

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use the Code of Conduct – Professional and Ethical Standards to inform the decisions they make to support compliance.

Family violence involving Victoria Police employees

Context

Victoria Police regards family violence as extremely serious and will respond to and investigate criminal and non-criminal family violence behaviours involving Victoria Police employees.

The primary responsibility of police action in relation to reports of family violence is the safety and welfare of the affected family member and children. Victoria Police will provide a response to family violence involving employees consistent with that provided to the community.

When family violence involves Victoria Police employees, Victoria Police must respond as both an employer and a law enforcement agency. To address these additional complexities and obligations, there are further requirements and responsibilities set out in this policy. These are to provide oversight and manage conflicts of interest, while encouraging reporting to ensure safety, support and accountability.

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Definitions

Affected family member (AFM) – defined in s.4, *Family Violence Protection Act 2008* (FVPA). The family member whose person or property is the subject of an application for an order. Once an intervention order is granted the person is known as the **protected person**. Used interchangeably to refer to victims of family violence as an intervention order is not always sought or granted.

Family Violence Report (FVR (L17)) – Victoria Police Risk Assessment and Risk Management Report.

Intervention order – general term to refer to all types of orders; being Family Violence Safety Notices (FVSN), Interim Family Violence Intervention Orders (Interim FVIO) and Final Family Violence Intervention Orders (FVIO).

Options Model – criminal, civil and referral actions to be considered by police after conducting a risk assessment.

Police member (or member) – any person, excluding VPS employees, employed by Victoria Police in accordance with s.7, *Victoria Police Act 2013*. This means police officer, protective services officer (PSO), recruit, and reservist except where an instruction specifically states otherwise. However, any authority or responsibility may only be exercised within the limits of the duties of the position and their legal authorities and responsibilities.

Primary aggressor – the party to the family violence incident who, by their actions in the incident and through known history and actions, has caused the most physical harm, fear and intimidation against the other.

Respondent – defined in s.4, FVPA. The person against whom an application for, or actual intervention order has been, made or issued. Used interchangeably to refer to a perpetrator of family violence as an intervention order is not always sought or granted.

Victoria Police employees – all Victoria Police personnel, including police members, reservists, PSOs, recruits and VPS employees.

Victorian Public Service (VPS) employees – any person employed by Victoria Police, including police custody officers (PCOs) in accordance with the *Public Administration Act 2004*.

Scope and application

This policy applies to all Victoria Police employees.

Victoria Police recognises that family violence occurs in all communities between people in a range of family and family-like relationships. In carrying out our role we must be respectful, fair and non-discriminatory, and act compatibly with human rights.

Policy

Victoria Police responses to family violence will be guided by the following principles:

- All employees receiving information about alleged family violence involving police employees should initiate a discussion with a supervisor or manager. Where the information relates to allegations of family violence being perpetrated by an employee, a standard policing response must be initiated.

- Victoria Police will respond to all family violence perpetrated by employees, and all reports involving Victoria Police employees identified as respondents must be treated as complaints against police.
- In addition to criminal investigation and responses, action taken against respondents may include disciplinary action, welfare intervention and/or supervisory oversight.
- All organisational responses should be informed by an understanding of family violence dynamics and risks and consider the history of family violence behaviours. Past disciplinary, misconduct or management interventions should also inform assessment of appropriate responses, including prompting consideration of suitability for particular duties and employment.
- Management of AFMs should take a supportive approach, maintaining confidentiality as far as practicable, and ensuring employees can feel safe and engaged in their workplace.

Responsibilities and procedures

1. Overview

- Members responding to family violence incidents where either or both parties are Victoria Police employees must follow the standard family violence response model. For further information have regard to **VPM Family violence** and **VPM Crime and event reporting and recording**.
- In addition to the standard response, there are extra requirements for family violence incidents involving Victoria Police employees. This is to remove any conflicts of interest and maintain procedural fairness in order to uphold the integrity and ethical standards of Victoria Police. These requirements also ensure the safety and wellbeing of AFMs and ensure perpetrators are held to account.
- The Options Model as set out in **VPM Family violence** must be used, with an FVR (L17) completed and appropriate criminal, civil and referral actions taken for every reported incident of family violence.
- Employees must treat all family violence incidents involving Victoria Police employees identified as respondents as complaints against police. A Victoria Police Complaint/Incident/Issue Form [Form 918] notification to Professional Standards Command (PSC) must be submitted in all cases of family violence involving employees identified as respondents. For further information have regard to **VPMP Complaints and discipline**.
- All employees have a responsibility to identify and, wherever possible, avoid any actual, potential or perceived conflicts of interest in the response to family violence involving Victoria Police employees at the earliest opportunity. For further information have regard to section 13 of this policy and **VPM Conflict of interest**.
- Confidentiality should be maintained, as far as practicable, when responding to family violence involving employees. Information should only be shared with those directly involved in the response and management of family violence involving employees as required under this policy, and only to the extent necessary for them to fulfil their duties.

- Employees must consider and respect the confidentiality of employee AFMs unless policy instructs otherwise. This is to ensure that the AFM does not experience further distress or trauma and perpetrators cannot access information about an AFM.

2. Responding to an incident

2.1 *Responsibility of employees involved in a family violence incident*

It is the responsibility of an employee of Victoria Police, involved in a family violence incident, to identify themselves as being an employee to the responding members.

2.2 *Responding member's responsibilities*

- Notify a sub-officer as soon as possible. Where practicable a sub-officer must attend all incidents of family violence involving a Victoria Police employee.
- Ensure that the incident is investigated fully, the Options Model is used and an FVR (L17) is completed.
- Advise the sub-officer of the application or serving of any intervention order on a Victoria Police employee named as a respondent.

2.3 *Sub-officer responsibilities*

- Attend and take charge of the incident. If pressing necessity prevents this action, ensure remote oversight, and arrange follow up enquiries.
- Notify the divisional patrol supervisor or duty officer.
- Ensure immediate notification to PSC of any incident involving an employee as a respondent and submit Form 918.
- If the primary aggressor is unclear, ensure relevant information is captured on the Form 918 (in addition to the FVR (L17) to support further investigation. See **VPM Family violence** for further information about identifying the primary aggressor.
- Where the incident occurs after-hours (1600-0800), notify PSC through the police shift manager (PSM) at ESTA (D24). The PSM will then contact the PSC on-call team who will consult with the reporting sub-officer, divisional patrol supervisor, or duty inspector.
- Ensure the welfare of the employee is considered regardless of whether the employee is the respondent or the AFM. Consider the following:
 - Employee Assistance Program
 - Victoria Police Wellbeing Services (Police Welfare and Police Psychology)
 - conducting welfare checks on the employee at a later time.

2.4 *Divisional patrol supervisor or duty officer responsibilities*

- Oversee the action of the sub-officer.
- Where the respondent is an employee, before the end of the shift, ensure a Form 918 has been completed and submitted to:
 - the line manager or duty officer
 - Police Conduct Unit, PSC, together with copies of any statements or relevant documents
 - the respondent's departmental Ethics & Professional Standards Officer (EPSO).

- Attend the incident where there has been a breach of bail.
- If the employee is either the respondent or the AFM, advise the Staff Officer to the Executive Director, Legal Services Department (LSD) via the PBEA (STAFF OFFICER-LEGAL SERVICES DEPARTMENT-OIC) as soon as possible of the incident.
- If the employee is either the respondent or the AFM, notify the local area commander (LAC)/senior manager (of the responding unit) as soon as possible of the incident.
- Ensure appropriate action is taken regarding the suspension of operational safety and tactics training (OSTT) qualifications. Refer to section 5 of this policy and **VPM Operational safety and tactics training qualifications**.

2.5 *Local area commander/senior manager responsibilities*

- Notify the Regional or Departmental Head of an employee named as a respondent to an application or intervention order.
- Speak to the Executive Director, LSD regarding any police employee residing in police premises, whose occupancy is affected by action taken under the FVPA.
- Oversight police action where there has been a breach of bail.

2.6 *Executive Director, Legal Services Department*

The Executive Director, LSD must ensure assessment of notifications in relation to family violence involving the employees to determine likely requirements to support prosecution including:

- ensuring procedural fairness
- managing organisational risk
- ensuring prosecution meets employee welfare and safety needs.

3. Management and supervision

3.1 *Management responsibilities - general*

- All employees receiving information about alleged family violence involving police employees should initiate a discussion with a supervisor. Where the information relates to allegations of family violence being perpetrated by a Victoria Police employee, supervisors or managers must initiate a standard policing response in accordance with **VPM Family violence** and this policy.
- An exception to the above is when the employee receiving information about the alleged family violence is a clinician (e.g. a psychologist or social worker). In these cases, the employee must comply with any confidentiality requirements as governed by their relevant professional body.
- For matters not arising from a report to police, or incident already involving a police response, and where the perpetrator is not an employee, supervisors should consider whether a standard police response is required, or whether alternative arrangements are appropriate to ensure the safety, integrity and confidentiality of all involved, including children. Where children are involved, have regard to policy under **VPMP Protecting children**.
- Upon notification of an employee experiencing family violence, managers should offer to commence contact with Victoria Police Wellbeing Services so that

immediate support services for the employee and any children can be offered. Managers should also inform employees and family members that they can access a range of additional external support services through dedicated family violence support services (e.g. Safe Steps) or their general practitioner.

- All employees play an important role in promoting and maintaining a positive and safe working environment and in upholding standards of appropriate behaviour and conduct, both within and outside the organisation. Managers must take steps to prevent and address family violence, and attitudes that condone violence by reinforcing clear expectations for safe, inclusive and respectful behaviour. In these instances, have regard to **VPM Workplace behaviours**.

3.2 *Additional management responsibilities – respondent*

- Where both respondent and AFM are employees and work at the same location, managers must consider if it is necessary and/or appropriate to separate the employees. If so, it is preferable to relocate the respondent rather than the AFM to minimise the impact caused by family violence.
- Managers should ensure that relocation of respondents does not include higher duties or promotional opportunities that may be considered favourable to the respondent.
- Managers should contact Workplace Relations, Human Resources Department (HRD) for guidance when it is determined an employee should be moved to mitigate the risks associated with family violence.
- Where a member or PCO meets the criteria set out in **VPM Operational safety tactics and training qualifications** for 'must' or 'should' consider a suspension of their OSTT qualification, managers must ensure appropriate action is taken as outlined in section 6 of this policy.
- Managers must consider risks associated with VPS employees that have access to Operational Safety Equipment (OSE) as outlined in section 6 of this policy.

3.3 *Additional management responsibilities – AFM*

- Managers should take appropriate action to enquire into the safety and wellbeing of any employee suspected or confirmed to be experiencing family violence.
- Managers must work sensitively with employees experiencing family violence; providing them with appropriate support. Their safety and welfare are primary considerations of Victoria Police.
- Managers should ensure any employee experiencing family violence has an emergency contact person who is outside their immediate family (and not involved in the family violence) listed on their personnel records.
- No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of experiencing family violence. Recognising that family violence issues may impact on an employee's performance should be taken into consideration as a mitigating factor in any assessment of their performance.

3.4 *Family violence leave*

- Victoria Police is committed to providing support to employees who are experiencing family violence. Family violence leave is provided to support AFMs/victims of family violence.
- For further information about family violence leave, including application processes and alternate leave options, have regard to **VPM Leave** and the **Family Violence Leave Guide**.

3.5 *Flexible workplace arrangements*

- The *Fair Work Act 2009* provides that employees have the right to request flexible arrangements when experiencing family violence, or to provide care or support to a member of the employee's immediate family or household experiencing family violence.
- For more information on flexible workplace arrangements in relation to employees experiencing family violence, including procedures and timeframes, have regard to **VPM Workplace flexibility**.

3.6 *Occupational Health and Safety (OHS)*

- The *Occupational Health and Safety Act 2004* requires employers to, as far as reasonably practicable, provide and maintain for employees a working environment that is safe and without risks to health (s. 21). This includes risks to employee health and safety caused by family violence.
- For more information on OHS, have regard to **VPM OHS Fundamental obligations**.

4. Information requests involving Victoria Police employees

- Under the *Family Violence Information Sharing Scheme* or *Child Information Sharing Scheme*, Victoria Police employees may receive information requests from other agencies regarding another police employee. The employee completing the request must assess and respond to the information request in accordance with **VPM Family violence and child information sharing**.
- The employee completing the request must notify PSC via email PBEA: PSC-PROBITY-UNIT-OIC and attach the completed information request. PSC will identify if any PSC holdings are relevant to the information request and will provide to the requesting agency.
- If the employee subject to the request is identified as the perpetrator in a family violence matter this PSC notification will be treated as a complaint against police in line with **VPMP Complaints and discipline**.
- PSC will ensure that any subsequent family violence response required is undertaken in accordance with **VPM Family violence**.

5. Firearms

5.1 *Overview*

- When responding to a family violence incident involving a Victoria Police employee respondent, members are to investigate the respondent's possession of, or access to, firearms. including Victoria Police issued firearms.

- Where an FVSN or FVIO has been issued, or the member believes reasonable grounds exist for issuing an FVSN or FVIO, and is aware the respondent has a firearm, firearm authority, ammunition or weapon, the member has the power to:
 - search property (s.159(2), FVPA)
 - direct surrender (s.158, FVPA)
 - seize (s.53(2) *Firearms Act 1996*)
 - apply for a warrant to search property and vehicle (s.160, FVPA).
- See **VPM Family violence** for more information.

5.2 *Prohibited persons*

- When a final FVIO or final nationally recognised Domestic Violence Order (DVO) has been granted against an employee, the employee respondent is a prohibited person for the duration of the order and for five years after cessation.
- It is an offence for a prohibited person to possess, carry or use a firearm (s.5, *Firearms Act*) including Victoria Police issue firearms.
- To carry a firearm, the employee must first become a non-prohibited person or be deemed a prohibited person for limited purposes only.
- The employee is responsible for taking any action to be declared a non-prohibited person or be deemed a prohibited person for limited purposes only.
- Refer to **VPM Family violence** for information about the court process to be declared a non-prohibited person.
- If a court declares a member or PCO is no longer a prohibited person, the decision to reinstate the employee's OSTT qualification remains with the OSTT suspension review panel (OSRP).
- See section 6 of this policy and **VPM Operational safety and tactics training qualifications** for more information on the OSTT suspension and reinstatement process.

6. Operational safety and tactics training qualifications

6.1 *Statement of commitment*

- Victoria Police is committed to the health and safety of all employees and providing and maintaining, so far as is reasonably practicable, a working environment that is safe and without risks to health.
- **VPM Operational safety and tactics training qualifications** provides criteria for assessing and suspending OSTT qualifications where appropriate, to minimise any harm associated with OSE to employees who are an AFM or respondent to a family violence incident.

6.2 *Criteria – must consider suspension of OSTT qualification*

- All member or PCO's OSTT qualifications must be managed in line with the suspension criteria outlined in **VPM Operational safety and tactics training qualifications**.
- In relation to family violence, a member or PCO's OSTT qualification must be suspended when either:

- they are personally involved in a family violence incident as the respondent and there are grounds for an intervention order application or the incident results in an alleged breach of an existing order
- they are a prohibited person under the *Firearms Act*.
- Consideration should be given to suspending a member or PCO's OSTT qualification during or at the conclusion of any family violence process, where the member or PCO is an AFM or respondent, and there is concern for the member or PCO's psychological wellbeing that would cause them to harm themselves or another.

6.3 *Managing a member or PCO's OSTT qualification*

- It is the responsibility of all supervisors to immediately inform the relevant inspector or above or VPS equivalent where a member or PCO meets the criteria for 'must' or 'should' consider a suspension of their OSTT qualification.
- The inspector or above or VPS equivalent must assess all available information and decide on the status of a member or PCO's OSTT qualification based on the criteria outlined in **VPM Operational safety and tactics training qualifications**.
- The OSTT suspension process in **VPM Operational safety and tactics training qualifications** must be followed, including assessment by an OSRP.

6.4 *Access to OSE by VPS employees*

- As part of their roles, VPS employees may come into contact with firearms and other OSE to perform their duties, issue equipment or as a property officer.
- Where there are concerns for any VPS employees that are consistent with the OSTT suspension criteria in section 6.2 of this policy, assessment and management of the VPS employee must be consistent with the suspension, review and reinstatement of a member or PCO's OSTT qualification. This must include consideration of alternative duties and the removal of access to equipment issue areas and property storage areas.

7. **Service of a Family Violence Safety Notice or Family Violence Intervention Order on a Victoria Police employee**

- The respondent employee is required to notify their work unit manager as soon as practicable when served with an Application & Summons, Application & Warrant, FVSN, Interim FVIO, or FVIO.
- The member responsible for executing an Application & Warrant, or serving an FVSN, Application & Summons, Interim FVIO, or FVIO on an employee, is also required to notify their work unit manager as soon as practicable.
- The respondent employee, and the member executing service are required to notify the Staff Officer to the Executive Director, LSD via the PBEA (STAFF OFFICER-LEGAL SERVICES DEPARTMENT-OIC) and provide them with a copy of the Application & Warrant, FVSN, Application & Summons, Interim FVIO or FVIO.
- The respondent's work unit manager must ensure PSC notifications (Form 918) are submitted in relation to respondents identified through family violence intervention orders (and applications) not arising from a police response.
- See **VPMG Offences by or service of process on police employees** for more information.

8. Bail

- The verbal authority of the Assistant Commissioner, PSC is required for an employee to be processed by way of charge and bail/remand. The brief and investigation file are to be forwarded to the Assistant Commissioner, PSC for formal approval as soon as possible. See **VPMG Complaint management and investigations** for more information.
- Where there is an alleged breach of bail notify a sub-officer, who will then notify the divisional patrol supervisor or duty officer, who will attend and:
 - ensure appropriate action is taken
 - advise the LAC and PSC as soon as possible.

9. Civil prosecution

- In accordance with **VPM Family violence**, police prosecutors or police lawyers will prosecute FVIO applications involving employees.
- If the police prosecutor or police lawyer believes that a conflict of interest exists where the respondent, AFM or material witness is a Victoria Police employee, they are to notify a supervisor. The supervisor must assess the circumstances and if supported contact the Staff Officer to the Executive Director, LSD for advice. The Executive Director, LSD will assess the circumstances and consider engaging independent legal counsel to prosecute the FVIO application. For further information have regard to section 13 of this policy and **VPM Conflict of interest**.
- The Executive Director, LSD may determine to engage independent legal counsel in circumstances including, but not limited to, the following:
 - where a police employee is involved in an application for an FVSN or FVIO as either a respondent, AFM or material witness (where a conflict of interest or bias exists)
 - where applications are initiated by a Victoria Police employee who is a prohibited person under s.189, *Firearms Act*, and are to be contested by Victoria Police
 - where both the AFM and respondent are Victoria Police employees.
- Costs are the responsibility of the Region/Department that has authorised the action.

10. Criminal charges and authorisation of briefs

10.1 Notification of offences

- Any employee charged with, or arrested for, any family violence-related offence must notify their work unit manager as soon as practicable.
- The employee is also required to notify the Staff Officer to the Executive Director, LSD and provide them with a copy of any general arrest or summons procedures (including counter summonses, Notice to Appear).
- The employee's work unit manager must also ensure a Form 918 is submitted to PSC for respondent employees identified through family violence related offences not arising from a Victoria Police response e.g. other jurisdiction.
- See **VPMG Offences by or service of process on police employees** for more information.

10.2 *Authorisation of criminal charges and interim action*

- When a family violence investigation establishes a criminal (includes summary) offence that has been allegedly committed by an employee, a brief of evidence (brief) is to be compiled.
- Submit all documents to the Assistant Commissioner, PSC for authorisation/or non-authorisation of the charges prior to commencing any proceedings. If the proposed charges relate to an employee of PSC, the approval of a Deputy Commissioner is required.
- The investigating member is responsible for considering what interim action is required against the subject employee while the investigation is ongoing to adequately manage any risks, potential reputational damage and community expectations resulting from the family violence incident. Refer to section 12.3 of this policy and **VPMP Discipline action** for further information.
- When interim action is being considered, seek advice from the local EPSO or PSC after-hours response team.
- When making applications for interim actions, members must consider risks arising from respondents working in Family Violence Investigation Units (FVIUs), Sexual Offence and Child Abuse Investigation Teams (SOCITs) or other specialist family violence roles.
- The Assistant Commissioner, PSC will decide whether any charges should be authorised/non-authorised and will also make a determination in relation to ordering any interim disciplinary action. Where the respondent is a VPS employee, have regard to **VPM Management of misconduct (VPS employees)** when considering interim disciplinary action.
- An exception to this is where the employee is subject to arrest. In this case, the brief must be referred to the Assistant Commissioner, PSC following arrest.
- Where the evidence discloses legal problems or there is doubt as to sufficiency of evidence for the appropriate charge(s), the Assistant Commissioner, PSC may refer the matter to the Victorian Government Solicitor's Office (VGSO) and/or the Office of Public Prosecutions (OPP) for advice.
- See **VPMG Complaint management and investigations** for more information.

10.3 *Criminal prosecutions*

The OPP will prosecute employees charged with criminal offences arising from a family violence incident.

Responsibility of the informant:

- Where the informant is from a Region or Command/Department, they are to forward the brief for the prosecution of employees via the following approval process:
 - local Region or Command/Department EPSO for review
 - Superintendent, Conduct and Professional Standards Division, PSC for progression
 - Assistant Commissioner, PSC for authorisation/non-authorisation.
- Where the informant is from PSC, they are to forward the brief of evidence via the following approval process:

- Superintendent, Investigations Division, PSC for progression
- Assistant Commissioner, PSC for authorisation.
- Once authorised by the Assistant Commissioner, PSC the brief will be forwarded back to the informant.
- Upon return of the PSC file with authorised brief, the informant is to ensure:
 - all appropriate action is taken to have the matter dealt with according to proper legal procedures
 - that the brief is forwarded to the OPP for prosecution.

11. Complaint management and investigations (criminal and discipline process)

11.1 *Assessment of complaints and incidents*

- Family violence incidents that are reported to PSC in this policy must be recorded and classified in accordance with **VPMG Complaint management and investigation**.
- PSC determines how the family violence matter will be dealt with:
 - investigation at Departmental/Regional level
 - referral to Workplace Relations, HRD
 - investigation by PSC.
- Family violence matters must not be managed by Management Intervention Model or Local Management Resolution.
- Refer all matters involving VPS employees as respondents to Workplace Relations, HRD for management in accordance with **VPM Management of misconduct (VPS employees)**.

11.2 *Allocation of Departmental/Regional investigations*

- Where it is determined that a complaint or incident can be investigated at regional or departmental level:
 - the FVIU is responsible for initial review and ongoing support for the investigation
 - following FVIU review and advice, investigation primacy will be determined by the divisional superintendent
 - senior manager of the investigator must supervise the progress of the investigation and ensure compliance with all relevant timelines.
- PSC will maintain oversight of family violence investigations undertaken at a departmental/regional level.
- Non-criminal investigations regarding VPS employees will be referred to HRD.
- In allocating investigations at any stage, refer to the conflict of interest requirements at section 13 of this policy.

11.3 *Conduct of investigations*

- All family violence investigations must be conducted in accordance with the requirements of **VPM Family violence, VPMP Complaints and discipline, VPMG Complaint management and investigations, VPMG Public interest disclosures, VPM Management of misconduct (VPS employees), VPM Victim support**.

- Investigations must occur within the timeframes contained in **VPMG Complaint management and investigations**.
- Extensions to investigations should not be granted, and investigations should not be deferred, because the investigator is on leave or rest days. Managers should consider reallocating an investigation if the investigator is unable to attend to the investigation for any reason.
- Where an investigation discloses criminal offences, see section 10 of this policy and **VPMG Complaint management and investigations**.

12. Discipline action

12.1 Overview

- Perpetrating family violence does not align with Victoria Police's organisational values. In most instances perpetrating family violence will be considered misconduct under the *Victoria Police Act* and *Public Administration Act*.
- Discipline action may be taken against an employee who has perpetrated family violence, regardless of whether criminal offences have been identified or proven.

12.2 Discipline action – police members

- Interim action may be taken against members who are reasonably believed to have committed or have been charged with a:
 - breach of discipline
 - criminal charge punishable by imprisonment.
- See **VPMP Complaints and discipline** and **VPMG Discipline action** for more information.

12.3 Interim action – police members

- Where a member is reasonably believed to have committed a criminal offence punishable by imprisonment or a breach of discipline, they may be:
 - transferred to other duties
 - directed to take any accrued leave (other than personal leave)
 - suspended with pay.
- Where a member has been charged with an offence punishable by imprisonment or a breach of discipline, they may be:
 - transferred to other duties
 - directed to take any accrued leave (other than personal leave)
 - suspended with or without pay.
- See **VPMG Discipline action** for more information.

12.4 Determinations

Following a discipline hearing or notice of inquiry into criminal charges, hearing officers should consider application of the determinations set out within **VPMG Discipline action**, in relation to specialist roles related to family violence, sexual offences or child abuse. For example, it should not be considered appropriate for members with proven breaches of discipline relating to family violence to work within an FVIU, SOCIT or other specialist family violence role.

12.5 Discipline action – VPS employee misconduct

- Action may be taken against VPS employees who are alleged to have engaged in family violence-related misconduct and/or VPS employees who have been charged with a criminal offence related to family violence.
- Where an allegation of misconduct has been made against a VPS employee, interim action may be taken against the employee. The employee may be:
 - directed to immediately perform alternative duties or work at an alternative place of work
 - directed to not speak to other employees of Victoria Police about the matter or not to visit certain places of work
 - suspended with pay.
- Clause 25.12(b), *Victorian Public Service Enterprise Agreement 2020* provides possible discipline outcomes for proven misconduct include:
 - no action
 - performance management
 - formal counselling
 - formal warning
 - final warning
 - assignment of the Employee with or without their agreement to a role at a classification level or value range lower than the Employee's current classification or value range
 - transfer of the Employee with or without their agreement to a different work location at the Employee's current classification level
 - termination of employment.
- In circumstances of proven misconduct in relation to family violence a 'no action' discipline outcome should be considered inappropriate and inconsistent with the compulsory action principle (see Policy section).
- Application of these outcomes should consider suitability for roles related to family violence, sexual offences or child abuse. For example, it should not be considered appropriate for employees with proven misconduct of discipline relating to family violence to work within an FVIU, SOCIT or other specialist family violence role.
- See **VPM Management of misconduct (VPS employees)** for more information.

13. Managing conflicts of interest

- Conflicts of interest can damage the confidence and trust the community has in Victoria Police and its employees. Active management of conflicts of interest is integral to ensure all AFMs can have confidence in the Victoria Police response and to ensure perpetrator accountability.
- All employees are responsible for identifying any actual, potential or perceived conflicts of interest in the response to family violence involving Victoria Police employees. If unsure whether an interest may be perceived as a conflict, employees should consult their work unit manager. This should be done at the earliest opportunity and includes family violence incidents where the employee is the AFM or the respondent.
- Where a conflict of interest is identified, or where there is any doubt that one may exist, employees must take steps to manage that conflict in accordance with **VPM Conflict of interest**.

- Members must not undertake any duties in relation to a family violence police operation, investigation or prosecution involving an employee where:
 - they are the AFM/victim
 - their relatives or friends are involved (e.g. as the AFM or respondent)
 - they have a connection to a party in the matter (e.g. if they have work or social history with the AFM or the respondent)
 - they undertake secondary employment with the AFM or respondent.
- Where a member becomes involved in a matter identified above, the member must request the attendance of an independent member to undertake the duties.
- When the above is not practicable (e.g. one member stations) the member must seek advice from a supervisor. The supervisor must advise how to deal with the matter and record the decision.
- Where practicable to assist in managing conflicts of interest, investigations may be transferred to neighbouring divisions.
- Both the AFM and respondent should be given the opportunity to raise any concerns they may have regarding perceived conflicts of interest arising throughout investigation and management processes.
- For further information, have regard to **VPM Conflict of interest**.

Related documents

- VPM Family violence
- VPM Crime and event reporting and recording
- VPM Victim support
- VPMG Protecting Children
- VPM Conflict of interest
- VPMP Complaints and discipline
- VPMG Discipline action
- VPMG Complaint management and investigations
- VPMG Public interest disclosures
- VPM Management of misconduct (VPS employees)
- VPM Workplace flexibility
- VPM Leave
- Family Violence Leave Guide
- VPM OHS Fundamental obligations
- VPM Workplace behaviours

Further advice and information

For further advice and assistance regarding this Policy, contact your work unit manager or Family Violence Command.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
15/09/2021	New standalone policy to provide comprehensive guidance to respond to and manage family violence involving Victoria Police employees. Incorporates and updates policy from VPM Family violence .	FF-139363 2