



## VICTORIA POLICE

**Graham Ashton AM**  
**Chief Commissioner of Police**

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Judge Sarah Hinchey  
Coroners Court Victoria  
65 Kavanagh Street  
SOUTHBANK Vic 3006



Dear Judge Hinchey

### **Victoria Police response to recommendations arising from the Inquest into the death of Sherry Anne Robinson**

I advise that Victoria Police has given consideration to the recommendations arising from the inquest into the death of Sherry Anne Robinson, at Frankston on 29 May 2010.

#### **RECOMMENDATION 1**

***I recommend that the Chief Commissioner of Police amend the Code of Practice for the Investigation of Family Violence in order to provide more specific guidance about the manner in which family violence incidents might present to police. In particular, I recommend that consideration be given to specifying the following:***

- a) *Family violence incidents may not be categorised as such by the person reporting them to police. This may be because the person making the report does not recognise the family violence element of the incident and/or does not want the reported incident to be characterised in that way.*
- b) *An incident need not be exclusively characterised as 'family violence', in order to enliven the Victoria Police Options Model set out on page 21 of the Code of Practice for the Investigation of Family Violence.*
- c) *Police may attend an incident, whether reported as family violence or not, and assess, in respect of a person present, that it is necessary to exercise their powers of apprehension under the Mental Health Act 2014. This does not foreclose the incident also being characterised as a family violence incident, with the Code of Practice for the Investigation of Family Violence followed accordingly. This remains the case regardless of whether the incident involves the suspected commission of a criminal offence or some other form of family violence.*

- d) *In order to determine whether an incident should be categorised as a family violence incident, although not reported as such, it may be necessary to obtain information in addition to that gathered from those present. Where evident family violence risk factors are noted, consideration should be given to conducting LEAP checks to determine, amongst other things, whether any of the relevant parties has a history of family violence or whether there are any intervention orders in place.*
- e) *The affected family member/family violence victim need not be present in order for a matter to qualify as a family violence incident. For example, threats to harm a family member who is not present should be considered as a family violence incident, notwithstanding that the family member faces no immediate safety risk and, being unaware of the threats, has no consequent fear for their safety or wellbeing.*

Victoria Police supports the recommendations 1 (a) to (e) and thanks the State Coroner for his carefully considered recommendation. This tragic case again highlights the importance of information sharing and multi-agency responses in family violence contexts.

Victoria Police undertakes to amend the *Code of Practice for the Investigation of Family Violence* (Code of Practice) in line with the recommendation and comments made by the State Coroner.

This recommendation comes at a time of significant change in the way that family violence is responded to in Victoria, including within Victoria Police. The Royal Commission into Family Violence will produce its findings in March 2016 and we anticipate that those findings will have a significant impact on the way that Victoria Police responds to family violence in the future. As such, we expect that it is likely that there will be a requirement to make significant changes to the Code of Practice as a result of the Royal Commission into Family Violence's findings. We will include the changes recommended by the State Coroner in this investigation into the next review of the Code of Practice, which we expect will happen after the findings of the Royal Commission into Family Violence are known.

## **RECOMMENDATION 2**

***I recommend that the Department of Health and Human Services and the Chief Commissioner of Police address in their shared Protocol for Mental Health the circumstances in which Victoria Police should be notified of the discharge of a person initially apprehended by Victoria Police under the Mental Health Act 2014. Consideration should be given to making such notification mandatory, rather than contingent on an assessment of future or current risk.***

Victoria Police is committed to effective collaboration across agencies to ensure effective information sharing and risk assessment in responding to Family Violence. Victoria Police has prioritised revision of the shared protocol with the Department of Health and Human Services, with intent to enhance proactive information sharing and assessment of an individual's risk. Current provisions within the *Mental Health Act 2014* and *Health Record Act 2001* require consideration however, if implementation of mandatory notifications is to occur.

In finalising the protocol between our two organisations, Victoria Police will also give careful consideration to reporting findings and recommendations from the Royal Commission into Family Violence specific to information sharing.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Graham Ashton', with a stylized flourish at the end.

Graham Ashton AM  
**Chief Commissioner**

24/3/16