



VICTORIA POLICE



Graham Ashton AM
Chief Commissioner of Police

Our Ref: FF-151273

Coroner Audrey Jamieson
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Subject: Fiona Warzywoda – Finding into death without inquest
Court Reference: COR 2014 1962
Date of Rec: 17 July 2019

Dear Coroner Jamieson

Victoria Police response to recommendations arising from finding without inquest into death of Fiona Joy Warzywoda

This document provides the response to recommendations directed at Victoria Police (recommendations 1 - 3), arising from the finding into the death of Fiona Joy Warzywoda without inquest at Sunshine on 16 April 2014.

The findings raised several issues relating to risk assessment, systems and effective integration with our service delivery partners, that may have impacted family violence responses at the time of Ms Warzywoda's death. Many of these challenges were also the subject of reforms arising from the Royal Commission into Family Violence (RCFV), seeking to improve system-wide responses to family violence and ensure victim safety.

Through the establishment and work of the dedicated Family Violence Command, and implementation of the reform agenda arising from the RCFV, Victoria Police has furthered efforts to effect significant cultural change, and developed a strategy which sets out the next phase of reform: *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023*.

In addition, Victoria Police has implemented, or is currently implementing recommendations from the State Coroner to improve police education and training, risk assessment and systems supporting police responses to family violence.

The recommendations included in these findings will complement the existing work being undertaken by Victoria Police to reduce and prevent family violence. Victoria Police remains committed to standing together with other government and sector partners to deliver lasting and wide-reaching change.

Victoria Police's response to your findings is detailed as follows:

RECOMMENDATION 1:

I recommend that No to Violence/Men's Referral Service and Victoria Police consider the implementation of a system to monitor L17 referrals for perpetrators of family violence who are referred to a men's behavioural change program and have not been contacted by Victoria Police in relation to family violence incidents or family violence intervention orders. Such a system should ensure that once Victoria Police contact has been made with the alleged perpetrator, the No to Violence/Men's Referral Service can make contact to ensure perpetrator accountability.

Victoria Police supports the Coroner's recommendation.

Under the reforms arising from the RCFV, Victoria Police has worked with the Department of Health and Human Services (DHHS) to redevelop the DHHS L17 Portal to provide victim support and perpetrator services immediate access to both contemporary and historical information captured through the Family Violence Report (L17).

Victoria Police and DHHS are implementing enhancements to the DHHS L17 Portal to support updates to information provided following an incident. This will enable members to update the portal to indicate when police have made contact with a family violence perpetrator, and services to be advised of this progress. Family Violence Command will develop policy and communications to support this change.

RECOMMENDATION 2:

I recommend that Victoria Police examine and develop a system for recording a telephone call to a police station by a party to a family violence incident, creating a record that is visible to members who subsequently check the parties on LEAP and updating the Victoria Police Code of Practice for the Investigation of Family Violence to set out the obligation to record telephone calls to police reporting family violence incidents on LEAP. I confirm that a similar recommendation was made in the coronial investigation into the death of Kelly Ann Thompson (COR 2014/0824) and Victoria Police have yet to implement a system for recording such telephone calls to police.

Victoria Police supports the Coroner's recommendation.

In August 2017, Victoria Police published the Victoria Police Manual (VPM) – *Crime and event reporting and recording*.

The VPM requires that when a report is made in person or by telephone to a police station, members must first obtain details of the incident, and confirms that LEDR MK2 must be used to record all Crime and Event Reports (ensuring automatic upload to LEAP), including:

- crimes against person, property and statute; and
- events such as family violence, fire, lost property and missing persons.

This requirement to record the event using LEDR MK2 would apply to a report of family violence, whether or not an offence had occurred.

Subsequently, members must:

- for serious/urgent reports, members must notify Police Communications who will despatch the nearest available unit to attend; or,
- for less serious/not urgent reports, members must enter a crime report on LEDR MK2 with as much detail as possible.

Victoria Police considers that in most cases, reports of family violence will require serious/urgent classification as per the VPM. However, in all cases, the VPM confirms that LEDR MK2 must be used to record all Crime and Event Reports.

Family Violence Command is currently revising the VPMs for Family Violence and will consider appropriate cross-referencing of this VPM.

Family Violence Command will develop communications to ensure force-wide understanding of these VPMs as they relate to reports of family violence.

RECOMMENDATION 3:

I recommend that Victoria Police ensure that the Victoria Police Code of Practice for the Investigation of Family Violence is updated to reflect that the withholding of children is an act of control that can form part of abusive behaviours affecting the adult victim and the child's psychological, developmental and emotional wellbeing. Appropriate training should be resourced to ensure consistent approaches by Victoria Police members to investigating incidents of reports of children being withheld from a parent especially in instances where a family violence intervention order protecting the parent and/or children is in effect.

Victoria Police supports the Coroner's recommendation.

Family Violence Command is currently revising the VPMs for Family Violence, in conjunction with the Code of Practice for the Investigation of Family Violence, to ensure policy and practice guidelines are clear and consistent. Family Violence Command will incorporate the Coroner's recommendation as part of this work.

To improve risk assessment for cases involving children, two specific questions have been added to the new family violence report (FVR) relating to child custody arrangements and the interaction of family law court orders and family violence intervention orders:

- (a) Is there any conflict between the AFM and Respondent over child custody or access; and

(b) Are there any Family Law Court / Child Protection orders in place, or ongoing proceedings around custody involving the AFM and Respondent?

The questions are mandatory for all members taking a family violence report. The answers to these questions inform further police action, and all information is referred through the DHHS L17 Portal to relevant services.

To support police understanding of family violence dynamics, perpetrator tactics and effective risk assessment, the Victoria Police Centre of Learning for Family Violence is implementing a comprehensive education and training program, featuring a strong focus on children, family violence impacts on children, and effective family violence risk assessment and response in relation to matters intersecting with family law orders and proceedings.

Family Violence Training Officer roles have been established in each division to support local change management, and ongoing learning. These roles will be critical in supporting the roll out of revised VPMs and Code of Practice.

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

20/12/19