



Rob Veale Ltd

25 February 2009

Clerk of the Committee
Justice and Electoral Committee
Select Committee Office
Parliament Buildings
WELLINGTON

SUBMISSION on the Domestic Violence (Enhancing Safety) Bill

The attached correspondence is my submission on the Domestic Violence (Enhancing Safety) Bill.

The submission consists of four parts:

1. Submissions on the Bill
2. A summary of recommendations
3. Other issues relating to the submission
4. Appendix One – a Possible process

I request this be forwarded to the appropriate persons.

Kind regards.

Rob Veale
MNZM

25 February 2009

SUBMISSION on the Domestic Violence (Enhancing Safety) Bill

To the Justice and Electoral Select Committee

Introduction

This submission is from Robert Veale. I reside in Wellington.

I am currently self-employed having retired from New Zealand Police in May 2008 after 30 years service. I retired at the rank of Inspector with the majority of my service being completed at Police National Headquarters where I specialised in the violence reduction area.

As the Manager of the Violence Reduction Unit at Police National Headquarters I had responsibilities for community and family violence, alcohol harm-reduction projects and the Family Safety Team initiative.

I have developed national violence reduction strategies, with a strong emphasis on reducing family violence and violence in public places. However, my principal focus has been on family violence, developing national policies, improving police training, investigation and risk assessment practices and developing national partnerships. I played a role in developing the Family Violence Death Review process from a police perspective and am a current member of the Family Violence Death Review Committee reporting to the Minister of Health.

Since 1998, I worked with NZAID throughout the Pacific and Asia, and have assisted national police organisations develop family violence strategies, policy and practice in several Pacific countries.

My contribution to reducing family violence nationally and internationally was acknowledged with awards including the 'excellence for policing for women initiative' by the Australasian Council of Women and Policing in 2005, and being recognised as a Member of the New Zealand Order of Merit in the New Years Honours list in 2006.

I wish to appear before the Select Committee to speak to my submission.

I can be contacted at: XX or XX.

Summary

I support the intent of this bill because I firmly believe the capability for police to issue orders will more appropriately address the needs of safety for victims and accountability for offenders who come into contact with the criminal justice sector. While this ability will never be a complete solution, the legislation together with effective implementation presents an opportunity to restore public trust and confidence in the criminal justice system, improve access to legal protection, and ultimately has the potential to save lives.

Submissions on the Bill

Amendments to the Domestic Violence Act 1995

This section comments on various sections and proposed amendments in the Bill. Comments will be referenced Section Number and by Page / Line (eg Page 3 / Line 13 is referenced as (3/13)).

Section 49 [Offence to contravene protection order]

3/13

I oppose the removal of the tiered penalties for offences involving the breach of a protection order for the following reasons:

- Creating a 'flat' maximum penalty produces inconsistency between penalties for similar offences (eg Driving Whilst Disqualified) and produces distortions when compared to various crimes (threats, Crime Act Assault, and serious assaults including Male Assaults Female (Crimes Act, section 194B) which has a term of imprisonment not exceeding 2 years)
- Other legislation exists where there are tiers for first and subsequent offences (eg section 5, Land Transport Act 1998 re Driving Whilst Disqualified) where similar difficulties have not been raised
- Identified problems with tiered penalties can be overcome with improved training for frontline police and prosecutors

It should also be remembered that where a crime (eg threat or assault) occurs in the context of breaching a protection order, then both charges for the breach and the assault can be preferred. This is the position stated in the Police family violence policy (1996/2). This would provide the Court the opportunity to give a longer custodial sentence if it was first breach accompanied by a crime.

Recommendation 1

Retain the status quo, which is with the existing penalties of a term of imprisonment not exceeding 6 months for a first offence, and a penalty not exceeding 2 years for repeated offences within a designated timeframe.

Section 49A [Offence to fail to comply with direction]

3/21

I agree with this amendment.

Section 49A [Power to arrest for breach of protection order]**4/1**

Section 50 including subsection 2 is repealed. While the difficulties presented by the factors previously to be taken into account when making an arrest are acknowledged, in making changes to new legislation the rationale for including the previous factors when the DVA was proposed should be considered.

In summary, victims' advocates expected Police to be accountable for taking firm positive action when investigating family violence complaints and to determine if there was sufficient evidence to arrest. Given the lack of police training in the mid-1990's, advocates wanted some key factors to be considered by attending officers rather than relying on officer discretion.

Police policy was rewritten in 1996 to recognise this requirement. Section 19 of the Police family violence policy (1996/2) states that

'Given sufficient evidence, offenders who are responsible for family violence offences shall, except in exceptional circumstances, be arrested. In the rare case where action other than arrest is contemplated, the member's supervisor must be consulted.'

This policy relates to all family violence offences including alleged breaches of protection orders.

Given that I believe a significant number of crimes are still being recorded as 'domestic incidents', there is potential risk that this amendment, through using 'may arrest without warrant' will see police withdrawing from their position of treating family violence as a crime.

Recommendation 2

That the Select Committee consider adding a proviso stating 'where there is sufficient evidence to arrest, and an arrest is not made, police will document the reasons for that course of action'.

Police orders

Section 124A [Interpretation]**4/11**

Police order – This does not explain or incorporate the purpose of these orders (particularly to victims, offenders or marketing to the general public) in simple terms.

Recommendation 3

A Police order should be renamed as a 'Police Safety Order' to incorporate the specific intent of the order.

Qualified constable – I have several concerns about the level of decision-making and accountability at the level (of Sergeant) outlined in the Bill. These include:

- Given the numbers of staff at this rank, the level proposed opens up potential for significant variations in experience, decision-making skill, family violence training and accountability
- The level is inconsistent with that set in other legislation or Police policy
 - Arms Act legislation (eg. section 60) requiring Commissioned Officer approval
 - Diversion for Family Violence (Commissioned Officer or Police Prosecutor)
- Given public concern about an extension of Police powers to bar a person from their home for up to 5 days, without opportunity for judicial review, the level for authorising Police orders should be set at a higher threshold

Recommendation 4

Given the factors mentioned above, I suggest a qualified constable should be of or above the rank of senior sergeant (for an order not exceeding 3 days) or a Commissioned Officer of Police (for an order up to but not exceeding 5 days duration).

Section 124B [Qualified constable may issue Police order]

4/19

Note the previous recommendation relating to the rank of the ‘qualified person’.

Section 124B(1)(a) excludes those persons arrested. Originally it was considered that a Police order would not be required as appropriate safety provisions could be incorporated into conditions of bail. However by issuing a Police order where there has been an arrest would require police to consider all factors outlined in 124B(2). I believe this practice would enhance safety for victims.

Recommendation 5

That Section 124B(1)(a) relating to arrested persons be removed. A revised wording for this section would read.

“(1) A qualified constable may issue a Police order against a person (person A) who is in a domestic relationship with another person (person B) if the constable has reasonable grounds to believe, having regard to the matters specified in subsection (2), that the issue of a Police order is necessary to ensure the immediate safety of person B.”

Section 124B(1)(b) states that the issue of a Police order is necessary to ensure the immediate safety of person B. Safety considerations should be extended to include any person (or persons) with whom person B has a domestic relationship. Note that this would include new partners who are often killed in domestic violence homicides.

Recommendation 6

That **Section 124B(1)(b)** relating to the safety of specified persons should be extended to read:

“(1) A qualified constable may issue a Police order against a person (person A) who is in a domestic relationship with another person (person B) if the constable has reasonable grounds to believe, having regard to the matters specified in subsection (2), that the issue of a Police order necessary to ensure the immediate safety of person B or any other person who has a domestic relationship with person B.”

Section 124B(2) outlines the matters officers must regard when considering issuing an order.

Relating to **Sections 124B(2)(a)(i) and (ii)** I suggest there is a very real difference between risk associated with ‘repeat violence’ and violence associated with serious harm. While not diminishing the effects of repeat violence on victims and children, the issue of a Police order should primarily be directed to situations likely to lead to more serious harm.

Recommendation 7

That **Sections 124B(2)(a)(i) & (ii)** be reworded to incorporate domestic violence risk factors in determining likelihood of harm (rather than repeat violence).

Section 124B(2)(b) raises the issue of ‘serious likelihood’. As part of their risk assessment process, police should identify if violence to any persons is escalating, both in terms of frequency and level of seriousness. Police, using appropriate risk assessment tools (contained in their Family Violence Investigation Report) should be required to assess the likelihood for serious harm. Common risk factors associated with serious harm include escalation of violence regarding the level of seriousness and frequency. Other factors include threats to kill, serious assaults including strangulation, suicide or homicide ideation, recent separation, and breach of court orders.

This section should also include any other persons with who person B has a domestic relationship.

Recommendation 8

For **Section 124B(2)(b)**:

- That the term ‘serious likelihood’ be amended to read ‘high likelihood’.
- That the section be expanded to include any other person who has a domestic relationship with person B.

Section 124B(2)(c) raises the issue of child welfare. I agree with this Section.

Section 124B(2)(d) raises the issue of hardship but does not clarify ‘hardship to who’. The overriding principles for responding to domestic violence, particularly from a criminal justice perspective are safety and accountability. Consideration of hardship provides an opportunity for offenders to unduly influence their partners and their families, and could result in unsafe decisions being made.

Recommendation 9

For **Section 124B(2)(d)**:

- That this Section be removed.

Section 124B(2)(e) raises ‘any other matter the constable considers relevant’. Practically this leaves options open for attending police to record any other factors giving grounds for the order to ensure safety. I agree with this section.

Section 124B(3) states that a non-qualified constable can issue an order if authorised by a qualified constable. In practice, non-qualified staff will seek guidance from qualified constables and issue orders accordingly. I agree with this section.

Section 124C [Consent to issue of order not required]

5/9

I agree that Police orders can be issued without consent. While it is acknowledged that victims should be empowered to make decisions about the safety of their lives and the lives of their children as soon as practicable, experience of many victims who come into contact with the criminal justice system suggests they want police to make a professional decision on their behalf. This action is also entirely consistent with the police practice of taking positive action when investigating offences (not asking if the victim wishes to make a complaint).

Section 124D [Police order not to be issued against child]

5/13

This section is consistent with the DVA. The issue of child offenders was raised in discussions with the DVA in 1995. The principle adopted then was that it was inconsistent that parents who are charged with the responsibility of providing care and protection for their children should in fact be in need of protection afforded by a domestic protection order. The Select Committee at that time found that appropriate provisions to deal with these circumstances were contained within the provisions of the Children and Young Persons Act.

Section 124E [Effect of Police order]

5/15

I agree with the provisions outlined in this section but make the following recommendations.

Recommendation 10

Section 124E(1)(a) be expanded to also include firearms licence.

Recommendation 11

Section 124E(3) defines person at risk. This should include ‘(a) the person named in the Police order for whose safety the order is issued; and (b) any person with whom that person is in a domestic relationship.’ This expands the definition from child to

include other vulnerable people in the home (elderly parents, people with disabilities, but also includes new relationships).

Section 124F [Suspension of parenting orders, etc]

6/19

I agree with the provisions outlined in this section but make the following recommendation.

Recommendation 12

Insert a new Subsection 3 requiring police to advise counsel for the child that the Police order has been issued and the parenting order has been suspended. Counsel can then take any appropriate action in the interests of the child and child safety.

Section 124G [Police order to be served and explained]

6/33

I agree with the provisions outlined in this section but make the following recommendation.

Recommendation 13

Amend **Section 124G(4)** to specify the timeframe within which police must inform the person for whose safety the order is issued. In the interests of safety this would best be undertaken before the 'offender' is released from police custody. This process would be consistent with that proposed for police bail.

I would also suggest that victims (subject to a Police order) should receive support and advice as a priority. This support should be provided by an appropriate service provider (eg. Women's Refuge or agency specialising in domestic violence support).

Recommendation 14

That all victims receive mandatory follow-up by a victim advocacy agency as soon as practicable after the order is issued.

Section 124H [Duration of Police order]

7/15

I agree Police orders could extend up to 5 days. From experience this timeframe would be the exception, with most activities including provision of support for victims, and the application for a domestic protection order being completed within 3 days.

I suggest a qualified constable (at or above the rank of Senior Sergeant) can issue a Police order of up to 3 days duration. Police orders over 3 days should require authorisation by a Commissioned Officer. Reasons for this extended time should require appropriate documentation.

Recommendation 15

Amend **Section 124H** to specify limit the timeframe to 3 days, unless there are some exceptional circumstances where it could be extended to 5 days.

Recommendation 16

That a qualified person at the rank of senior sergeant or above can authorise a Police order up to 3 days.

Recommendation 17

That a qualified person at the rank of commissioned officer can authorise a Police order up to 5 days. Reasons for this extended time would require documentation.

There should also be clear guidance for police when determining any conditions to be contained in the Police order. For example, broad guidance relating to police bail is found in the Police family violence policy (1996/2) which states

'Care must be taken when imposing bail conditions. Conditions must be practical and where possible, must not interfere with the offender's ability to remain in employment.'

Recommendation 18

Clear guidance should be provided for police to ensure conditions applied in the order do not interfere with a person's employment.

Section 124I [Failure to comply with Police order]**7/24**

This section outlines a process for a person who refuses or fails to comply with a Police order to be taken into custody and brought before the Court. This process appears similar to that used for breaches of bail.

A specific offence could be provided to allow police to arrest any person who 'breaches' a Police order. This would result in conviction and recorded as part of their criminal history. More importantly, the propensity to breach orders which is a high risk factor for predicting domestic violence and serious harm would be visible to police and Courts.

There are at least two options to creating an offence for 'doing any act in contravention of a Police order'. Section 49 could be amended by adding subsection (1)(c) to read '*does any act in contravention of a Police order*'. A second option could be to create a specific offence (eg Section 49B of 'Offence to contravene a Police order') with a penalty not exceeding 3 months imprisonment.

Recommendation 19

A specific offence titled '**Offence to contravene a Police order**' with a penalty not exceeding 3 months imprisonment be created.

Amendments to the Sentencing Act 2002
--

Section 123A [Interpretation of terms etc]**9/5***Recommendation 20*

The definition of child should be raised to 18 years to be consistent with other legislation.

Recommendation 21

The definition of domestic violence offence relating to violence by children is ambiguous. It could be amended to read

“**domestic violence offence** means an offence against any enactment (other than the Domestic Violence Act 1995) involving the use of violence against a person, other than [insert by] a child, with whom the offender is, or has been, in a domestic relationship

Sections 123B to 123G**9/19**

I agree with the provisions outlined in these sections.

Amendments to the Bail Act 2000
--

Section 11 [Defendant admitted to bail by Police employee]**11/31**

Section 4(A) states that ‘If a person charged with a domestic violence offence is granted bail under this section, the Police employee who takes the bail bond of that person may, in addition to the conditions that may be imposed under subsections (3) and (4), also impose any condition that he or she considers reasonably necessary to protect any child who is in a domestic relationship with that person’.

Recommendation 22

Here the word ‘child’ should be amended to include any person with whom person B shares a domestic relations and would include children, other vulnerable persons and new partners where applicable.

Summary of Recommendations

Recommendation 1 **Section 49 [Offence to contravene protection order]**

Retain the status quo that is with the existing penalties of a term of imprisonment not exceeding 6 months for a first offence, and a penalty not exceeding 2 years for repeated offences within a designated timeframe.

Recommendation 2 **Section 49A [Power to arrest for breach etc]**

That the Select Committee consider adding a proviso stating 'where there is sufficient evidence to arrest, and an arrest is not made, police will document the reasons for that course of action'.

Recommendation 3 **Section 124A [Interpretation]**

A Police order should be renamed as a 'Police Safety Order' to incorporate the specific intent of the order.

Recommendation 4 **Section 124A [Interpretation]**

Given the factors mentioned above, I suggest a qualified constable should be of or above the rank of senior sergeant (for a Police order not exceeding 3 days) or a Commissioned Officer (for a Police order up to but not exceeding 5 days duration).

Recommendation 5 **Section 124B [Qualified constable may issue Police order]**

That Section 124B(1)(a) relating to arrested persons be removed. A revised wording for this section would read.

“(1) A qualified constable may issue a Police order against a person (person A) who is in a domestic relationship with another person (person B) if the constable has reasonable grounds to believe, having regard to the matters specified in subsection (2), that the issue of a Police order is necessary to ensure the immediate safety of person B.”

Recommendation 6 **Section 124B [Qualified constable may issue Police order]**

That **Section 124B(1)(b)** relating to the safety of specified persons should be extended to read:

“(1) A qualified constable may issue a Police order against a person (person A) who is in a domestic relationship with another person (person B) if the constable has reasonable grounds to believe, having regard to the matters specified in subsection (2), that the issue of a Police order necessary to ensure the immediate safety of person B or any other person who has a domestic relationship with person B.”

Recommendation 7 **Section 124B [Qualified constable may issue Police order]**
That **Sections 124B(2)(a)(i) & (ii)** be reworded to incorporate domestic violence risk factors in determining likelihood of harm (rather than repeat violence).

Recommendation 8 **Section 124B [Qualified constable may issue Police order]**
For **Section 124B(2)(b)**:

- That the term ‘serious likelihood’ be amended to read ‘high likelihood’.
- That the section be expanded to include any other person who has a domestic relationship with person B.

Recommendation 9 **Section 124B [Qualified constable may issue Police order]**
For **Section 124B(2)(d)** that this Section be removed.

Recommendation 10 **Section 124E [Effect of Police order]**
Section 124E (1)(a) be expanded to also include firearms licence.

Recommendation 11 **Section 124E [Effect of Police order]**
Section 124E (3) defines person at risk. This should include ‘(a) the person named in the Police order for whose safety the order is issued; and (b) any person with whom that person is in a domestic relationship.’ This expands the definition from child to include other vulnerable people in the home (elderly parents, people with disabilities, but also includes new relationships).

Recommendation 12 **Section 124F [Suspension of parenting orders, etc]**
Insert a new Subsection 3 requiring police to advise counsel for the child that the Police order has been issued and the parenting order has been suspended. Counsel can then take any appropriate action in the interests of the child and child safety.

Recommendation 14 **Section 124G [Police order to be served and explained]**
Amend **Section 124G(4)** to specify the timeframe within which police must inform the person for whose safety the order is issued. In the interests of safety this would best be undertaken before the ‘offender’ is released from police custody. This process would be consistent with that proposed for police bail.

Recommendation 15 **Section 124G [Police order to be served and explained]**
That all victims receive mandatory follow-up by a victim advocacy agency as soon as practicable after the order is issued.

Recommendation 16 **Section 124H [Duration of Police order]**
Amend **Section 124H** to specify limit the timeframe to 3 days, unless there are some exceptional circumstances where it could be extended to 5 days.

Recommendation 17 **Section 124H [Duration of Police order]**
That a qualified person at the rank of senior sergeant or above can authorise a Police order up to 3 days.

Recommendation 18 Section 124H [Duration of Police order]

That a qualified person at the rank of commissioned officer can authorise a Police order up to 5 days. Reasons for this extended time would require documentation.

Recommendation 19 Section 124H [Duration of Police order]

Clear guidance should be provided for police to ensure conditions applied in the order do not interfere with a person's employment.

Recommendation 20 Section 124I [Failure to comply with Police order]

A specific offence titled '**Offence to contravene a Police order**' with a penalty not exceeding 3 months imprisonment be created.

Recommendation 21 Section 123A [Interpretation of terms etc]

The definition of child should be raised to 18 years to be consistent with other legislation.

Recommendation 22 Section 123A [Interpretation of terms etc]

The definition of domestic violence offence relating to violence by children is ambiguous. It could be amended to read:

"domestic violence offence means an offence against any enactment (other than the Domestic Violence Act 1995) involving the use of violence against a person, other than [insert by] a child, with whom the offender is, or has been, in a domestic relationship

Recommendation 23 Section 11 [Defendant admitted to bail etc]

Here the word 'child' should be amended to include any person with whom person B shares a domestic relations and would include children, other vulnerable persons and new partners where applicable.

Other issues relating to the submission

This section raises some issues that I consider useful in understanding the rationale behind recommendations made in my submission. I would ask you to consider the following:

Family violence principles

While *Te Rito* (New Zealand Family Violence Strategy 2002) outlines principles to guide family violence responses in New Zealand, I would also draw the Select Committee's attention to principles contained in the Police family violence policy (1996/2) when considering all aspects of this Bill. These principles (which are consistent with those outlined in *Te Rito*) are:

- Safety (for all parties)
- Accountability (across multiple levels eg. for offenders, and for agencies)
- Partnerships and inter-agency collaboration (eg. within and between agencies, between family violence and child protection)

Practically, people should be asking:

- Does this legislation, or resulting practice make people safer, does it make our community safer?
- Are people who use violence being held accountable for their actions, are agencies holding offenders accountable?
- What are the opportunities to work collaboratively to keep people safe, and to close gaps in services and knowledge?

DV Context- Police

Police orders should be considered within the context of a criminal justice sector response to domestic violence. Statistics provided by Police show family violence is characterised by its gendered nature (85% of recorded victims are female) and repeat victimisation (over 40% of calls will be repeated within a 12 month period).

Statistics

It should also be noted that the 75,000 family violence calls recorded by Police comprises no more than 15% of family violence (Fanslow, 2004). There is real potential with growing intolerance of violence in our communities for Police records to continue to rise in the foreseeable future. Given the potential for increased reporting, Police and other agencies should be looking for alternative measures of effectiveness including reducing repeat calls, or reductions in the level of risk once Police and other agencies have been engaged.

Based on 2007 figures, Police record:

- 130,000 events of violence each year
- Over 75,000 family violence events which include:
 - 35,000 reported family violence crimes

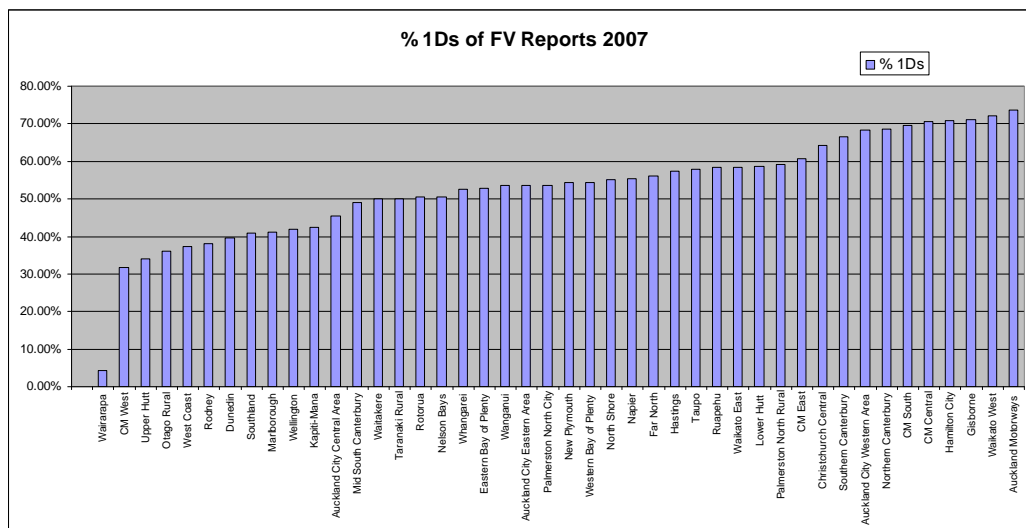
- 12,000 FV assaults
- 4,500 Breaches of Protection Orders
- 38,000 Domestic Disputes
- Increasing levels of family violence compared with stranger-related violence.

Other aspects for consideration are that family violence makes up:

- Some 45% of all murders
- Potentially up to 75% of all sexual offences
- Some of the 560 suicides and 3,500 recorded attempted suicides

Arrests

Police arrest rates across Districts vary considerably (see below). The graph below illustrates how police record family violence events. While all family violence events may be considered as part of a case conference process, only recorded offences lead to arrests. The graph below shows how police 'criminalise' family violence in their area. Despite national policies and training packages, a similar variation should be anticipated for Police orders making the challenge of implementation apparent.



Data obtained from Police FV Database [OIA request 2009]

Investigation practices

Police currently record all family violence events using a Family Violence Investigation report. This report consists of four parts:

- Investigation – including guidance for initial scene attendance and collection of evidence
- Risk Assessment – 3 tools to determine risk of serious harm
- Child safety
- Support for victims

The risk assessment component of this process would form an integral part in determining cases where a Police order could be applied. For example, cases of 'high' or 'extreme' risk would be identified as part of this process.

Inter-agency case management processes

All information collected and recorded on the FVIR is shared at an inter-agency case management meeting involving representatives from Police, Child, Youth and Family, and Women's Refuge. The purpose of the Family Violence Inter-Agency Response (FVIARS) meeting is to consider joint information to ensure opportunities for effective follow-up are identified, and follow-up action agreed. The timings of these meetings may vary across communities, according to the volume of cases reported to Police and the need for early decision making.

Where a Police order was issued, some inter-agency discussion within this forum would be expected.

As a matter of safe practice, early contact between the victim and an advocate will be essential. I would recommend that all victims (and child) receive mandatory support by a qualified agency at the earliest opportunity to discuss safety plans and other needs. This would have cost and resource implications for non-government agencies.

Order serves as a summons to Family Court

I have attached a chart (refer Appendix 1) outlining a potential process illustrating how Police orders could be incorporated into existing practice. The principle underpinning this model is that victims should have ready access to legal protection, and alleged offenders timely access to judicial review.

Current police practice requires attending officers to conduct some form of risk assessment for every family violence call for service (using the FVIR). Where risk is assessed as 'high' or 'extreme' I would suggest a Police order could be issued. In instances where an arrest is made, the matter pertaining to safety could be reviewed by the District Court.

In cases where there was insufficient evidence, a Police order could act as a 'summons to appear' before the Family Court where the circumstances could be reviewed and any follow-up action taken as deemed necessary.

Police orders could also be considered as a possible option for the FVIARS process where, following an inter-agency case management meetings immediately following an initial call for service, a case has been identified as a 'high' or 'extreme' risk situation.

Implementation

I believe the proposed legislation relating to Police orders is sound but challenges will be evident in implementation. Attention will need to be given to appropriate policy development across all agencies responding to or influenced by Police orders.

Guidelines for Police and other agencies will need to be developed, in addition to single and inter-agency training materials.

The resources committed to ensure effective implementation by Police, Courts and victim advocate groups will be significant and possibly have not been costed.

Monitoring

Given the variable practices across Police Districts, to ensure effective implementation and compliance, I would recommend that Police:

- Identify a specific code to track numbers and details of Police orders
- Establish specific baselines against which Police orders can be considered. These baselines would suggest the gender breakdown for Police orders would be consistent with the following:
 - 85% women FV victims
 - 95% women apply for domestic protection orders

Without access to current statistics, I would expect less than 3% of all Police orders would be issued against women. Any more than this would indicate problems with implementation, training and application.

I would also request that information systems be developed to track:

- The numbers of protection orders issued by District Courts (at the local level)
- The amount of immediate support provided to victims by specialist advocates

To ensure implementation is kept on track and 'unintended consequences' are reduced, I would also suggest that the Family Violence Taskforce is updated on progress.

Integrated approaches

Police orders will provide excellent opportunities to enhance collaboration on several dimensions. For example:

Within Police

Providing opportunities for police family violence and youth services to work together to enhance safety for children living in high risk homes

Across Agencies and Community

Victim advocacy services will need to work closely with police, providing rapid follow-up to victims and children subject to Police orders. This will place additional demands on these services.

The issuing of Police orders will also provide opportunities for child protection specialists (and social workers) to appraise the care and protection needs for children in high risk situations.

Other services such as the victims' access to legal aid (for applying for protection orders), other benefits and services will need to be considered within each community.

Overcoming Potential for Misuse

From overseas experience, there is potential for misuse and unintended consequences to arise from Police orders. For example:

- Police orders will substitute for thorough investigation and prosecution
- Police may apply Police orders to repeat calls (primarily to reduce costs in police time) rather than to enhance safety
- Police orders may be applied to 'victims' because of:
 - Lack of or ineffective Police family violence training
 - Police not skilled in dealing with 'sophisticated batterers'
 - Little knowledge and experience in determining 'primary aggressors'

Given the likelihood of misuse, monitoring of implementation and compliance with policy and best practice will be essential.

Appendix One

Police orders - Possible Process Map