

YAN YAN

Police and Aboriginal
Community Protocols
Against Family Violence
2022



ACKNOWLEDGEMENT OF COUNTRY

Victoria Police acknowledges the Traditional Owners of Gadubanud and Gulidjan of the Maar Nation and Wadawurrung of the Kulin Nation and all Aboriginal peoples living in this place today. We pay our respects to Elders past, present and our young leaders. We intend to recognise and embrace the connections to the longest continuous history of Aboriginal People.

In this document, the term 'Aboriginal' is intended inclusively, to refer to both Aboriginal and Torres Strait Islander peoples of Australia, although it is recognised that people of Torres Strait Islander origin may or may not also be of Aboriginal descent.

In this document where the word Respondent has been used, the words 'person who uses violence' has been used alongside to reflect language used by police and community.

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GOOLAWAN OATH

I have the right to live in a safe relationship, family and community that is free from violence.

I agree to uphold these rights and take responsibility for my own words and actions.



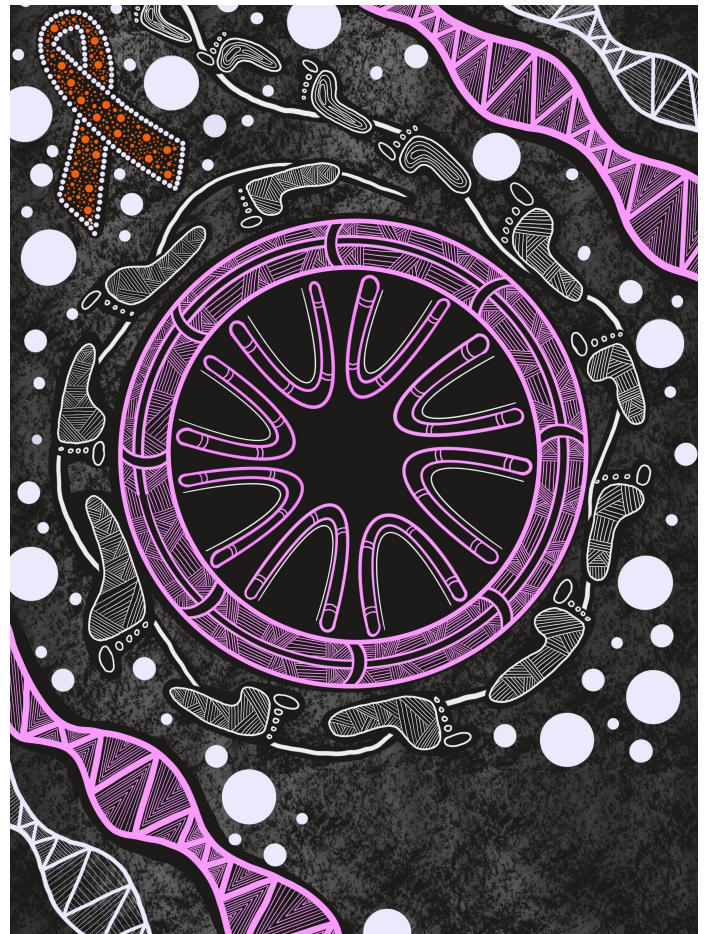
ARTWORK: CHANGING OUR PATH



“Changing our Path” – Copyright © 2020. This artwork is reproduced with consent of the artist, Mr David Flagg. Mr Flagg is a Wemba Wemba man.

The circle represents the cycle of family violence. The pattern within the circle represents the stories of individuals. While everyone has their own story, they all have similar patterns of family violence.

The symbols inside the circle represent individuals, family groups, community groups and government agencies. Normally these symbols are on the outside however I have placed them on the inside to demonstrate the groups working together to tell those individual stories to break the cycle of family violence.



The footprints represent the survivors of family violence. After the sixth footprint the pattern changes slightly, and after the twelfth footprint the pattern changes completely and changes path. This shows that by making small changes now and continuing to move forward, it leads to big changes later down the path. In doing so we can change our path and break the cycle of family violence.

The dots represent family and community to assist along the journey. The pattern on the outside represent the safety nets that are available through the various services who are there to support individuals if they fall. The dotted ribbon represents the ochre ribbon for ending family violence in Aboriginal communities.



Yan Yan

is a language term familiar to Gadubanud and Gulidjan of the Maar Nation and Wadawurrung of the Kulin, as well as a place name for a waterway that is central to all Countries on a bordering point. On its own Yan means walking or taking a journey. When repeated, Yan Yan means moving two ways, back and forth, in and out like a tide, a seasonal waterway and something that mimics breathing in and out. Yan Yan speaks to the change we are committing to for our communities as we are sharing knowledge and information across Aboriginal communities in the Barwon region. Building and forming relationships with stakeholders that also take footsteps with and between our communities. The Yan Yan will enable us to feel through the process and provide space for reflection ensuring the work we undertake creates and an evolving impact. These works will continue to breathe life into the Yan Yan document.




INTRODUCTION

Yan Yan is an agreement between Aboriginal communities in the Barwon region and Victoria Police. The intention of Yan Yan is to improve police responses when responding to reports of family violence in Aboriginal communities. It recognises the urgent need to reduce the disproportionate impact of family violence on Aboriginal people, particularly women and children. And ensure there is a strengths-based, gender and trauma informed approach for people who experience and use violence. Yan Yan aims to improve cultural safety for Aboriginal people who come into contact with police at one of the most vulnerable times in their life.



Map of the Western Division One policing area and the Aboriginal Countries it covers.
Gulidjan and Gadubanud Country - Maar Nation
Wadawurrung - Kulin Nation



We acknowledge that we are all working on the lands of the Gadubanud and Gulidjan of Maar Nation and the Wadawurrung of the Kulin Nation and are grateful for the life the landscape provides us, our families and colleagues. Here in the Barwon region, we recognise the uniqueness and diversity of our Aboriginal people, Traditional Owners, Custodians and those who now call the Barwon region home. We pay our respects to their rich and vibrant cultures, communities and the strength and knowledge our communities hold.

Family violence is not and has never been part of Aboriginal culture and should not be tolerated or treated as such. Aboriginal people have long worn the burden of being overrepresented in all areas of the family violence sector and the Yan Yan is intended to create change in this space.

Education and training to ensure cultural safety is at the forefront of the Yan Yan and other policing responses in the Barwon region. A culturally informed understanding of bias, racialisation and generational trauma is required and Yan Yan is committed to ensuring this is made available to all Victoria Police employees.

Family violence includes but is not limited to a wide range of physical, emotional, sexual, social, spiritual, cultural and economic abuses that can occur within families, extended families, kinship networks and communities.

In the Barwon region we will continue to support prevention projects and advocate for community healing and capacity building for individuals, families and communities to prevent, reduce and respond to family violence. These protocols are aimed at an improved, holistic response to all parties including victim survivors, children and offenders (people who use violence).

Policy Context

The Koori Family Violence Police Protocols project was first funded in 2008 by the Department of Justice and Regulation (as previously known) to strengthen the police response to incidents of family violence in Aboriginal communities. The protocols aim to offer a holistic, improved response to all parties including Affected Family Members (AFMs), children, and supporting persons who use violence to change their behaviour. The need for improvements to the police response has been identified in a number of forums and prioritised in several key government documents including the Victorian Aboriginal Affairs Framework, the Victorian Aboriginal Justice Agreement and Dhelk Dja: Safe Our Way - Strong Culture, Strong Peoples, Strong Families Agreement.

COMMITMENT

Yan Yan is intended to strengthen and inform a culturally safe and sensitive response to family violence.

Yan Yan is a foundation that works towards breaking the cycle of violence and the trauma it incurs; creating a safer community for those living on Gadubanud, Gulidjan and Wadawurrung Countries.

DEFINITION OF FAMILY VIOLENCE

Aboriginal definitions of the nature and forms of family violence are broader and more encompassing than those used in a mainstream context.

The Victorian Indigenous Taskforce have defined family violence as:

"An issue focussed around a wide range of physical, emotional, sexual, social spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self-harm, injury and suicide."

Aboriginal Affairs Victoria 2003, *Victorian Indigenous Family Violence Task Force Final Report*, Melbourne

SAFETY (CULTURAL, PHYSICAL AND COMMUNITY)

Dhelk Dja is the lead Victorian agreement describing the work required to ensure that all Aboriginal people in Victoria live free from family violence. Realising the vision of Dhelk Dja will require everyone – Aboriginal communities and services, government and the broader service sector – to understand and accept their responsibility to work together, leverage resources and be part of the change, underpinned by a strengths-based approach.

SELF-DETERMINATION (COMMUNITY-LED, SELF-MANAGEMENT AND LEADERSHIP)

True self-determination means that Aboriginal people and communities are at the centre of the campaign to rid our communities of family violence. It ensures active community involvement and ownership. Self-determination in service delivery recognises that Aboriginal people have the right understanding and knowledge of local community needs, priorities and aspirations to deliver culturally appropriate solutions.

STRENGTH-BASED

Dhelk Dja adopts a strengths-based approach that values the strengths of Aboriginal individuals and the collective strengths of Aboriginal knowledge, systems and expertise. It recognises the critical importance of Aboriginal culture and cultural strengthening as a protective factor against violence.

GUIDING PRINCIPLES

The Yan Yan has adopted the below principles set by the Dhelk Dja Partnership Forum to guide how they work together to implement Dhelk Dja and realise the vision for a future free from violence. These principles will guide the work we do at a local level and hold one another accountable.

ACCOUNTABILITY, TRANSPARENCY AND HONESTY OF ALL PARTIES

To create families and communities that are safe and free from violence, safety across all relationships, community settings and the entire service system is required.

CULTURAL AND TRAUMA INFORMED RESILIENCE AND HEALING APPROACHES

The disproportionate impact of family violence on Aboriginal people is deeply rooted in the intergenerational traumas endured as a result of invasion and the violent dispossession of land, culture and children.

COLLABORATION AND PARTNERSHIPS

Sustainable partnerships are most effective when they are Aboriginal community-led and built on transparency, respect and accountability. However, the need for the broader community to understand and be part of the change is essential. Equally, government and all services must be held accountable for delivering equitable and responsive outcomes for all Aboriginal people.

POLICE RESPONSE TO FAMILY VIOLENCE

Yan Yan outlines the initial action required by police attending family violence incidents involving Aboriginal people and the complex nature of the experience. These protocols should assist police responding to family violence with compassion, respect and ensure Aboriginal people experiencing family violence are appropriately supported. In order to achieve these goals when police respond to a family violence incident they must:

1. Respond quickly and decisively
2. Take immediate action to protect and support the AFM
3. Ensure the safety and security of AFM and children
4. Establish Aboriginal and/or Torres Strait Islander status and document this:
 - In all cases of family violence, ask the question of the AFM and the Respondent (person who uses violence), **‘Are you of Aboriginal and/or Torres Strait Islander origin?’**
 - Ask the parent or guardian of any child present if they are Aboriginal and/or Torres Strait Islander. Also asking if there are children that ordinarily reside at the premises and are not currently present
 - Document the answer and ensure this is recorded on all relevant paperwork including the Family Violence Report (form L17) as well as the Family Violence Safety Notice
 - If the AFM, Respondent (person who uses violence) or children identify as Aboriginal and/or Torres Strait Islander ensure that this information is included in any formal referral to a support service
 - Ask all parties if they would prefer the referral to be directed to Aboriginal specific services or mainstream services and ensure this is reflected in referral process

POLICE RESPONSE TO FAMILY VIOLENCE

5. Demonstrate respect and sensitivity in undertaking the risk and needs assessment, noting that Aboriginal people or families may have a range of particular vulnerability factors, additional issues or extenuating circumstances, including:
 - Anxiety about identifying as Aboriginal
 - Fear that the Respondent (person who uses violence) will be at risk of self-harm or suicide if arrested or placed in a police cell
 - Fear that the AFM will be condemned by other family members for reporting family violence
 - Fear that reporting family violence may lead to DFFH being called and fear of children being removed
 - Fear that other police or legal matters will be brought up and used against the family in the course of investigating the family violence incident
 - Anxiety about being referred to a mainstream service
 - Objection to being referred to Aboriginal specific service due to being known to a worker
 - History of family violence either as an AFM or Respondent (person who uses violence)
 - Family violence occurring between extended kinship networks
 - Mental health or drug and alcohol issues in the family
 - Violence in a same sex relationship
 - The special needs of an elderly person or a person with a disability
6. Refer all parties to appropriate services, noting any of the risk and vulnerability factors and particular needs.

LOCAL REFERENCE GROUP

Role and function

The role of the Local Reference Group (LRG) is to:

- Support partner agencies and stakeholders to ensure best practice is employed in the field of family violence
- Share up-to date information to support the continuous improvement of the protocols
- Develop or update strategies to maximise the effectiveness of the protocols
- Monitor the performance of the protocols and adjust where required.

The LRG will adopt a continuous improvement model and amend the protocols to reflect changes in community expectations, improvements to practices and/ or changes to legislation. The LRG will always look to resolve any issues at a local level in the first instance. The LRG will meet quarterly.

LRG COMPOSITION

Membership will include, as a minimum, representatives from each stakeholder group:

- Barwon Health
- Barwon Orange Door
- Barwon South West Dhelk Dja
- Barwon South West Regional Aboriginal Justice Advisory committee (RAJAC)
- Bethany
- Dardi Munwurro
- Department of Families, Fairness and Housing
- Sexual Assault and Family Violence Centre
- Wathaurong Aboriginal Cooperative
- Victoria Police

Meetings of the LRG will be independent of, and distinct from, meetings of associated structures i.e. not an add-on to agendas of the Dhelk Dja and RAJAC meetings. The LRG must have independence. The LRG will meet quarterly to ensure regular, robust monitoring and accountability.

Matter or Issue Raised.
Matter immediately
discussed and resolved
at meeting or action
item created for further
enquires/ investigation
by nominated LRG
member

Matter discussed "Off line"
or tabled for discussion at
next LRG Meeting. Matter is
resolved or matter not able
to be resolved after
consultative discussion

Matter referred by the Chair/s
of the LRG to the State-wide
Steering Group for tabling and
consideration

State-wide Steering Group
considers the issue and
provides advice guidance and
direction on resolution

COMMUNICATION AND ISSUE RESOLUTION PROCESS

True self-determination means that Aboriginal people and communities are at the centre of the campaign to rid our communities of family violence. It ensures active community involvement and ownership. Self-determination in service delivery recognises that Aboriginal people have the right understanding and knowledge of local community needs, priorities and aspirations to deliver culturally appropriate solutions.

GOALS

| Goal | Measure/How will we know the targets been met | Responsible | Timeframe |
|---|--|--|-------------------------|
| Cultural awareness training Collaboration between Victoria Police and Aboriginal organisations | All WD1 members to undertake Aboriginal Cultural Awareness Training | Victoria Police | Ongoing / Annual Review |
| | The PACPAFV are embedded into the WD1 induction process | Victoria Police | 3 months |
| | Develop MOU between WD1 Police and Wathaurong Aboriginal Co-Operative | Victoria Police/ Wathaurong Aboriginal Co-operative | 3 months |
| | Police attend community events for NAIDOC Week, Reconciliation Week, Aboriginal and Torres Strait islander Children's Day, Sorry Day, January 26, Close the Gap Day, Open days | Victoria Police | Annual review |
| | Establish the WD1 Police Aboriginal Consultative Committee | Victoria Police | 12 months |
| | Monthly family violence meetings with all relevant family violence organisations (e.g. Wathaurong, Orange Door, Bethany, etc.) | Victoria Police | Monthly |

GOALS

| Goal | Measure/How will we know the targets been met | Responsible | Timeframe |
|------------------------------|--|--|-------------------------------|
| Reporting | Increased reporting of Aboriginal identified Respondents (person who uses violence) | FV Organisations inc. Victoria Police | Annually |
| | Increased reporting of Aboriginal identified AFMs | FV Organisations inc. Victoria Police | Annually |
| | Increased reporting of Aboriginal children at family violence incidents | FV Organisations inc. Victoria Police | Annually |
| Referrals | Increased number of Respondents (person who uses violence) who have engaged with a service | FV Organisations inc. Victoria Police | Annually |
| | Increased number of AFMs who have engaged with a service | FV Organisations | Annually |
| | Increased number of children engaged with a service | FV Organisations inc. Victoria Police | Annually |
| | Increased co-ordination leading up to RAMPS | FV Organisations inc. Victoria Policesations | Annually |
| Standard Indigenous Question | Reduce Standard Indigenous Question (SIQ) response of 'unknown' | Victoria Police | Ongoing with Quarterly Review |

DEFINITIONS

Aboriginal Community Justice Panel (ACJP)

The ACJP operates 24 hours a day, seven days a week. Local community members provide cultural and practical support to Aboriginal people taken into police custody.

Aboriginal Community Liaison Officers (ACLOs)

An Aboriginal community member employed by Victoria Police to assist in building strong relationships between Victoria Police and Aboriginal people.

Arrest

The detention of a person who police reasonably believe has broken a law.

Civil Action (for family violence)

Legal action to protect your rights (e.g. application for a Family Violence Intervention Order).

Contravention/ Breach

If a Respondent (person who uses violence) has disobeyed a condition on a Family Violence Safety Notice or Family Violence Intervention Order this is a 'contravention' or 'breach'. A contravention should be reported to police as soon as possible and can result in criminal charges.

Criminal Charge

When a police investigation has enough evidence, or information, that a person has broken the law, a charge is laid so the person must come to court.

Exclusion Condition

A condition on the notice or order that bans the Respondent (person who uses violence) from coming near the protected person, or the places the order lists (e.g. protected person's home, work, school or child care).

Family Violence Court Liaison Officer (FVCLO)

A police officer, at a major Magistrates' court, who liaises with all parties of a Family Violence Intervention Order application made by police.

Family Violence Intervention Order (FVIO)

An order made by the court to prohibit family violence.

DEFINITIONS

Family Violence Safety Notice (FVSN)

A legal notice issued by police to prohibit family violence until the court hearing.

Family Violence Investigation Unit (FVIU)

The FVIU is responsible for investigating cases of serious and complex family violence.

Family Violence Liaison Officer (FVLO)

A police officer who oversees family violence matters in a police area. There is one appointed at the following police stations: Geelong, Corio, Bellarine, Waurin Ponds, Torquay, and Colac.

Informant

A police officer who lays a charge.

Investigator or Detective

A police officer who is investigating a report of family violence.

Multi-Disciplinary Centre (MDC)

The MDC is home to multiple agencies who work together to provide a holistic response to victims of sexual offences, family violence and child abuse.

Offender/ Respondent/ Other Party

A person who has committed family violence and is legally on notices, or ordered to stop committing family violence.

Orange Door

The Orange Door is a free service for: people experiencing family violence; people who use or are at risk of using family violence and/or families requiring support with the wellbeing and development of children and young people. To make it easier for people to be safer and supported, The Orange Door brings together workers from: specialist family violence services; family services; Aboriginal services and services for men who use violence. The primary functions of The Orange Door is the identification of family violence, to conduct a risk assessment and to commence safety planning and connection to support services if medium to longer term intervention is required.

DEFINITIONS

Police Aboriginal Liaison Officers (PALOs)

A police officer who, as well as doing operational duties, holds a liaison role to build relationships between Aboriginal communities and Victoria Police.

Protected Person / Victim/ Affected Family Member (AFM)

A person, who is protected from family violence by an intervention order or safety notice. Children can be protected people. Children who are under 18 years can be included on a protected parent's order.

Served

When the order or notice is legally delivered to the respondent, it is 'served' and must be obeyed.

Sexual Offences and Child Abuse Investigations Team (SOCIT)

Sexual Offences and Child Abuse are crimes that require a specialist response from police who understand and are especially trained to deal with these complex crimes.

FAMILY VIOLENCE SERVICES

Barwon Children Youth and Families (BCYF)

<https://www.bcyf.org.au/>

54C Bromfield Street, Colac, Gulidjan Country, 3250

5231 4740

222 Malop Street, Geelong, Wadawurrung Country, 3220

5226 8900

Barwon Health

University Hospital Geelong,

Bellarine Street, Wadawurrung Country 3220

4215 0000

Bethany

<https://www.bethany.org.au/>

Head Office

16 Ballarat Road, Hamlyn Heights, Wadawurrung Country 3215

5278 8122

Geelong West Office

1/2 Waratah Street, Geelong West, Wadawurrung Country 3218

5247 2111

Bethany Men's Family Violence Intervention Centre

9B Strong Street, South Geelong, Wadawurrung Country 3220

5278 8122

Burndawan

<https://burndawan.com.au/>

FAMILY VIOLENCE SERVICES

Djirra

<https://djirra.org.au/>

177 Koroit Street, Warrnambool, Peek Whurrong Country 3280

5562 5755

1800 105 303 (24hrs)

Lifeline

<https://www.lifeline.org.au/get-help/topics/domestic-family-violence>

131 114 (24hrs)

Magistrates Court of Victoria

<https://www.mcv.vic.gov.au/>

Queen Street, Colac, Gulidjan Country 3250

4237 1000

Railway Terrace, Geelong, Wadawurrung Country 3220

9087 6113

Orange Door Barwon Region

<https://orangedoor.vic.gov.au/>

83 Moorabool Street, Wadawurrung Country, Geelong 3220

1800 312 820 (24hrs)

Colac Area Health

<https://www.cah.vic.gov.au/>

2-28 Connor Street, Gulidjan Country, Colac, VIC 3250

5232 5100

Bellarine Community Health

<https://www.bch.org.au>

23-25 Palmerston Street, Wadawurrung Country, Drysdale 3222

1800 007 224

FAMILY VIOLENCE SERVICES

Safe Steps

<https://www.safesteps.org.au/>
1800 015 188 (24hrs)

The SAFV Centre

<https://www.safvcentre.org.au/>
Level 1, 59-63 Spring Street, Geelong West, Wadawurrung Country
3218
5222 4318

Sexual Assault Crisis Line

1800 806 292 (24hrs)

Victorian Aboriginal Child Care Agency (VACCA)

<https://www.vacca.org.au/page/services/family-violence>
340 Bell Street, Preston, Wurundjeri Country 3072
9287 8800

Victorian Aboriginal Legal Service (VALS)

<https://vals.org.au/>
273 High St, Preston, Wurundjeri Country VIC 3072
1800 064 865 (24hrs)

FAMILY VIOLENCE SERVICES

Victoria Police

Geelong Police

110 Mercer Street, Geelong, Wadawurrung Country
5225 3100

Colac Police

42 Queens Street, Colac, Gulidjan Country
5232 8200

Corio Police

117 Bacchus Marsh Road, Corio, Wadawurrung Country
5273 9555

Wathaurong

<http://www.wathaurong.org.au/>

62 Morgan Street, North Geelong, Wadawurrung Country 3215
5277 0044

Colac Aboriginal Gathering Place

4 Miller Street, Colac, Gulidjan Country 3250
0449 948 475

**Remember in an emergency call
Triple Zero
000**

SIGNATORIES



**Barwon
Health**

Renée Owen

RENEE OWEN

Aboriginal Health Program Manager
Barwon Health



Tania Dalton

TANIA DALTON

Barwon South West Dheek Dja
Co-ordinator



Ebony Hickey

EBONY HICKEY

Caracaramigen House - The Colac
Aboriginal Gathering Place



Alice Coakes

ALICE COAKES

The Orange Door
West Division



Allan Miller

ALLAN MILLER

Barwon South West RAJAC
Executive Officer



Helen Bolton

HELEN BOLTON

Cheif Executive Officer
The SAFV Centre



Simon Flagg

SIMON FLAGG

Cheif Executive Officer
Wathaurong Aboriginal Co-operative



Pamela Williams

PAM WILLIAMS

Executive Director, Barwon Area
Department of Families Fairness
and Housing



Peter Ward

PETER WARD

Peter Ward APM
Divisional Superintendent
Western Region Division 1