



VICTORIA POLICE

Office of the Chief Commissioner

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Our Ref: FF-271854

State Coroner Judge John Cain
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 2006

Subject: [REDACTED] - Finding into death without Inquest
Court Reference: COR 2020 001981
Date of Recommendations: 31 January 2025

Dear State Coroner Judge Cain,

Chief Commissioner of Police's response to recommendations arising from the Finding into the death [REDACTED]

This letter provides the Chief Commissioner of Police's response to the recommendations made in your Finding into the death of [REDACTED] delivered on 31 January 2025.

Recommendation (a)

That Victoria Police update their policies and documents to require members to document the reason for their decision to assign the roles of AFM and respondent and document the conversation(s) held with the respective parties/other witnesses when attending family violence incidents where the roles of AFM and respondent are not clear.

Victoria Police supports the Coroner's recommendation.

The Victoria Police Family Violence Predominant Aggressor Practice Guide (the **Practice Guide**), presently under development, will provide guidance for members involved in responses to family violence and will be informed by the Family Violence Multi-Agency Risk Assessment and Management (**MARAM**) Framework Foundation Knowledge Guide and Practice Guides.

Relevantly, the Practice Guide will direct members to include information in the Family Violence Report (**FVR**)/L17 narrative regarding their determination of the predominant aggressor and affected family member (**AFM**) in incidents of family violence. This could include observations of the current incident (for example, injuries and/or precipitating factors), evidence-based risk factors contained in the FVR/L17, relationship dynamics and history between the parties, level of fear of both parties, and other relevant factors. The Practice Guide will also direct members to document any uncertainty

regarding their identification of the predominant aggressor in the FVR/L17, and to document conversations with parties (including witnesses).

Recommendation (b)

That Victoria Police amend the Code of Practice, Victoria Police Manual and the new Predominant Aggressor Practice Guide to provide further information on the specific risk of misidentifying women with mental illness as primary aggressors when they do not present as 'ideal victims' due, for example, to:

- i. Perceived aggression, agitation or erratic behaviour*
- ii. Substance use or lack of calm cooperation with police*
- iii. Use of violence resistance, including self-defence.*

Victoria Police supports the Coroner's recommendation.

In addition to developing the Practice Guide, Victoria Police is reviewing and updating the Victoria Police Manual (VPM).

Together, the Practice Guide and updated VPM will provide specific guidance to members in relation to predominant aggressor misidentification. This will include information in relation to:

1. situations where there is an increased risk of predominant aggressor misidentification, including but not limited to circumstances where the AFM is a woman and/or a person with a disability or mental illness;
2. the potential misidentification of AFMs as predominant aggressors based on misinterpretation of their presentation or behaviour. This may include in relation to their response to the impact of violence on them (such as trauma responses), mental illness, the influence of alcohol or other drugs, and/or perceived or actual aggression towards police or at initiation of police contact;
3. potential biases and how these biases may contribute to their understanding of what a victim is 'supposed' to look or act like, and how this might impact their assessment of the predominant aggressor or AFM; and
4. the fact that AFMs may appear erratic, agitated or potentially violent.

Victoria Police intends to review and consider appropriate amendments to the Code of Practice in due course.

Recommendation (c)

That Victoria Police fully implement recommendation 5 of the FVRIM December 2021 report, Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor, specifically to "Trial a review process, involving the specialist family violence sector, for any Family Violence Report where a woman is identified as a respondent (and possible for other targeted cohorts) before it is committed to Victoria Police's LEAP database." The review of Family Violence Reports should occur by police and members of the specialist family violence sector together.

Victoria Police is considering options to address the intent of the Coroner's recommendation. The Coroner's recommendation is under review.

Victoria Police recognises the benefits of earlier engagement with the family violence sector to improve the accurate identification of the predominant aggressor and the timely detection and rectification of misidentification. To that end, Victoria Police is:

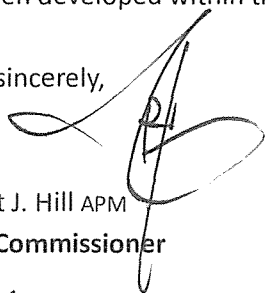
1. developing the Practice Guide and updating to the VPM, which will relevantly encourage members to utilise their powers under the relevant information sharing schemes to share and request information from other agencies to assist in their determination of the predominant aggressor;
2. engaging with key sector stakeholders to ensure that there are clear pathways for them to raise suspected misidentification with police;
3. continuing to develop and implement the comprehensive program of work in consultation and collaboration with key sector stakeholders;
4. continuing to engage with the Victorian Government to consider opportunities to reduce misidentification.

However, Victoria Police has significant concerns regarding the operability of the proposed review process, as recommended by the Family Violence Reform Implementation Monitor. Specifically, Victoria Police is concerned with the potential safety risks associated with any delays in information being committed to the LEAP database, noting resourcing constraints across the sector which may impact the timely review of FVRs/L17s.

Further, while Victoria Police acknowledges the need for ongoing reform in the sector to address predominant aggressor misidentification, Victoria Police considers it is critical that any proposed trials and/or reforms are developed and implemented in a whole of government setting to determine the best solutions and avoid unintended consequences.

Victoria Police respectfully submits that it is not desirable to commit to trialling a solution which has not been developed within the sector and in conjunction with the relevant stakeholders.

Yours sincerely,



Robert J. Hill APM
Chief Commissioner

16/5/25.