implemented. This was specifically guided by the recommendations of the *Equality is not the same* review and underpinned by the ANZPAA Community Engagement Training Guidelines.
45. Sessions associated with this model were trialled in January 2015 and have since gone through formal curriculum management changes to be permanently implemented as part of the foundation training program. This includes two additional sessions in Week 1 of training that centre around concepts of inclusive policing and the importance of language used in positive community engagement. A Self-Paced Research Portfolio, which is formally assessed, has also been introduced. This requires learners to complete a number of community-related tasks and reflect on their learning in light of their practical experiences.
46. In addition, a 'Community Engagement' session has been incorporated into the Inspectors' Qualifying Program. This was implemented in June 2015. Similar sessions have been incorporated into the Inspectors' Development Program and the Superintendents' Development Program, both of which are professional development programs for existing Inspectors and Superintendents.
47. The Priority Communities Division has also produced and disseminated across Victoria Police a set of related guidelines called the *Cultural and Community Awareness Guidelines* (**Attachment CA-7**). The Cultural and Community Awareness Guidelines were developed to highlight and support the importance of community engagement and cultural capability within police practice and decision-

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making at all levels of Victoria Police. The Guidelines assist in ensuring that police employees are flexible, adaptable and confident in their engagement with communities, particularly those identified as priority communities by Victoria Police.

48. The Guidelines have been developed as factsheets that can be downloaded and used by Victoria Police officers and employees when:
- 48.1 planning activities, meetings and events involving particular communities;
 - 48.2 responding to community needs when undertaking operational activities;
and
 - 48.3 delivering professional learning activities about issues relating to community engagement and needs.

BARRIERS FOR PRIORITY COMMUNITIES

General

49. In the experience of Victoria Police, there are a number of cultural and systemic issues that continue to impede the way priority communities interact with police and receive police assistance.
50. Under-reporting of family violence (and violence generally) remains one of the most critical and complex issues across all priority communities. Identified barriers to reporting include:
- 50.1 a lack of confidence and trust in police to respond appropriately, because of perceptions of a lack of cultural awareness or prejudice amongst police officers;
 - 50.2 a fear by victims of being judged or not taken seriously by police, often coupled with a particular sensitivity felt by victims about the physical and emotional barriers they experience;
 - 50.3 a lack of accessibility to police services, not only physically by way of actual access to police stations, but also culturally as a result of language barriers or adverse historical experiences with police and government agencies (a particular problem for new and emerging communities of refugees);
 - 50.4 social isolation and disconnection generally (a particular problem for people with disabilities, mental health problems and seniors);

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- 50.5 difficulties in navigating information about mainstream services, particularly where they are not tailored to meet the specific needs of priority communities;
 - 50.6 cultural norms in some culturally and linguistically diverse communities that may give rise to greater reluctance to report conduct potentially amounting to family violence; and
 - 50.7 a fear of reprisals or adverse consequences of reporting to police, such as 'outing of sexuality', a loss of children to care (for example, for Aboriginal communities sensitive to the removal of children from parents), or impacts upon visa status or visa applications.
51. Although some of these factors also inhibit reporting of family violence by the community in general, it is important to recognise that priority communities are in a pre-existing vulnerable position by the very nature of their minority status. These factors therefore serve to exacerbate barriers which already exist.

People with disabilities

- 52. In the context of family violence, the risk and harm experienced by persons living with a disability is often more profound, with the very real likelihood that abuse and violence is perpetrated by a family member who is also their carer. The ability therefore for these victims to report violence is not only limited by accessibility, but also dependency.
- 53. Conversely, carers may sometimes be victims themselves to violence perpetrated by the person living with disability. This often arises as a problem for older carers.
- 54. Two recent reports published in 2014 have identified an urgent need for an improved police response to persons with disabilities:
 - 54.1 *Beyond doubt – the experience of people with disabilities reporting crime*, published by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) (**Attachment CA-8**); and
 - 54.2 *Voices Against Violence*, published by Women with Disabilities Victoria (**Attachment CA-9**).
- 55. In *Beyond doubt*, VEOHRC conducted a review of the treatment experienced by people with disabilities in their interaction with police and the criminal justice system. VEOHRC reached several important conclusions and, in particular:

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- 55.1 people with disabilities face significant and complex barriers when reporting crime to police;
 - 55.2 a lack of access to information means that some victims do not know how or where to report a crime, and some may not know that what happened to them is a crime;
 - 55.3 factors preventing people with disabilities from reporting crime can include feelings of shame and embarrassment, and a fear of retribution from the alleged perpetrator – people also reported that negative attitudes of police towards their disability made a significant difference to their experience of reporting;
 - 55.4 people with disabilities reported fear that they will not be believed or will be seen as lacking credibility when they report a crime to police – some participants also reported police refusing to take reports; and
 - 55.5 communication was identified as a major barrier in dealing with police.
56. VEOHRC also found that people with disabilities face barriers in participating in prosecution proceedings in court and giving evidence. For example, there is a lack of guidance in the *Evidence Act 2008* (Vic.) about the means by which people with communication difficulties can be assisted to give their evidence. The complexity of language and argument in court is also a challenge for deaf people and Auslan interpreters, who reported that many terms used in court (for example, abuse) do not have a universal sign in Auslan.
57. The *Voices against Violence* report considered the experiences of women with disabilities, questioning in particular the nature of the violence they experience and their barriers to safety. It was a joint project undertaken by Women with Disabilities Victoria, the Office of the Public Advocate and the Domestic Violence Resource Centre Victoria.
58. Overall, the project identified that:
- 58.1 women with disabilities experience high levels of family and sexual violence, and are at greater risk than men with disabilities and women without disabilities;
 - 58.2 a wide range of violence is experienced by women with disabilities, often right throughout their lives and in different settings (for example, from childhood sexual abuse to mistreatment in residential care);

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- 58.3 violence can come from many (usually male) perpetrators, including intimate partners but also fathers, brothers, sons, personal carers, support staff, service providers, medical and transport staff, peers and male co-residents;
- 58.4 many women with disabilities fear reprisals or adverse consequences as a result of seeking help, such as having children removed or being threatened with institutionalisation; and
- 58.5 social isolation is both a risk factor and also a consequence for female victims with disability.
59. Victoria Police understands that the quality of the first interaction between people with disabilities and police members, and the need for consistent follow-up by police, is critical. This is determined by both the skill and attitude of individual police members, as well as the environment within Victoria Police.
60. In order to improve service responsiveness to persons living with a disability, Victoria Police, through the work of the Priority Communities Division, has recently finalised the *Accessibility Action Plan 2014-2017 (Accessibility Action Plan)*. The finalised plan has recently been endorsed by the Stakeholder Engagement Committee and will be formally launched by Victoria Police on a date to be fixed in September 2015. The launch will also celebrate key achievements from the first year of the plan. A copy of the Plan is provided to the Royal Commission on a confidential basis (**Confidential Attachment CA-10**).
61. The Accessibility Action Plan outlines the way in which Victoria Police will improve outcomes for people with disabilities when they come into contact with police. Through work on the Plan, Victoria Police has identified a range of necessary actions to improve trust and confidence in Victoria Police and deliver services that are accessible, responsive and supportive. Key examples of these actions are:
- 61.1 improving communication access to police services by translating key documents and writing information into Easy English (Easy English combines text and images to convey information simply and directly and is useful for people with cognitive and communication disabilities) and publishing Auslan videos;
- 61.2 enhancing police capability to deliver equitable services to people with disabilities by strengthening training and education programs to ensure

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disability issues are incorporated into relevant internal education packages for police, protective services officers and public service employees;

- 61.3 including disability as a priority community in the Victoria Police Cultural, Community and Diversity Education Strategy to increase awareness and understanding of disability and enhance delivery of equitable service to people with disabilities;
 - 61.4 developing mechanisms for identifying levels of reporting of crime by people with disabilities and to capture the utilisation of support and reasonable adjustment services such as the Independent Third Person program and Auslan interpreters; and
 - 61.5 developing a good practice guide for working with people with disabilities, for distribution across Victoria Police, and the ability for the guide to be tailored to meet local needs.
62. Victoria Police continues to consider the need for systemic improvements to the way in which it works with and responds to people with disabilities. As it stands, Victoria Police acknowledges that it must work to ensure there is a consistent approach across the organisation, where service quality and response meets individual needs, including those of perpetrators as well as victims and witnesses. Police need to be able to increase their awareness and understanding of disability, and identify the reasonable adjustments required to meet different needs.
63. Victoria Police is currently undertaking a review of its current approach to providing service to people with disabilities to identify gaps, barriers and opportunities for improvement. In consultations with the community and within Victoria Police, some of the suggestions that have been made are:
- 63.1 to better recognise that the carer/client relationship is in many respects similar to a domestic relationship, and therefore assaults alleged within this context ought to be treated similarly to family violence incidents;
 - 63.2 to enhance training for police officers so that they better understand disability and the challenges and barriers for people with disabilities – specifically, police need to focus on the credibility of the allegation, rather than the credibility of the victim;
 - 63.3 to better communicate to victims with disabilities the progress and outcomes of investigations, including, if relevant, the reasons for not

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proceeding or for exercising officer discretion in a particular way, and to explicitly state to victims that they are taking matters seriously;

- 63.4 to establish a process for regular feedback from Independent Third Persons and forensic medical officers, and from agencies such as VEOHRC and the Disability Services Commissioner who receive complaints and feedback from people with disabilities.
- 63.5 to increase opportunities for joint professional training between Victoria Police officers, Independent Third Persons, the legal profession and disability sector workers, to provide opportunities for knowledge sharing, raising issues and joint problem solving.

LGBTI

- 64. Victoria Police has identified that under-reporting of violence within gay and lesbian relationships remains a significant issue. Identified barriers to reporting include:
 - 64.1 any feared risk of disclosure of sexual orientation, gender identity or intersex status;
 - 64.2 reinforcement by perpetrators that police 'will not' or 'do not' care, or that the victim will not be believed and taken seriously;
 - 64.3 fear of inappropriate or poor service delivery by officers at the time of an initial report, due to a belief that police are homophobic, biphobic or transphobic; and
 - 64.4 the fact that until 1981 homosexual sex was illegal in Victoria and police were involved in applying the associated laws of the day. The legacy of these laws, now understood to have been discriminatory and at odds with current human rights laws and values, is some residual fear and mistrust of police, which for some LGBTI people may be very significant. Victoria Police has been working with the Department of Justice and Regulation as they develop a scheme to expunge historical homosexual sex convictions in accordance with the *Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014* (Vic.).
- 65. Victoria Police is also currently working to improve its recording and data collection processes with the LGBTI community, in order to address under-reporting. Victoria Police is planning to commission academic social research into LGBTI communities' experiences, attitudes and beliefs regarding police. Family violence matters will

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feature prominently in this project, which is anticipated to be completed by mid-2016.

66. Further, in order to enhance community awareness and confidence in police, Victoria Police is also planning to assess the GLLO program to ensure it is fit for the purpose of supporting trust in police and equitable access to police services.
67. This effort is also being supported by Victoria Police recently being the first Victorian Government agency to join the Pride in Diversity workplace inclusion program, which is designed to increase awareness and understanding of LGBTI issues in the workplace, and enhance the organisation's responsiveness to them.

Senior Victorians

68. Identifying elder abuse is particularly challenging for frontline police officers and requires a better understanding by Victoria Police of the factors that lead to it. Victoria Police is aware that the Ethnic Communities Council of Victoria (**ECCV**) has undertaken considerable prevention and awareness-raising activities in this field for a number of years. The ECCV has identified that the most common forms of elder abuse or mistreatment within the multicultural community include:

- 68.1 physical – criminal acts such as physical assault, shouting and aggressive language;
- 68.2 emotional – telling an older person that they are 'stupid' or 'useless', or excluding them from major decisions relating to their future;
- 68.3 social – isolating the older person from friends and social networks and not allowing them, for example, to use the telephone;
- 68.4 financial – not allowing access to benefits or entitlements, or acting with a sense of entitlement about a parent's assets; selling an older person's possessions without consent; pressuring them to change a will or withholding a person's will; stealing from an older person's bank account; and pressuring them to handover possessions;
- 68.5 neglect – blocking services from outside the family or deliberately withholding care; and
- 68.6 spiritual or sexual wellbeing – committing sexual abuse or preventing older people from practising religious beliefs.

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It should be noted that these forms of elder abuse are understood to impact significantly beyond multicultural communities as well.

69. The following risk factors have been identified as being particularly prevalent in relation to elder abuse, particularly amongst adult children perpetrators:
 - 69.1 underlying family conflict;
 - 69.2 alcohol or drug abuse;
 - 69.3 unemployment;
 - 69.4 inadequate income (including gambling problems);
 - 69.5 emotional problems; and
 - 69.6 mental illness and intellectual disability.
70. The Priority Communities Division has begun to consult across the organisation about the gaps and barriers to effectively responding to elder abuse within the community, including in particular multicultural communities. These consultations have revealed that there are currently insufficient tools for frontline officers to identify elder abuse, and elder abuse is generally not being viewed as a family violence issue when it should be (for example, there have been cases where family members assist with interviews with the elder victim, including to translate into English).
71. Further, police are experiencing particular barriers for elder victims coming forward to police, which include their reliance on carers for both physical and financial support, their own health concerns and their lack of mobility. An emerging issue is the need to better recognise risk factors such as gambling and drug and alcohol dependencies among carers. Allied to this issue is the need to enhance awareness of possible elder abuse risk factors when police are processing offenders generally – while the focus is often understandably on the immediate victims (for example, an intimate partner), parents of an offender may also be at future risk of family violence.
72. Some potential areas of work related to elder abuse under consideration are:
 - 72.1 increasing the focus at regional command level on the issue of elder abuse, by providing information and analysis about known risk indicators, particularly where adult offenders are residing with elderly parents;

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- 72.2 making better use of referrals, professional interpreters and independent persons when interviewing older people when elder abuse is suspected (rather than relying on family members);
 - 72.3 building the liaison between police and community partners on this issue, including through community presentations, so as to help identify existing barriers to reporting and to develop appropriate intervention strategies;
 - 72.4 ensuring appropriate approaches to liaison with local social and health services for investigation when elder abuse is suspected but police intervention is not considered the suitable initial response;
 - 72.5 identifying contemporary best practice (from Australia and overseas) in investigating and responding to elder financial abuse; and
 - 72.6 undertaking further analysis of high-risk communities and locations (including, for example, nursing homes), and reviewing Victoria Police existing policy and practice guidelines.
73. At present, the issue of elder abuse within multicultural and broader communities is a highly challenging one, but it is a key focus area for both the Seniors and Multicultural Portfolios within the Priority Communities Division.

Culturally and linguistically diverse communities

74. Culturally and linguistically diverse (**CALD**) communities are grouped together but their needs and experiences are not uniform. In addition to the particular facts upon which each case of family violence may be based, factors associated with the particular broad stage of the settlement experience are also relevant.
75. For example, those people who enter Australia through the refugee and humanitarian program have experienced a range of traumas. Many have escaped violence, persecution and discrimination. In many instances, their time between their place of origin and arrival in Australia has involved living in refugee camps. This may have occurred over the course of many years and the refugee camps in themselves are challenging environments (and some people are actually born in refugee camps and know of no other home).
76. A key theme across the pre-arrival refugee and humanitarian experience is the very real notion of disempowerment. This often means that the individual is accepting of conditions, no matter how unsafe the environment, and that any process supported by authority offers no assurance of natural justice or due process. This is

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punctuated, of course, by perhaps life-long experiences in the country of origin where there may be an absence of any rule of law. In these circumstances, the individual is not necessarily conditioned to expect legal and physical relief from any form of violence.

77. Victoria Police has worked closely with relevant Commonwealth agencies in the past to assist to develop approaches which maximise understanding by incoming refugee and humanitarian entrants of Australian laws, rights and customs. The effectiveness of any such approaches must be considered in the context of an individual's life-long subjugation to arbitrary and discriminatory practices. Such an experience could engender mistrust of persons in positions of authority and, in particular, police.
78. Upon entering Australia, migrants, including migrants other than refugees and humanitarian entrants, may experience further barriers to reporting instances of family violence. In some cases, migrants are sponsored or supported by close or extended family. Their visa status may depend upon others and, in particular, a spouse. Those who are providing accommodation and support are often former migrants themselves who are experiencing difficulties of their own, including limited employment or unemployment. Those providing support may also have contributed money to enable the new entrant to come to Australia and may now be expecting that they will be recompensed. This may create a range of pressures for those residing in the household. Some of these pressures include lack of space, potential frustration if the new entrant is unable to secure employment and contribute to living expenses, and personal disagreements. In some circumstances, these points of dispute may turn into violence. While a person may report these issues to a caseworker at a settlement agency where the person is receiving services, this is not always the case. There are also other complexities associated with post-reporting of family violence, including shame, ostracism and lack of understanding of the process.
79. Victoria Police continues to work with settlement agencies in providing information sessions on a range of issues wherever possible. Through established locally-based relationships, there is scope to develop or strengthen coordinated rights-based information approaches. Many migrants are often tied into kinship and/or faith-based networks where they sometimes receive social and pastoral support. These associations provide a practical mechanism to broaden information dissemination in partnership with culturally competent practitioners.

Aboriginal communities

80. The complex nature of family violence within Victoria's Aboriginal communities has long been recognised as a critical concern for Victoria Police. The Koori Family Violence Protocols, which were developed as a pilot beginning in 2011, are continuing to be established and rolled out across the State. Their purpose is to help strengthen and improve the response by police to family violence in Aboriginal communities, from both the police and victim, perpetrator and child perspectives. They were developed as an agreement, in effect, between local Aboriginal communities and Victoria Police. A copy of the Koori Family Violence Protocols is attached at **Attachment CA-11**. A copy of a review of the original Koori Family Violence Protocols piloted in Ballarat, Darebin and Mildura is attached at **Attachment CA-12**.
81. Beyond the Protocols, Victoria Police recognises the need to address the underlying issues that continue to contribute to the under-reporting of family violence by members of Aboriginal communities. The longstanding lack of confidence and trust in police by these communities is a paramount concern for Victoria Police. In addition, there are challenges posed by cultural barriers from within Aboriginal communities themselves, such as the fear of reprisals or of bringing shame on one's community. These factors impact heavily on the reporting of family violence, and they demand a tailored and intensive effort on behalf of Victoria Police.
82. In Victoria Police's experience, the use of needs-based diversion and culturally sensitive referral mechanisms at the time of police contact, alongside complementary court processes, such as Koori Court Liaison Officers and the Koori Court itself, are of significant value to Aboriginal communities. Victoria Police supports these initiatives. It also supports initiatives that seek to address family violence in the context of wider kinship networks.
83. Victoria Police has recently endorsed the Victoria Police *State-wide Aboriginal Action Plan 2014-2018*. A copy of the Plan is at **Attachment CA-13**.
84. Importantly, the Plan supports the various regional justice plans produced by the RAJACs. The RAJACs are important components of the Victorian Aboriginal Justice Agreement, which is a critical partnership agreement between the broader Koori community and the Victorian Government to work together to improve justice outcomes for all Aboriginal people in Victoria.
85. An ongoing commitment to the Family Violence Protocols, and their roll out across the State, will be a key area of focus for Victoria Police in the short-to-medium term.

Similarly, Victoria Police continues to work with Aboriginal communities and other government agencies to improve diversion and referral processes for Koori victims and offenders, as well as to help address underlying contributors to violence, such as alcohol and illicit substance misuse. In this, Victoria Police recognises the vital importance of fostering early identification and intervention initiatives, to reduce family violence (as it is defined and understood in Aboriginal communities) as well as violence in the community more generally.

Signed by)

Charles Thomas Allen)

at Melbourne)

this 11th day of August 2015)

Before me:



An Australian legal practitioner
within the meaning of the Legal Profession
Uniform Law (Victoria)