

frontline 2020



Reporting Family and Domestic Violence
Part 1

“Family Relationships”



Western Australia Police

Reporting of Family and Domestic Violence

- The current policy to submit a DVIR 1-9 based on the existence of any Family and Domestic Relationship as per Section 4 of the *Restraining Orders Act (1997)* is to cease in the current format.
- A refined definition will be used by the frontline for reporting Family and Domestic Violence (FDV). This is policy based and not legislation.
- The definition is within Police Manual DV-1.1.1

Reporting of Family and Domestic Violence

- The new policy complements the *Restraining Orders Act (1997)* and does not change or override any legislation.
- Mandatory scene attendance still exists for all matters suspected as FDV to ensure Police comply with Section 62A of the *Restraining Orders Act (1997)* which states that we must investigate suspected acts of FDV.
- Police must comply with Section 62C of the *Restraining Orders Act (1997)* which states that after investigating FDV we must issue a Restraining Order, a Police Order or record why we did neither.

Submission of DVIR 1-9 Incident Reports

The submission of an Incident Report, inclusive of the DVIR 1-9 is *only* mandatory for incidents involving persons in the **refined police definition of a family relationship** and where one or more of the following also apply:

- An act of family and domestic violence has occurred as defined in Section 6 of the *Restraining Orders Act (1997)*.
- The involved parties are subject to Recidivist/Red File Case Management.
- Reporting of Child Abuse where a relationship exists between the parties as per Section 4 of the *Restraining Orders Act (1997)*.

Refined Police Definition of Family Relationship

The refined Police definition has two distinct types of family and domestic relationships;

- **Intimate Partners**
- **Immediate Family Members**

This allows a focus on persons who may potentially be subjected to ongoing coercive, controlling, behaviours as opposed to isolated incidents involving a 'relative'.

Intimate Partner

Intimate Partner means persons who;

- Are or have been in a relationship with each other which has some degree of stability and continuity. It must reasonably be supposed to have, or had a sexual aspect to the relationship.
- The partners **do not** have to be living together on a full time continuing basis and need not ever have done so.

Immediate Family Member

Immediate Family Member means persons who are related whether *directly, in-laws* or *step family* and includes;

- Parent or step parent;
- Mother in law or father in law;
- Grandparent or step grandparent;
- Step children;
- Guardians of involved children;
- One person is a child who ordinarily resides or regularly stays with the other person.

Submissions of General DVIR 1-9

- A General DVIR 1-9 is only necessary where an **'Act of Family and Domestic Violence'** is apparent or suspected between intimate and immediate family members.
- An Act of family violence is defined in Section 6 *Restraining Orders Act (1997)* **(See Part 2)**
- Issues between any other related person, where no underlying coercion, control, risk or patterns of behaviour exist and no safety concerns are apparent, will be addressed via CAD.

In Summary

In the case of a general argument between Intimate Partners and Immediate Family members, whereby none of the criteria as stipulated in the *Restraining Orders Act (1997)* is present, a DVIR 1-9 is **not** required.

Police Orders for Intimate Partners and Immediate Family Members

If you issue a Police Order for a relationship defined as Intimate Partner or Immediate Family Member, then a DVIR 1-9 is compulsory.

Types of Relationships not requiring a DVIR 1-9

- The following slide has types of relationships which will **not** usually require the submission of the DVIR 1-9.
- Where any crime is reported the standard Crime Incident Report will always be necessary.
- When issuing a Police Order for a relationship that is not intimate or immediate, record the CAD number on the order in the space provided for the incident report number.
- NOTE: If **any** circumstance of aggravation exists for **any** crime, the appropriate charge must be preferred, regardless of these changes and if you have or have not submitted a DVIR 1-9.
- When in doubt submit a DVIR 1-9.

Types of Other Relationships

- Siblings and step siblings (neither is a child residing with the other person)
- Cousins
- Aunts and Uncles
- Relatives of current or ex spouse and defacto
- Casual relationships, sexual or otherwise
- Imagined relationships
- Other personal relationships such as house and flat mates
- Extended cultural relationships

Police Orders for Other Relationships

- You can issue a police order for relationships that are not intimate or immediate family, as long as grounds exist.
- A DVIR 1-9 is not compulsory.
- The CAD number is to be recorded on the order in place of the IR number.
- The CAD is to record all actions taken.
- Consideration should be given to any children exposed to violence and whether a further response is needed.
- If so, submit a DVIR 1-9.

Police Manual Reference

Police Manual DV-1.1.1, Definitions

For Assistance

- Discuss the matter with your supervisor
- Contact your local Family Protection Unit
- Contact the Family Violence State Coordination Unit on 94281590