

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

STATEMENT OF SUPERINTENDENT TIMOTHY JOHN HANSEN

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I, TIMOTHY JOHN HANSEN, Superintendent, Community Safety Division, Victoria Police,
 SAY AS FOLLOWS:

1. I am a Superintendent of Victoria Police and have held this position since October 2013. I have been a member of Victoria Police since 1989. I have extensive policing experience having held a variety of operational and corporate roles over my 24-year career.
2. I am currently the Superintendent responsible for the Community Safety Division of Victoria Police, which is a Division of the Corporate Strategy and Operational Improvement Department. Within this Division, I am responsible for the following work areas:
 - 2.1 Victim Support Unit;
 - 2.2 Drug and Alcohol Strategy Unit;
 - 2.3 Safer Communities Unit;
 - 2.4 Policing, Innovation and Research Unit.
3. Prior to my current role, I was the Local Area Commander, for the Hume Police Service Area (from November 2012 to October 2013) and the Kingston Police Service Area (from August 2011 to November 2012).
4. Over the course of my career, I have gained considerable frontline experience of the impact of alcohol and drugs and the prevalence of family violence. For a large part

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of my career, I have worked in areas of the Melbourne metropolitan region (including St Kilda and Prahran) where there are high rates of illicit drug consumption and alcohol abuse. In my role as an Inspector at Moorabbin (in 2011 and 2012), I was involved in developing a family violence tasking and co-ordination framework that was a form of the now-established family violence teams. As part of this work, we developed a strategy and tasking co-ordination process, which identified repeat vulnerable victims and recidivist offenders and required specialist tasking and case management at both a divisional and local tier.

5. In my time as Local Area Commander in Hume in 2012 to 2013, I experienced the considerable challenges brought about by the high levels of organised drug-related crime and family violence. In response to these challenges, I increased resource commitment to the local family violence teams, ensured local family violence liaison officers were active at each police station within my police service area, developed an external high-level liaison group with regional Department of Health and Human Services managers to share information, and promoted annual White Ribbon activities with local stakeholders such as Hume City Council.
6. I hold a Bachelor of Policing (Arts), a Diploma in Business Management, a Diploma in Police Supervision, an Advanced Diploma in Policing Management and a Graduate Certificate in Applied Management (Policing).
7. I currently sit on a number of committees relevant to alcohol and drugs, including the National Inter-Governmental Committee on Drugs, the National Drug Law Enforcement Research Fund Board, the Australia New Zealand Society of Evidence Based Policing Board, and a Victorian Inter-Departmental Committee established to develop policy and whole of government action in relation to crystal methamphetamine. I am also currently a member of the Inter-Departmental Committee established to coordinate all aspects of work required of government to implement a medicinal cannabis framework in Victoria. Finally I am the Victoria Police representative on Neighbourhood Watch (Victoria) Board of Management and provide strategic advice directing state-led crime prevention initiatives of this volunteer organisation.
8. 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.

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SCOPE OF STATEMENT

9. I make this statement in response to a request by the Royal Commission into Family Violence to provide information regarding matters the subject of the public hearing for Module 5 (Alcohol and Drugs).
10. I understand that the Royal Commission is particularly interested in:
 - 10.1 statistics concerning the presence of alcohol and drugs at family violence incidents attended by Victoria Police;
 - 10.2 the recommendations made by the Foundation for Alcohol Research and Education (**FARE**) in recent reports and its submission to the Royal Commission dated May 2015; and
 - 10.3 the use of alcohol-related bail conditions in circumstances where a person is charged with an offence relating to family violence.
11. I also set out below an overview of the governance structures and current policy agenda of Victoria Police in respect of the role of alcohol and drugs in crime and, in particular, crime involving family violence.

ALCOHOL AND DRUGS – GOVERNANCE AND STRATEGY WITHIN VICTORIA POLICE

Alcohol Advisory Group

12. Organisationally, the development and implementation of alcohol-related strategy in Victoria Police is overseen by an Alcohol Advisory Group, of which I am a member. The other members are the Director, Corporate Strategy and Operational Improvement, the Manager of the Drug and Alcohol Strategy Unit, the various regional Assistant Commissioners, each of the respective Assistant Commissioners for Transit and Public Safety, Road Policing and Family Violence, a representative from the Specialist Intelligence Services Division, and the officer in charge of the Liquor Licensing Unit.
13. The Alcohol Advisory Group reports to the Deputy Commissioner for Strategy and Organisational Development and provides updates to the Community Safety Committee, a committee chaired by the Deputy Commissioner for Regional Operations. The Community Safety Committee has responsibility for ensuring an ongoing organisational focus on current community safety priorities and taking a strategic view of emerging priorities and the necessary interventions.

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14. The Liquor Licensing Working Group works with and provides advice and direction to the Alcohol Advisory Group. The Liquor Licensing Working Group provides subject-matter expertise and input on emerging risks, legislative reform, government initiatives and operational action in relation to the *Liquor Control Reform Act 1998* (Vic.) (**Liquor Act**). There are two other relevant external working groups on which Victoria Police is represented, namely:

14.1 the Liquor Control Advisory Committee's Working Group on Harm Minimisation Trials, which provides advice to the Liquor Control Advisory Council on harm minimisation trials, including the current freeze on late night liquor licenses (that is, service of alcohol after 1.00 am) within four municipalities. This Group includes representatives from the Department of Justice and Regulation, Victoria Police, Municipal Association of Victoria, VicHealth, Australian Hotels Association, National Drug and Alcohol Research Centre and Deakin University; and

14.2 the Packaged Liquor Guidelines Working Group, which will review the Packaged Liquor Guidelines (see **Attachment TH-1**) and includes representatives from across the Victorian Commission for Gambling and Liquor Regulation, the Department of Justice and Regulation, VicHealth, and industry representatives.

15. These two external working groups are subcommittees of the Liquor Control Advisory Council established by the Liquor Act.

16. As the Superintendent in charge of the Community Safety Division, I have responsibility for the Drug and Alcohol Strategy Unit. This unit is primarily responsible for enhancing the capacity of Victoria Police in a whole-of-government approach to prevent or minimise the harms associated with alcohol and drug use in the community. The unit develops organisational policy and strategy, education resources to police members about drug and alcohol related matters, develops and distributes tools to assist day-to-day policing of the drug market and provides current information about drug market trends.

Policing Alcohol Harm in Victoria 2014-2024

17. The Alcohol Advisory Group oversees the implementation of strategies, standards, policy and legislation relating to alcohol issues and liquor licensing enforcement, with an operational focus. The work of the Alcohol Advisory Group is guided by the

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10-year vision statement entitled *Policing Alcohol Harm in Victoria 2014-2024* (attached to this statement at **Attachment TH-2**). This long-term vision and policy directive is underpinned by:

- 17.1 a three-year strategic approach – *Reducing Alcohol Related Harm – Strategic Approach 2014-2017*; and
 - 17.2 the annual implementation plan for 2014-2015.
18. Victoria Police has existing and ongoing responsibilities for policing licensed premises, promoting the responsible service of alcohol by licensees and responding specifically to alcohol-fuelled violence and anti-social behaviour. *Policing Alcohol Harm in Victoria 2014-2024* aims to address three priority areas:
- 18.1 to strengthen and develop Victoria Police's partnerships with key stakeholders, including industry, government and non-government organisations;
 - 18.2 to build Victoria Police's organisational capability to understand the nature and extent of the alcohol-related harm, and to better manage it, including by improving Victoria Police's recording, storing and sharing of data relevant to the presence of alcohol in family violence incidents; and
 - 18.3 to further develop harm reduction policies and practices, including by conducting and participating in alcohol-related harm reduction research.
19. One important initiative overseen by the Alcohol Advisory Group is Victoria Police's development of a framework for determining the costs of policing services required to manage and respond to alcohol-related harm. This is funded through the National Drug Law Enforcement Research Fund (**NDLERF**). NDLERF has supported Australian policing and enforcement agencies with research to inform evidence-based practice in drug law enforcement since 1999. The Commonwealth Department of Health and Ageing, as sole funding agency, has discontinued funding of NDLERF. This decision does not affect the funding of any projects currently funded. However, for the funding to continue beyond 1 July 2016, a new arrangement is required.
20. In conjunction with NDLERF, Victoria Police is undertaking research to review and cost the numerous roles and operational activities in which police engage in preventing and responding to alcohol use and misuse in the community. It is the

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intention of this research and review that consideration be given to areas such as, for instance, responding to family violence, policing the liquor industry and community prevention actions. The research and review project is due to be completed by July 2016 and aims to develop a framework and costing model that can be used by all law enforcement agencies (see **Attachment TH-3**).

Illicit drugs

21. An Illicit Drug Advisory Group is being established to assist Victoria Police in the development of an integrated and consistent approach to the management of illicit drug-related issues, which reflects the diverse range of organisational responsibilities and activities. The Illicit Drug Advisory Group will be supported by the Drug and Alcohol Strategy Unit within the Community Safety Division, Corporate Strategy and Organisational Improvement Department. The Division reports to the Deputy Commissioner Strategy and Organisational Development, who remains the approver for policies, strategies and action plans. The Drug and Alcohol Strategy Unit supports both the Illicit Drug Advisory Group and the Alcohol Advisory Group. Senior managers sit across both groups and will ensure alignment between these two priority work areas.
22. The use of illicit drugs in the community is a problem of significant national attention and concern. In order to address both the rise in alcohol and drug-related harm, the Commonwealth and various State and Territory Governments in 2010 formulated the *National Drug Strategy 2010-2015*. The *National Drug Strategy 2010-2015* was developed and is overseen by the Inter-Governmental Committee on Drugs, which is a government forum of senior officers from the various Australian and New Zealand law enforcement and health agencies. I am the representative for Victoria Police on the Committee.
23. In terms of current activity, the Committee has formulated a two-year action plan focused on illicit drug use, the *Statement of Priorities for Illicit Drugs 2014-2016*. The ultimate aim of the Statement of Priorities is to reduce the harm to individuals, families and communities as a result of illicit drug use, demand and supply in Australia. The Statement identifies the priorities that the Committee considers to be achievable over the two-year period from 2014 to 2016. As the representative from Victoria Police, I am well placed to contribute to the work of the Committee and to incorporate its priorities into the work of Victoria Police. A *Statement of Priorities for Alcohol 2014-2016* has also been developed. These statements were developed as

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an interim measure to continue action while the new National Drugs Strategy was being drafted.

24. At the Victorian level, I am a member of the Inter-Departmental Committee established to formulate the "Ice Action Plan" (**Attachment TH-4**).
25. For Victoria Police, the problems posed by alcohol abuse and illicit drug use have been a priority in the development of whole of organisation alcohol and drug strategies.
26. As a result, the Drug and Alcohol Strategy Unit of Victoria Police developed a one-year strategic approach to methylamphetamine, which, in respect of methylamphetamine, sets out a standardised approach to prevention, communication, education and stakeholder-engagement activities. The strategic approach to methylamphetamine is designed to support the aims of the National Drug Strategy. Evaluation of the strategic approach will inform the development of a new Illicit Drug Strategy to be finalised over the next six months.

STATISTICS – ALCOHOL AND DRUGS AND FAMILY VIOLENCE INCIDENTS

Statistics compiled by the Crime Statistics Agency

27. Statistics as to the presence, or suspected presence, of alcohol and drugs in family violence incidents is available from the Crime Statistics Agency (**CSA**). The CSA compiles crime-related statistics from information contained on Victoria Police's Law Enforcement Assistance Program database (**LEAP**). LEAP is Victoria Police's criminal records database. It contains a record of criminal charges and convictions against individuals. It also contains information about, among other things, an individual's prior involvement with police, his or her known health conditions, and the presence of alcohol and drugs at an incident attended by police.
28. Collection of data concerning the presence of alcohol and drugs at incidents attended by police depends, first, on the ability of police members to observe the consumption of alcohol and drugs or otherwise to assess accurately the likelihood of alcohol and drugs having been consumed. Other than in respect of road traffic incidents (under the *Road Safety Act 1986* (Vic.)), police members are not authorised to perform drug and alcohol testing, such as breathalyser or blood testing, for alcohol or drug consumption. Assessments of alcohol and drug consumption are therefore dependent on a member's own observations and any information provided by the victim, a witness or the perpetrator.

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29. Collection of data also depends on the use by police members of required assessment and reporting methods. At a family violence incident, police members are required by the *Code of Practice for the Investigation of Family Violence* (Edition 3, 2014) to collect all information necessary for them to complete a Family Violence Risk Assessment and Risk Management Report (an **L17 Report**) (see section 2.4.3 of the *Code of Practice*). The L17 Report is a key tool used by Victoria Police to assess the future risk of family violence and resulting harm. It provides police members with a structured guide to asking victims about relevant risk factors, and it assists in formulating a strategy with each victim to minimise any future harm or escalation in violence. Whether or not any of the parties at an incident were affected by alcohol or drugs or both is one of the important risk factors identified in an L17 Report. The L17 Report is a tool for assessing risk; it is not a specific data collection tool but has allowed for the capture of information on the involvement of drug and alcohol in incidents of family violence. In particular, members are required to record, in respect of each party, whether alcohol or drug use (or both) was "possible" or "definite". This is determined by the police officer's observations and information identified through the L17 Report process. A blank copy of an L17 Report is attached to this statement at **Attachment TH-5**.
30. The information obtained by members and included in an L17 Report is entered into LEAP. LEAP provides a statistical base for measuring the prevalence of alcohol and drugs at family violence incidents. **Attachment TH-6** to this statement is comprised of relevant reports prepared by the CSA based on data recorded in LEAP and sourced from L17 Reports. The reports identify the number of perpetrators and victims who appear either "definitely" or "possibly" to have been affected by alcohol or drugs at a family violence incident, as determined by the police officer. The CSA's reference to a "family incident" is a reference to an incident which has been the subject of an L17 Report. Importantly, the number of perpetrators referred to in the report includes all perpetrators in respect of all recorded incidents – in other words, where there were two perpetrators at one incident, they count as two in the statistics. There are two reports attached to this statement, one relating to years ending on 30 June and another relating to years ending on 31 March. I specifically refer in this statement to the report relating to years ending on 30 June.

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31. The report prepared by the CSA indicates, in summary, that:

31.1 for the year ended 30 June 2014:

- (a) 12,686 perpetrators were identified by attending police officers as definitely being affected by alcohol and 10,558 perpetrators were identified by attending police officers as possibly being affected by alcohol; and
- (b) 5,764 perpetrators were identified by attending police officers as definitely being affected by drugs and 13,474 perpetrators were identified by attending police officers as possibly being affected by drugs; and

31.2 these figures have increased from those recorded for the year ending 30 June 2010, as follows:

- (a) the number of perpetrators identified as definitely affected by alcohol increased by 37.8% from 9,206 and those identified as possibly affected by alcohol more than doubled from 5,188 over the five-year period; and
- (b) the number of perpetrators identified as definitely affected by drugs increased more than threefold from 1,667 and those identified as possibly affected by drugs more than doubled from 5,741.

NOTE: The alcohol and drug flags on the L17 form are not mutually exclusive categories, meaning some alcohol and drug involvements may be counted multiple times across multiple categories. Recorded crime statistics are based on data extracted by Victoria police on the 18th day after the reference period, and are subject to movement between releases. Any further clarification should be directed to CSA.

Data accuracy and reliability

32. The data in the CSA report provide a useful source of evidence about the presence of alcohol and drugs at family violence incidents. However, when having regard to this data, it is necessary to recall a number of matters. First, the circumstances of some family violence incidents may make it difficult for police members to assess

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whether alcohol and drugs were a factor. For example, where a victim reports stalking-related conduct, such as, for example, harassing text messages, it may not be possible for either the victim or the investigating police officer to identify whether the perpetrator was under the influence of alcohol or drugs at the time of that conduct.

33. Secondly, family violence incidents have historically been substantially underreported, and any data concerning the presence of alcohol and drugs must be considered in that context. Although it would appear that reporting has been increasing – with an almost doubling of reported incidents over the last five years – it is likely that there still remains a gap between the number of incidents of which Victoria Police are aware and the true number of incidents taking place (whether or not they are accompanied by alcohol or drug consumption).
34. The L17 records both the presence of alcohol for the perpetrator and the victim. Victoria Police anticipates that victims who are intoxicated may be less likely to report violence against them.
35. Family violence incidents are complex and identifying the primary aggressor (the perpetrator) can be difficult. This may be complicated further, where both or all involved parties appear intoxicated. Victoria Police's Code of Practice states that where it is unclear, the victim should be nominated on the basis of which party appears to be most fearful and in most need of protection, as guided by the L17 risk assessment.
36. Finally, Victoria Police data in relation to alcohol and drug prevalence has in part been based on the manual, paper-based completion of L17 Reports by police officers, which up until recently was the state-wide process for completing these reports (see my comments below about the LEAP Electronic Data Recorder Mk2 system (**LEDR Mk2**)). Upon completion by an officer, information contained in an L17 Report was previously entered into LEAP by data-entry staff. Officers were and are highly trained in the process of performing the risk assessment contained in these reports. However, as with any manual recording process, there remains the risk that a relevant factor – such as alcohol and drugs – is erroneously omitted or included in a report, either by accident or due to insufficient information at the time of the incident. There was also the risk of ordinary human error in the process of entering data from paper forms into LEAP. Again, this needs to be considered in the context that the L17 Report is a risk assessment tool and not primarily used for data collection.

Current initiatives

37. As part of a recent organisation-wide initiative to support operational policing, Victoria Police has now rolled out LEDR Mk2 across Victoria. LEDR Mk2 is a system that allows, among other things, police officers to complete and submit information, including L17 Reports, directly into LEAP. The direct entry of L17 Reports by officers is expected to provide efficiencies for officers, reduce duplicate data capture and reduce manual processes for referrals of victims and perpetrators to support services. Incidents will also be recorded on LEAP directly rather than having to wait for manual entry and experience a potential information lag. In tandem with the use of electronic tablets in the field – an initiative currently under preliminary consideration – the rollout of LEDR Mk2 has been an important part of Victoria Police's efforts to improve operations.
38. In relation specifically to the capture of alcohol and drug-related data, the Drug and Alcohol Strategy Unit has completed a data-mapping project to identify all police data and reporting systems where alcohol is recorded and/or reported. The data-mapping project has identified a number of opportunities for Victoria Police to enhance data collection and better link police data systems to provide a fuller picture of the link between offences and alcohol and other drug consumption.
39. The Drug and Alcohol Strategy Unit is also reviewing specific data capture mechanisms with a view to assessing how effectively they are being utilised to record alcohol and drug-related intelligence. An example is the Alcohol and Drug Recorded Intelligence for Tasking (**ADRIFT**) assessment, which records when and where a person is held in police custody. At the conclusion of an offender being processed, an ADRIFT assessment is recorded by the investigating police member. This assessment is limited to questions which seek to identify whether alcohol or drugs have contributed to the person's offending or suspected offending. It attempts to capture intelligence about an offender's substance consumption – for example, what and how much the person has consumed, where consumption last occurred and the degree to which a person is affected. This data is stored within the Victoria Police electronic attendance module and can be subject to analysis to identify emerging trends and patterns at either a local or corporate level. The electronic attendance module is the database that records details when a person is held in police custody. Information captured through the ADRIFT assessment is stored within the electronic attendance module.

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40. ADRIFT has the potential to provide a rich source of data about alcohol and drug consumption patterns, demographics and sources of supply (such as large packaged liquor outlets). However, recording information in ADRIFT is not compulsory and data quality is dependent on the quality of information entered by members. In circumstances where an offender is refusing to co-operate, or being processed some time after the alleged offence, or the level of insobriety is high, obtaining quality information for ADRIFT can prove difficult and this affects the quality of the data from a tasking and co-ordination perspective.
41. Not all offenders processed for family violence are recorded in the electronic attendance module and so therefore not all family violence incidents where alcohol or drugs are identified are recorded in ADRIFT. However the development of a specific family violence ADRIFT category is under consideration as it would enable the organisation to collect more detailed and contextual information regarding drug and alcohol involvement in family violence incidents.

RESPONSE TO FARE REPORTS AND SUBMISSION

42. Victoria Police has considered, in connection with the Royal Commission, the following reports and submission prepared by FARE:
 - 42.1 *The hidden harm: Alcohol's impact on children and families* (February 2015);
 - 42.2 *National framework for action to prevent alcohol-related family violence* (June 2015) (**National Framework Report**);
 - 42.3 FARE's submission to the Royal Commission dated May 2015.
43. The majority of FARE's recommendations are beyond the remit of Victoria Police's responsibilities. Where relevant, Victoria Police sets out below comment about alcohol-related harm in the family violence context.

Legislative amendments to limit alcohol availability and advertising

44. The licensing of the supply of alcohol is regulated by the Liquor Act. The Liquor Act provides for the issuing of various types of licences, which are summarised in section 7 of the Act and fall broadly into two categories – (a) licences that permit the supply of alcohol for consumption only on particular licensed premises (e.g. an on-premises licence, restaurant and café licence or club licence) and (b) licences which

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permit supply for consumption off the licensed premises (e.g. a packaged liquor licence or a general licence (the latter of which permits both on and off premises consumption)).

45. FARE has recommended that amendments be made to the Liquor Act to, broadly, limit the availability and promotion of alcohol. FARE's proposals are a matter principally for Parliament.
46. Victoria Police is acutely aware of the challenges posed by the increasingly high availability of alcohol, both in on-premises licensed venues and in packaged form for consumption privately. The connection between high availability and increasing harm (focussing here on violence, in particular family violence) is borne out both by recent academic research and Victoria Police's own data and experience. The research indicates that the accessibility of alcohol has increased significantly in the last 20 years in Victoria, particularly so in the case of packaged liquor outlets which increased by more than 80% from 1993 to 2008. See, for example, Livingston, M "The social gradient of alcohol availability in Victoria, Australia" (2012) *Australian and New Zealand Journal of Public Health* 42-47. The research also reveals that there is a strong correlation between family violence rates and the higher availability of alcohol now from packaged liquor outlets. See, for example, Livingston, M "A longitudinal analysis of alcohol outlet density and domestic violence" (2011) *Addiction* 919-925. Dr Michael Livingston analysed alcohol outlet density measures for three different types of outlets (hotel/pub, packaged liquor, on-premises) using liquor licensing records and compared against police-recorded crime data of domestic violence, based on the victim's postcode. All three licence categories were positively associated with domestic violence rates, with small effects for general (pub) and on-premises licences and a large effect for packaged liquor licences. While packaged liquor outlets comprise about 10% of the total number of licensed premises, they supply about 75-78% of alcohol consumed in the community.
47. Victoria Police's own data and experience also indicate that the high availability of alcohol, represented by increasingly concentrated entertainment precincts and the growth in packaged liquor outlets (both in number and size), is a substantial driver of assault and related offences. For example, data from Victoria Police's ADRIFT database for 2013-2014 indicates that about 53% of offences recorded in the database occur in, and with alcohol consumed in, domestic dwellings and public places, while only 21% of offences occur in licensed premises. The location of the

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remaining 26% has not been identified. A range of offences is captured in the ADRIFT data set including assaults (which may or may not be family violence related), driving offences, property damage, and street offences. In relation to assaults, there were 3,198 recorded in the 2013/14 financial year within ADRIFT. Of these, 1,605 have a location of "Residential".

48. Victoria Police has an important and significant role in the legislative scheme for the issuing and monitoring of liquor licences and licensees. In particular, it has a role in assessing all new liquor licence applications (and objecting to them, where appropriate), enforcing the liquor laws generally, monitoring licensed premises and licensees on an ongoing basis, and participating in liquor licensing forums and accords. Liquor accords are agreements in place between licensees (with the approval of Victoria Police and the licensing authority, the Victorian Commission for Gambling and Liquor Regulation) to assist in reducing the misuse and abuse of alcohol, for example by facilitating the banning of entry to the respective licensees' venues for problematic patrons. See Division 6 of Part 8 of the Liquor Act.
49. Victoria Police works closely with the Department of Justice and Regulation and the Victorian Commission for Gambling and Liquor Regulation on licensing and alcohol related policy matters. As I explained earlier, Victoria Police is also represented on the Victorian Government's Liquor Control Advisory Council and a number of its sub working groups.
50. Victoria Police is currently working with the Department of Justice and Regulation and the Victorian Commission for Gambling and Liquor Regulation to develop specific proposals for legislative amendment. It is also exploring with the Department and the Victorian Commission for Gambling and Liquor Regulation the possibility of establishing some new trials within precincts or towns to reduce the supply and availability of alcohol, which are intended to build on the existing late night freeze project. The late night freeze project was a Victorian Government policy initiative first activated in 2008 and placed a "freeze" on the issuing of any new licences with trading hours beyond 1.00 am in the local government areas of Melbourne, Port Phillip, Yarra and Stonnington. The freeze project sought to address the link in those particular areas between anti-social behaviour in the early hours of the morning and the availability of alcohol from premises continuing to operate at those times.
51. Although the late night freeze project focused in particular on the correlation between anti-social conduct in public and the late night availability of alcohol,

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Victoria Police is also contributing to work on the correlation between packaged liquor density and alcohol-related harm in particular communities. An example is the current project being undertaken by the South East Metro Council Alliance (**SEMCA**), an alliance of local councils in the south-eastern outer-metropolitan areas of Melbourne (Casey, Greater Dandenong, Kingston, Frankston, Bass Coast, Cardinia and Mornington Peninsula). The Victoria Police Southern Metro Region (under the command of Assistant Commissioner Luke Cornelius) is also a member of SEMCA.

52. SEMCA is currently conducting research into the extent to which off-premises (that is, packaged liquor) alcohol density and sales affect social, economic and health determinants in the relevant communities. SEMCA's project aims to develop best-practice methods to assist local council decision-making on planning and liquor licensing applications. SEMCA intends to design a model that enables the identification of specific harms in the community and their correlation to the number of packaged liquor premises. Research obtained by the project is also expected to help identify any appropriate planning and liquor licensing law reforms.
53. Victoria Police, together with other agencies, is supporting the SEMCA project and the local councils involved, by providing relevant Victoria Police data as well as general advice and support.

Alcohol-related conditions – bail and intervention orders

Bail

54. In 2014, Victoria Police, in partnership with VicHealth, assessed the feasibility of trialling a 24/7 sobriety program (**24/7 sobriety program**) through the Victorian court system. This proposal was based on the South Dakota "24/7 Sobriety Program" (**South Dakota Program**). The South Dakota Program involved the creation of specific court powers to refer recidivist drunk drivers to a zero alcohol tolerance program. Referral was compulsory for drunk drivers found guilty of offending with a blood alcohol concentration of 0.17 or higher, or any drunk driver seeking to regain a licence to drive. Referral was also possible for other offences where alcohol was an aggravating factor, and compliance with the program could be imposed as a condition of bail, sentence, probation, parole or even child custody or visitation orders.

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55. Participants in the South Dakota Program were required to undertake drug testing, including wearing an ankle bracelet with continuous alcohol monitoring. A failure to present for testing, or a positive blood alcohol concentration upon testing or recorded by the ankle bracelet, would constitute a breach of the program conditions. A breach would result in immediate revocation of parole, probation or bond, and would be a relevant factor in determining future applications for bail or in determining sentencing conditions. The ability for law enforcement officers to respond swiftly to breaches was an integral part of the South Dakota Program and its aim of changing behaviour and reducing recidivism.
56. Victoria Police considered how a 24/7 sobriety program might be integrated into the existing Court Referral and Evaluation for Drug Intervention and Treatment Program (**CREDIT Bail Support Program**). The CREDIT Bail Support Program is aimed at offenders with significant drug problems and seeks to reduce their reoffending by requiring drug treatment as a condition of bail.
57. Victoria Police considered circumstances in which alcohol was a key contributor to offending and whether or not, in those circumstances, a 24/7 sobriety program involving enforced abstinence from alcohol, as a court-imposed bail condition, would reduce reoffending. It was intended that participation in any trial of the 24/7 sobriety program would be voluntary, with informed consent being obtained from participants. It was also proposed that candidates for any trial would be those with at least two alcohol-related offences in the previous 12-month period, with the offences being serious enough to typically warrant remand conditions. As such, the types of offences anticipated to be the subject of any trial were those involving alcohol-related violence, including family violence.
58. A key difference between the proposed trial of the 24/7 sobriety program and the existing court-directed alcohol treatment programs was the intended use of an ankle bracelet to monitor alcohol consumption, in conjunction with participation in alcohol treatment. The bracelet, a transdermal alcohol testing system, would have continually collected, stored and transmitted all data via a base station. Any breach of sobriety detected by the bracelet would have resulted in a breach of bail conditions, an immediate return to court (and remanding in custody in the interim), and the potential revocation of bail.
59. Ultimately, however, a number of existing limitations identified by Victoria Police, in conjunction with other partners in the proposed trial such as Court Support and

Diversion Services, led to a decision not to implement a trial of the 24/7 sobriety program. These limitations included:

- 59.1 the substantial cost involved in the provision of alcohol and drug treatment services alongside the zero tolerance ankle bracelet condition;
- 59.2 the significant police resources required to effectively monitor every offender and manage and respond to breaches of bail immediately (for example, officers being in an immediate position to locate and apprehend offenders that breach bail conditions, as well as to bring them before the court); and
- 59.3 technical limitations that would hamper the ability for breaches to be reported back to police with the required degree of urgency. The efficacy of the South Dakota Program was based fundamentally on the ability for law enforcement officers to apprehend participants in breach immediately and bring them back before the court. Technical limitations in respect of the 24/7 sobriety program meant that data reports from the proposed ankle bracelets could only be received on a daily basis, and then often not until the next day. This is because the technology infrastructure does not exist within Australia.

60. In addition, further consideration would need to be given to the provisions of the *Bail Act 1977 (Vic.) (Bail Act)*, which might pose some potential obstacles to the implementation of a 24/7 sobriety program as a bail condition. For example, under the Bail Act, bail conditions must be limited and proportionate to the risk of absconding or reoffending whilst awaiting trial. The effectiveness of a 24/7 sobriety program (modelled on the South Dakota Program) would be largely dependent on there being immediate and serious consequences for a person having breached the condition (for example, having their bail revoked or being prosecuted for the breach as a bail offence). As it stands under the Bail Act (see s 30), courts might consider incarceration for breaching a sobriety condition as disproportionate to other bail breaches. It is also the case that a failure to attend or participate in a bail support service (such as an alcohol treatment service) is, as matters stand, expressly excluded from constituting a bail offence.

61. Any proposal to develop or trial a court-based sobriety program would need the support of a large number of agencies, including the courts and Victoria Police. It would also require consideration of the need for amendment of the Bail Act and the

necessary funding arrangements to ensure that the zero tolerance condition requirements were backed up by affordable alcohol treatment services and an expansion in state-wide custody infrastructure to handle the expected heightened demand due to non-compliance.

Intervention orders

62. At present, the terms and conditions imposed by courts when issuing intervention orders under the *Family Violence Protection Act 2008* (Vic.) (or the *Personal Safety Intervention Orders Act 2010* (Vic.)) are often relatively generic. A court has a broad discretion to impose any conditions it considers necessary or desirable in the circumstances that are before the court (see, for example, s 81 (1) of the *Family Violence Protection Act 2008*). However, in practice, the majority of intervention orders are made with standard conditions (as set out in the legislation) that may not necessarily address other causes of the risks that a perpetrator poses (for example, standard conditions are ordinarily included such as a condition prohibiting a person from committing family violence or prohibiting a person from approaching another person).
63. Victoria Police would support any initiative that permits and encourages the making of conditions better tailored to the particular circumstances. Where a perpetrator presents to the court with alcohol and/or drug issues, attaching completion of program requirements (similar to a Community Corrections Order) as conditions of the intervention order would address those issues alongside family violence. This would also provide an additional layer of accountability for the perpetrator whilst also aiming to address the underlying factors that contribute to family violence.

Family Violence Index – including alcohol-related data

64. Victoria Police understands that the Australian National Research Organisation for Women's Safety has recently commenced research work on the Family Violence Index. This research work will assist in making decisions as to what data and statistics should ultimately form part of the Family Violence Index. Victoria Police would welcome the addition of alcohol-related indicators in the index.

Limiting alcohol advertising

65. It is clear that there must remain a continued focus on challenging Australia's drinking culture and some of the entrenched attitudes about alcohol consumption. With that said, more than 80 per cent of Victorian adults drink alcohol, and alcohol is

a widely accepted part of Australian culture, generating positive impacts in the form of revenue, employment and social amenity. See, for example, the Victorian Auditor-General's report *Effectiveness of justice strategies in preventing and reducing alcohol related harm* (2012). Dealing with the adverse aspects of Australia's drinking culture must necessarily involve a partnership between governments, health and community services, the alcohol industry and the broader community. As Victoria Police has identified in *Policing Alcohol Harm in Victoria: 2014-2024* at **Attachment TH-1**, it intends to continue working with partners and the community to enhance community ownership of alcohol-related harm and to generate a healthy and safe culture of alcohol consumption.

66. In relation to advertising, Victoria Police is aware that research demonstrates that exposure to repeat alcohol advertising promotes pro-drinking attitudes and reinforces perceptions of drinking as positive, glamorous and relatively risk-free. See Alcohol Policy Coalition Position Statement *Marketing and advertising of alcohol* (July 2009) (<http://www.alcoholpolicycoalition.org.au/downloads/position-statements/marketing-promotion-of-alcohol.pdf>). Victoria Police is supportive of any policy and legislative reform that seeks to limit the harms associated with alcohol misuse, and for that reason it would support consideration being given to restrictions on where, when and how alcohol may be advertised. In saying this, I would note that there is already evidence that alcohol advertising restrictions have the potential to reduce the harmful social costs of alcohol consumption, for example reducing motor vehicle fatality rates (see Alcohol Policy Coalition Statement as referred above).

Alcohol taxation reform

67. FARE's recommendations on alcohol taxation reform are beyond Victoria Police's responsibility.
68. Victoria Police recognises that the price of alcohol shapes purchasing behaviour. An example is the practice of "pre-loading" (drinking alcohol prior to entering licensed premises). Pre-loading is a significant problem and is a cause of increased levels of violence and a major impediment to licensed premises being able to serve alcohol responsibly. See, for example, Miller, Peter (2013) "Patron Offending and Intoxication in Night-Time Entertainment Districts (POINTED)" NDLERF Monograph Series No.46. Pre-loading is usually motivated by the cheaper alcohol prices in packaged liquor outlets compared with on-premise licensed venues.

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Funding to evaluate policies and programs

69. FARE's recommendation on funding evaluations is a matter for government and beyond the responsibility of Victoria Police.
70. Victoria Police notes that, in 2014, the Commonwealth Government announced the cessation of funding to NDLERF. This research fund, the only of its kind, focused on alcohol and drug research jointly across health and law enforcement responses. The loss of funding to NDLERF has left a significant gap in the research agenda, and has restricted the ability to trial and evaluate new approaches that respond to drug and alcohol misuse and crime. Previous funding rounds by NDLERF have led to the commissioning of research to explore the impact of alcohol misuse in family violence and identified evidence-based approaches to reducing harms associated with alcohol. A summary of projects funded by NDLERF is attached to this statement at **Attachment TH-7**.

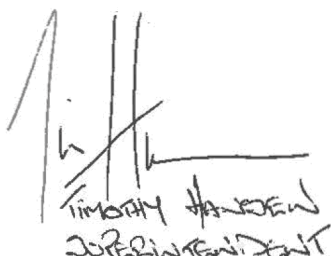
Signed by

Timothy John Hansen

at Melbourne

this 9th day of July 2015

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Timothy Hansen
Superintendent

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**An Australian Legal Practitioner within
the meaning of the Legal Profession Uniform Law (Victoria)**