

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

**STATEMENT OF SERGEANT DERYN CAROLINE RICARDO**

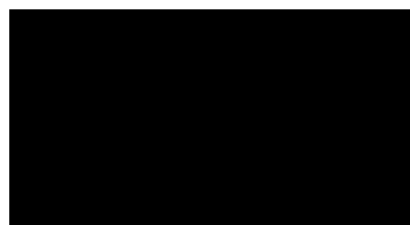
Date of Document: 27 July 2015  
Filed on behalf of: State of Victoria  
Prepared by:  
Victorian Government Solicitor's Office  
Level 33  
80 Collins Street  
Melbourne VIC 3000



I, DERYN CAROLINE RICARDO, Sergeant, Victoria Police, Morwell Police Station,  
14 Hazelwood Road, Morwell, SAY:

1. I am a Sergeant of Victoria Police, having held this position since 2005.
2. I am currently the Family Violence Advisor (**FV Advisor**) for Divisions 5 and 6 of the Eastern Region of Victoria Police. I have been in this role since 2011.
3. I have been employed by Victoria Police since 1987. I was initially stationed in Preston and Reservoir before transferring to the Eastern Region in 1989, where I have been stationed at Moe, Korumburra / Bass Coast Traffic Management and Morwell. At Morwell, I was a Sergeant on general duties until I took up my current role as FV Advisor in 2011. While on general duties, I also held the Morwell Police Station Family Violence Liaison Portfolio for a period of time.
4. Division 5 of Eastern Region (**ED5**) covers the Latrobe, Baw Baw, South Gippsland and Bass Coast areas. Division 6 (**ED6**) covers the Wellington and East Gippsland areas. There are approximately 34 local police stations in ED5 and ED6. There is a mix of 16 and 24-hour stations and 4 or 5 one man stations.
5. In 2014, I received the Australian Police Medal for services to policing in Victoria.
6. I hold a Business Diploma in Frontline Management obtained in 2003 from the Chisolm Institute.
7. I make this statement in response to a notice from the Royal Commission into Family Violence requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.

  
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Morwell Police Station



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8. I understand that the Royal Commission has requested my evidence on matters relevant to Module 13: Intervention Orders – monitoring and enforcement. I am aware that a number of statements will be filed by other members of Victoria Police in relation to Module 13. This statement should be read together with those statements in so far as they may overlap.

#### **FAMILY VIOLENCE SPECIALIST ROLES**

9. There are several specialist family violence roles within Victoria Police that are specifically tasked to address the issues associated with family violence, including Family Violence Teams, FV Advisors, Family Violence Liaison Officers (**FV Liaison Officers**) and Family Violence Court Liaison Officers.
10. There is also a Regional Family Violence Steering Committee for the Eastern Region. I am a member of this committee. The other members include a representative from the Latrobe Family Violence Team.

#### **ROLE OF THE FV ADVISOR**

11. The role of FV Advisors is set out in the Standard Operating Procedures – Family Violence Advisor (**Attachment DR-1**). In summary, the role of a FV Advisor includes:
- 11.1 acting as an interface between operational police, FV Liaison Officers and family support agencies;
  - 11.2 ensuring operational police are aware of the issues and impact of family violence and violence against women on victims and the general community;
  - 11.3 establishing and maintaining formal consultative community networks and representing Victoria Police at appropriate forums relating to family violence;
  - 11.4 coordinating, developing and conducting training workshops for operational police in consultation with the Family Violence Command and Divisional Training Officers;
  - 11.5 maintaining a relationship with the Family Violence Command, Executive Crime Command and Family Violence Command governance structures; and

  
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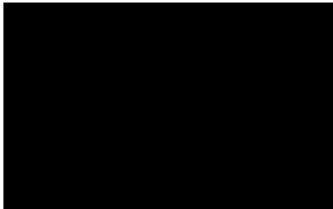
- 11.6 researching and identifying local issues, trends and incidents of family violence in the community and developing initiatives and strategies to break the cycle of family violence.
12. I describe my approach to aspects of my role relevant to the topics of module 13 of the Royal Commission in the following paragraphs.

## MONITORING OF FAMILY VIOLENCE INCIDENTS

### Daily monitoring of L17 reports

13. Each day, I review all L17 reports on the Victoria Police LEAP database for ED5 and ED6 for compliance with the Victoria Police Code of Practice for the Investigation of Family Violence (**Code of Practice**) and the Victoria Police Manual Policy Rules on Crime Reporting and Recording. I also monitor the crime reports, Missing Person Reports and Mental Disorder Transfers on the LEAP database for ED5 and ED6 to check whether there has been a family violence aspect to any of the incidents that were not reported by way of an L17 form or where a crime report has been processed too quickly and as a result has not been automatically reconciled with an L17 report. I ensure that crime reports are submitted and recorded against the L17 reports in a timely manner, which assists local Criminal Investigation Units with their responsibilities around crime triaging and oversight of particular family violence offences.
14. From my review of L17 reports, I identify any situation where an L17 report has not been completed properly, or where an L17 report has not been completed at all in circumstances where the Code of Practice requires one. I then contact the police member, the authorising supervisor and the station FV Liaison Officer with responsibility for the particular family violence incident, and require them to complete an L17 report, or complete one properly.
15. For example, sometimes I see from an L17 report that police members who have attended a family violence incident have made the appropriate referrals for the Affected Family Member (**AFM**) or the perpetrator, but not made a referral for any children present during the incident or children who were not present during the incident but were residing at the premises where the incident occurred.
16. Another example is where I identify that a Missing Person Report or Mental Health Transfer (Form 351) has been completed in respect of a situation with an element of family violence but an L17 report has not been completed.

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### **Divisional Family Violence Meeting**

17. In ED5, a Divisional Family Violence meeting is held each fortnight. The meeting is attended by the Latrobe Inspector, a Detective Senior Sergeant from the Latrobe Criminal Investigation Unit, the Officer In Charge of the Family Violence Team, a Detective Senior Sergeant from the Central Gippsland SOCIT, a representative of the Morwell Prosecutions Division, the Latrobe Senior Sergeant FV Portfolio holder and myself. At this meeting, any emerging issues in relation to family violence are discussed. If there are any incidents of a serious nature requiring further attention and oversight of specialist units such as the Criminal Investigation Unit, this is implemented and an action item created.

### **Outstanding Family Violence Reports**

18. Every Monday I receive an Outstanding Family Violence Report for the Eastern Region from the Regional Information Management Unit. This list identifies crime incidents that have been initially identified as having a nexus to family violence but for which no L17 report has been identified. A very low percentage of these incidents require an L17 report to be completed, as such a report has generally already been completed, but not linked with the crime report. If an L17 report is required, this is quickly identified and the issue is rectified. Some of the crime incidents are in fact not family violence incidents but appeared to be so because the attending police member has inadvertently ticked the wrong box on a crime report indicating a family relationship between the offender and the victim. Additional charges added for historical incidents are also picked up where they have not been recorded under the original incident. The Outstanding Family Violence Report list provides a valuable management tool.

### **Family violence referrals**

19. In 2012/2013, a referral feedback process was initiated, pursuant to which family violence support agencies and DHHS provide feedback to attending police members after a formal referral is submitted by way of an L17 report. Referral feedback informs attending members as to whether contact has been made with the AFM, the perpetrator or children by the service provider, whether they have engaged with the service provider and whether there will be case management by Child Protection. Once this feedback is received, the member will update the Victoria Police database with this information.

  
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20. The information provided by the support agencies does not detail their actual discussions with the clients but only whether contact has been successful or not and whether there has been engagement. This information is particularly important for dealing with recidivist AFMs and perpetrators, as it enables police to identify if there are any barriers to AFMs or perpetrators engaging with service providers.
21. For example, we had an issue in the Eastern region where initial approaches made by mainstream support services were not being taken up by AFMs from indigenous communities. Following consultation with the key stakeholders, I engaged the local indigenous service providers to make the initial contact, which resulted in a greater level of engagement. If the AFM indicated that they preferred to be involved with a mainstream service provider, the referral was then forwarded back to mainstream. The updated LEDR Mk2 system used by Victoria Police allows for AFMs to identify which service they prefer.
22. As another example, after identifying a lack of support services for AFMs and perpetrators under 18 years of age in ED5 and ED6, police implemented a process that ensures that each L17 report involving a young person as either an AFM or perpetrator is reviewed by local Youth Resource Officers.


#### **Responsibility for monitoring and oversight of family violence incidents**

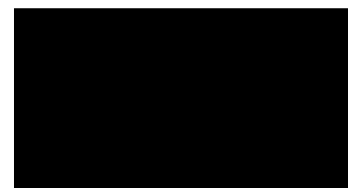
23. I consider it important that responsibility for overseeing and monitoring family violence incidents is taken on by the FV Advisor and not left solely with the FV Liaison Officer at local stations. This is because the FV Liaison Officer role, particularly in rural areas, is often one of a number of portfolio duties that the Liaison Officer has to perform, resulting in significant time constraints on their family violence duties. Compliance checking of an incident should be performed in a timely fashion so that if there are any issues, oversights or additional action required, this can be addressed immediately.

#### **SERVICE OF FAMILY VIOLENCE INTERVENTION ORDERS**

24. Family violence intervention orders (IVOs) are served on respondents by the Magistrates Court on the day the order is made, where this is possible. Where service is not effected at court, the IVO will be sent to the police station where the respondent resides for service. In the Latrobe area, where service cannot be effected within three days, a "whereabouts desired" flag will be raised on the Victoria Police LEAP database. Any police member who then comes into contact with the

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respondent will then be able to receive a copy of the IVO by fax and be able to serve it on the respondent.

## **ENFORCEMENT OF FAMILY VIOLENCE INTERVENTION ORDERS**

### **Monitoring compliance with intervention orders**

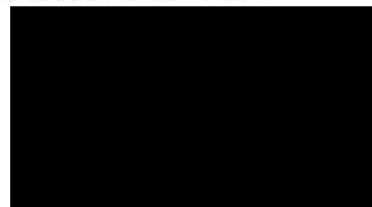
25. Police are largely dependent on AFMs to report breaches of IVOs. Police members in ED5 and ED6 are encouraged to follow up with all AFMs within 7-10 days after a family violence incident has been reported. This follow up can assist in encouraging AFMs to report breaches of the IVO.
26. Police sometimes also receive reports of breaches from agencies such as DHS, where the safety of children is at risk. There has also been increased reporting from family members not directly involved in the breach and from other persons such as neighbours. The reporting of family violence does not have to come from the parties directly involved for police to initiate an L17 report.
27. Where a breach of an IVO is reported to a local station, it is given a high priority, in the same way as a report of a serious assault, because it may involve or lead to imminent physical danger. A risk assessment needs to be conducted when a breach of an IVO is received. I also encourage police members to use the arrest power in s 124 of the *Family Violence Protection Act 2008* where a breach has been reported.

### **Prosecuting breaches of intervention orders**

28. When I began my role as FV Advisor in 2011, I observed a common practice in ED5 and ED6 of charging offenders with "blanket breaches" of an IVO; ie, charging multiple breaches of an IVO as a single charge. I considered that this practice did not adequately reflect the seriousness of repeat offending of this nature. As a result, I encouraged police members and their supervisors, who must authorise the charges, to pursue every breach as a separate, individual charge. I did this in the early stages by participating in the delivery of family violence training sessions by the Regional Training Officer and through one-on-one education with police members and their supervisors following receipt of an L17 report completed by the member.
29. As part of the education that I provide to members, I reinforce the statement in the Code of Practice that there is no such thing as a technical breach of an IVO. I

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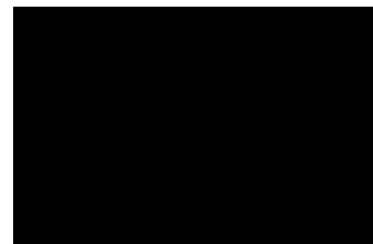


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explain that a failure to treat every breach as a serious offence and to charge each breach demonstrates a lack of empathy for what is happening and a failure to understand that many incidents of breaches of IVOs are not reported to police. Education around victimology is very important for frontline members. With this knowledge and understanding comes empathy, which I believe is vital.

30. For example, if a respondent has telephoned or texted an AFM in breach of an IVO dozens of times over a period of time, I encourage the police informant and their supervisor to charge each breach separately or in batches (for example, one charge for all breaches on one day or in one week, depending on the number of potential charges), provided that the respondent is still charged with a sufficient number of offences to appropriately reflect the seriousness of his conduct. If a respondent sent multiple text messages each day for a week, these would generally be charged as seven separate charges. Information provided in IVO applications and summaries in court often softens the impact of what has actually occurred due to the nature of summarisation. By laying multiple charges instead of a single charge, the seriousness of an incident is emphasised. There are limits to this, of course. Once a perpetrator is facing 20 or 30 charges, further charges are unlikely to have any additional impact.
31. The nature of the offences charged is also important. Since the indictable offence of persistent breach of an IVO in s 125A of the *Family Violence Protection Act 2008* came into force in 2013, I encourage police members and their supervisors to lay charges for persistent breach and to charge the individual summary offences as alternative charges. If the persistent breach charge is not proven at the hearing, a summary individual breach charge may nevertheless succeed. Negotiations by police prosecutors to secure guilty pleas are not within my area of responsibility, but if a respondent pleaded guilty to a persistent breach charge, I understand that the alternative summary breach offence charges would be withdrawn.
32. I also ensure that all potential offences are charged, in addition to the breach of the IVO. Conduct that breaches an IVO frequently also constitutes other offences such as assaults, criminal damage, use of a telecommunications device to harass or menace, or stalking. I have, for example, observed an increase in the number of criminal damage charges laid by police members in my area as a result of educating police members that perpetrators can be charged for damage to property that is jointly owned by the perpetrator and the AFM.

  
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33. These practices impose a significant time commitment on the police members preparing the charges and on the Magistrates Courts, but they are actively championed by the Family Violence Teams in ED5 and ED6 and have the support of the local Magistrates Courts. It also requires a significant time commitment to change members' practices and to continue to monitor their compliance with the practices that I expect to see implemented.
34. I consider that these practices have had a number of benefits:
- 34.1 First, they treat breaches of intervention orders no differently to every other criminal offence.
- 34.2 Secondly, they give police and the Magistrates more options in relation to remand and bail. Multiple offences indicate the seriousness of the incident and ongoing risk to the AFM. Convictions for stalking and assault allow the *Bail Act* to be utilised in relation to remands for show cause if there are future incidents of the same nature and against the same victim.
- 34.3 Thirdly, I have observed that rates of reporting of family violence incidents in ED5 and ED6 have increased. I understand that a request for data concerning family violence reporting rates in ED5 and ED6 has been made to the Crime Statistics Agency by Victoria Police, but the data has not yet been received. I would like to see this increase plateau in the near future, but the increase does demonstrate that people have confidence that police will respond appropriately to reports of family violence incidents.
- 34.4 Fourthly, I have observed that since these practices were implemented, the rates of remand and imprisonment for perpetrators of family violence in ED5 and ED6 have also increased. I understand that a request for data concerning rates of remand and imprisonment has been made to the Crime Statistics Agency by Victoria Police, but the data has not yet been received. Increased rates of remand and imprisonment for family violence offences ensures that perpetrators of family violence are held to account. It sends a clear message that the serious criminal nature of a family violence perpetrator's conduct, including breaches of IVOs, will be treated with zero tolerance. Perpetrators need to know that there are serious consequences for continued family violence offending.

  
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34.5 Fifthly, communication and coordination between police and external service providers has increased and improved.

35. It is unclear as yet what effect these practices have had on rates of recidivism in ED5 and ED6. In part, this is because rates of recidivism naturally fluctuate in rural and regional areas because populations are often transient, making it difficult to measure in real terms.

#### **MEN'S BEHAVIOUR CHANGE PROGRAMS**

36. In my experience, it is very hard to change ingrained violent behaviour. Early intervention is critical. I consider that there is an opportunity for first time family violence offenders, including offenders who have breached an IVO, to be subject to a diversion program, provided that the AFM agrees and the conduct did not involve violence or stalking. The diversion program would be utilised to identify any possible mental health, substance abuse, gambling or other issues that may be contributing to the behaviour. Referrals could then be made to counselling or treatment by appropriate service providers to break the early emerging cycling of family violence.

Signed by

DERYN CAROLINE RICARDO

at Morwell

this 27<sup>th</sup> day of July 2015

)  Deryn RICARDO  
Sergeant 26171  
Morwell Police Station

Before me

