

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

STATEMENT OF SUPERINTENDENT PAUL RICHARD NAYLOR APM

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Filed on behalf of: State of Victoria
Prepared by:
Victorian Government Solicitor's Office
Level 33
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I, PAUL RICHARD NAYLOR APM, Superintendent, Victoria Police, SAY AS
FOLLOWS:

1. I am a Superintendent of Victoria Police. I am the Superintendent In Charge of Division Six, Western Region and am based at Mildura. I have held this position since 2009. Division 6 covers the Mallee region, including the Mildura, Swan Hill, Gannawarra and Buloke local government areas.
2. I have been a member of Victoria Police for 37 years and have served at a number of metropolitan and regional Victorian locations. I have extensive experience in general duties policing, criminal investigation, corruption investigation and police training. Prior to my current role, I held the following roles:
 - 2.1 from 2006 to 2009, I was the Inspector in Charge of the Mildura Police Service Area;
 - 2.2 from 2004 to 2006, I served as the Manager for Specialist Operations in the Solomon Islands for two years as part of the Regional Assistance Mission to the Solomon Islands;
 - 2.3 from 2001 to 2004, I was a Detective Inspector of Corruption Investigations with the Ethical Standards Department;
 - 2.4 from 1996 to 2001, I was a Senior Sergeant in charge of general duties training for the old Region 3 – Northwestern Victoria; and

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- 2.5 before that, I was the Officer in Charge of the Community Policing Squad at Mildura, which was responsible for the investigation of sex offence and child abuse matters, among other matters, for approximately 18 months.
3. In 2014, I was awarded the Australian Police Medal in the Queen's Birthday Honours for distinguished service to policing in Victoria.
4. I make this statement in response to a notice from the Royal Commission pursuant to section 17(1)(d) of the *Inquiries Act 2014* requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.
5. I understand that the Royal Commission has requested my evidence on matters relevant to Module 19: Integrating Services from the Victim's Perspective, specifically in relation to the Mildura Sexual Offences and Child Abuse Multidisciplinary Centre (**Mildura MDC**). As the Superintendent In Charge of Division Six, Western Region, I have responsibility for the management of the Mildura Sexual Offences Criminal Investigation Team (**SOCIT**), which is part of the Mildura MDC.
6. I understand that Senior Sergeant Bryce Pettett has filed a witness statement in relation to the Dandenong MDC. This statement should be read together with Senior Sergeant Pettett's statement and other statements filed by Victoria Police members in so far as any issues may overlap.

MILDURA MULTIDISCIPLINARY CENTRE

Operation of the Mildura MDC

7. The Mildura MDC was one of two pilots in Victoria (the other being in Frankston) that commenced in January 2007 as part of a separately funded initiative. As the Inspector in Charge of the Mildura Police Service Area at this time, I had responsibility for the management of the pilot site.
8. In summary, the MDC is a stand-alone premises separate to the Victoria Police station at which Victoria Police SOCIT members are co-located with key support agencies, namely the combined Mallee Sexual Assault Unit (**MSAU**) and Mallee Domestic Violence Service (**MDVS**) and the Department of Health and Human Services (**DHHS**). MSAU provide services including, but not limited to, counselling, advocacy, crisis accommodation, medical support, court support and education. A forensic examination suite known as a Crisis Care Unit (**CCU**) is also housed within

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the MDC in order to provide discreet and unobtrusive forensic examinations of victims of sexual assault and child abuse. The joinder of the three agencies provides an efficient and specialised investigative process and an integrated environment for the seamless coordination of services required by victims of sexual assault and child abuse. Staff from DHHS – Child protection were merged within the MDC from 2010.

9. At present, the Mildura MDC consists of:
 - 9.1 the Mildura SOCIT, which consists of a Detective Sergeant In Charge and seven detectives, and an unsworn administrative support officer;
 - 9.2 approximately 13 victim support workers from MSAU-MDVS, including 8 who are family violence specific and 5 sexual assault specific counsellors. The sexual assault counsellors are also qualified to provide family violence specific counselling. These workers have varied levels of expertise in psychology, psychiatric nursing, social work / community services, suicide prevention and treating youth with sexually abusive behaviours who are subject to Therapeutic Treatment Orders;
 - 9.3 three DHHS – Child Protection practitioners (a team leader and two staff members); and
 - 9.4 the CCU, for use by a forensic medical practitioner and forensic nurse examiner as required. These forensic practitioners are self-employed and are called upon when required by the MDC.
10. The operations of the Victoria Police members of the Mildura MDC are guided by the Victoria Police *Code of Practice for the Investigation of Sexual Assault* (which is currently under review by Victoria Police) and the Standard Operating Procedures for the Mildura SOCIT. As these documents are specific to the investigation of sexual assault matters, I have not attached them to my statement.
11. The operation of the Mildura MDC is governed by the MDC Framework, which consists of:
 - 11.1 the State-wide Agreement between Victoria Police and the DHHS, which outlines the non-legally binding components of the MDC framework at a State-wide level (**Attachment PN-1**); and

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- 11.2 a Letter of Understanding outlining the components of the MDC Framework that are considered to be legally binding upon the MDC partners, namely Victoria Police, DHHS and the co-located victim service provider. **Attachment PN-2** is a copy of the Letter of Understanding between Victoria Police, the DHHS and the MSAU dated February 2013.
12. In general terms, the Mildura MDC operates in the following manner.
13. Victims are referred to the MDC in various ways but primarily from Mildura Police first response crews, the Mildura Police Station, the Australian Federal Police, the MSAU-MDVS service itself and local schools, hospitals and medical practitioners as a result of their mandatory reporting obligations. Where an incident falls within the criteria for a SOCIT investigation, SOCIT members will attend the scene, meet with the victim and commence an investigation. As part of their role, the SOCIT members will escort the victim to the MDC to take a statement or conduct a Video And Recorded Evidence interview (**VARE**), enable a forensic examination to be carried out by a medical practitioner and facilitate the introduction and referral of the victim to a MSAU worker. If required, and relevant to the investigation, DHHS will also be involved in this process from the outset of the investigation. The SOCIT investigator will maintain contact with the victim from the outset of the investigation and be responsible for the arrest and prosecution of any identified offender(s).
14. As I have stated above, the MDC is located at a stand-alone premises, separate to the Victoria Police station. It is not marked in any way and its location is not publicised in any way. All SOCIT members stationed at the MDC wear plain clothes and drive unmarked police cars. This creates an environment that is totally separate to the normal policing environment and gives victims a greater sense of anonymity and security. The premises is owned by MSAU-MDVS and portions are leased to Victoria Police and DHHS.
15. The role of the MSAU workers involves contacting and arranging for the provision of any of a range of support services that may be required by the victim. These may include:
 - 15.1 family or close friends for support and assistance;
 - 15.2 legal support;
 - 15.3 financial support;

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- 15.4 crisis and ongoing accommodation services;
 - 15.5 ongoing medical services, including mental health and counselling services;
and
 - 15.6 culturally appropriate support for Aboriginal victims or victims from culturally and linguistically diverse (**CALD**) communities.
16. MSAU workers generally refer Aboriginal victims to the Mildura District Aboriginal Service, which provides a range of similar services, including medical assistance, housing, drug and alcohol counselling and family violence specific services, to members of the Aboriginal community in the Mallee region.
 17. The Mallee region also has a significant population of itinerant workers, some of whom may be in Australia on working holiday visas or on a similar basis. The provision of assistance to victims from CALD communities may include referrals to the Sunraysia Multicultural Centre or making contact with the victim's family overseas.
 18. MSAU maintains ongoing engagement with victims for as long as the victim is receptive to continuing engagement with MSAU and other service providers.
 19. Information sharing between Victoria Police and MSAU at the Mildura MDC is governed by the Letter of Understanding (Attachment PN-2, above), under which all parties agreed to comply with privacy and data security obligations in the *Commissioner for Law Enforcement Data Security Act 2005* (now the Standards for Law Enforcement Data Security under Part 5 of the *Privacy and Data Protection Act 2014*), the *Information Privacy Act 2000* (now the *Privacy and Data Protection act 2014*), the *Health Records Act 2001* and other legislation, regulations and protocols relevant to the management and security of personal information.
 20. The parties to the Letter of Understanding share information pertaining to cases for the purposes of service provision to victims. Relevant and accurate information can then be used in a timely way in a case-management setting for the particular investigations. For example, a victim may report a sexual offence to police for the first time, but may have previously reported physical or sexual assaults or other health issues to the MSAU-MDVS. The investigation of the offence is less intrusive for the victim if police can obtain access to that information without the victim having to relive past traumatic experiences. Police also share information with MSAU workers regarding offences that have been reported to police, the extent of the

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assault on the victim and information regarding the victim's support network, such as family and friends, who may be able to assist in providing support to the victim. Information sharing is based upon the consent of the victim and the exemptions permitting information sharing for law enforcement purposes, primarily for the investigation of criminal offences. This has always been an efficient process with no barriers.

Advantages of the MDC model

21. The MDC approach has played a significant and beneficial role in the investigation and prosecution of sexual offences and child abuse in the region.
22. As I have said above, the separate and relatively anonymous premises creates an environment that is totally separate to the normal policing environment and gives victims a greater sense of anonymity and security. This environment, the availability of a medical practitioner to conduct an immediate forensic examination of a victim and the fact that SOCIT members are specially trained to respond to the particular crimes that victims have suffered all contribute to the quality of the evidence that is able to be obtained and assist in the subsequent prosecution of offenders.
23. The MDC also enables the seamless referral of victims from police to MSAU and DHHS workers.
24. The MDC approach sends a clear message to the community that Victoria Police is working to assist victims and to hold offenders to account. This builds confidence in the community to come forward and report sexual offences and child abuse. There has been an increase in reporting of sexual assault offences in the period in which the MDC has been operating which I partly attribute to an increase in confidence and to the fact that the MDC affords victims a degree of anonymity and separation from the normal policing stream.
25. In 2009, researchers from Deakin University were funded by Victoria Police to conduct a series of evaluations of the SOCIT MDC pilots in Mildura and Frankston. The researchers concluded that:
 - 25.1 the adoption of a multidisciplinary, 'victim-centered', 'one-stop shop' model of service delivery was a major step forward in the service delivery to victims of sexual assault (see "Stakeholders perceptions of the new SOCIT and MDC model adopted by Victoria Police", June 2009 (**Attachment PN-3**), page 7);

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- 25.2 having a qualified police member undertake the entire investigation (from the initial statement to brief authorisation) ensured a more efficient and user-friendly system for victims (see Attachment PN-3, above, pages 7-8);
 - 25.3 four interrelated elements of the system were highlighted as being distinct strengths of the reforms, namely: (a) co-location of key services; (b) the adoption of a neutral independent service facility (eg, MSAU), (c) increased specialisation of police; and (d) strong organisational commitment and support (see Attachment PN-3, above, page 8);
 - 25.4 the reported outcomes of these elements included improved collaboration, greater or increased victim satisfaction and reporting rates, increased referrals between professionals, reduced response and investigation times, better quality briefs and higher prosecution and conviction rates (see Attachment PN-3, above, page 8; and "Evaluation of the SOCIT model adopted by Victoria Police: Are investigations improved?", July 2009 (**Attachment PN-4**)); and
 - 25.5 the response of Victoria Police to victims who report sexual assault had become more victim-centered (see "Victims' perceptions of the new SOCIT-MDC model adopted by Victoria Police", June 2009 (**Attachment PN-5**), page 9).
26. As a result of the success of the pilot programs, MDCs are being implemented by Victoria Police throughout Victoria. In addition to the four MDCs currently operating in Victoria at Seaford (formerly the Frankston MDC), Geelong, Dandenong (which has been designated as the Principal MDC) and Mildura, a further two are to commence operation in Morwell and Bendigo later this year.

Application of the MDC model to family violence matters

- 27. I consider that the MDC model could be applied to the policing of family violence matters. However, to realise the potential benefits of such a model would require:
 - 27.1 additional specialist training of members of the Family Violence Unit in family violence matters. Currently, members of the Family Violence Unit do not receive as much specialist training as SOCIT members, who must be qualified Detectives and must also have received training in forensic interviewing of victims of sexual assault, including cognitively impaired

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persons, interviewing of suspects, VARE interviewing and victim welfare management; and

- 27.2 a greater resource commitment in order to provide the same level of support, in light of the fact that the incidence of family violence matters is much higher than that of sexual assault matters. Data compiled internally by the Mildura SOCIT indicates that from January 2007 to 30 June 2015, the Mildura SOCIT investigated approximately 1,050 investigation reports, conducted approximately 653 investigations (a subset of the number of information reports investigated) and conducted an additional 522 tasks. (This is local or operational data and is not official crime statistics data.) From July 2007 to 31 March 2015, statistics obtained from the Crime Statistics Agency indicate that there were over 2,500 family violence safety notices issued and family violence intervention orders applied for in the Mildura local government area.
28. Consideration could also be given to establishing remote witness facilities at MDCs. On some occasions, victims of sexual offences give evidence in court proceedings from a separate room in the court complex. There are facilities at the Mildura Magistrates' Court, but not at present the Mildura MDC, to enable victims to give evidence remotely from that location. In my view, this would be beneficial for both sexual assault and child abuse matters and for family violence matters if the MDC model were to be adopted.
29. A difficulty experienced by the Mildura MDC has been that there are not enough support agencies. For example, Mildura Base Hospital has only 5 or 6 beds for mental health patients. As another example, the Sunraysia Community Health Service employed seven drug and alcohol counsellors to provide programs in Mildura. Funding for these programs was transferred to Salvation Army, which is based in Bendigo and has only one drug and alcohol counsellor in Mildura. Rural areas are always subject to the tyranny of distance. For MDC models to achieve the intended benefits, support agencies must be funded to provide a strong level of support to rural areas.
30. The Mildura area does have a Men's Behavioural Change Program.
31. Victoria Police is concerned for the welfare of SOCIT members, who are exposed to the worst cases of criminal behaviour over extended periods, particularly in relation to child abuse cases. As a result, Victoria Police provides psychological support to

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SOCIT members. The same concerns arise in the family violence context. If the specialist MDC model were to be considered for application to family violence matters, there would need to be ongoing psychological support for police members and, possibly, limits on the period of tenure of police members in the MDC.

Signed by

PAUL RICHARD NAYLOR

at Mildura

this 4th day of August 2015

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Paul R Naylor
Superintendent

Before me

