

Chapter 9 – Domestic Violence

9.1 Introduction	3
9.2 Domestic and family violence	3
9.2.1 Definitions	3
9.3 Domestic violence (Initial receipt of report)	6
9.3.1 Procedures on receipt of an initial domestic and family violence report	6
9.4 Investigation of domestic and family violence	7
9.4.1 Police action regarding domestic and family violence	7
9.4.2 Investigating domestic and family violence (initial action)	8
9.4.3 Police action to be taken where applying for a domestic violence order is not appropriate	11
9.4.4 Respondent continues to commit domestic and family violence before court order is issued	12
9.4.5 Where the order has been issued but is not yet served	12
9.4.6 Contravention of domestic violence order, release conditions or police protection notice	13
9.4.7 Commencing proceedings for statutory offences	14
9.4.8 Recording domestic violence offence on a person's criminal history	15
9.4.9 Domestic and family violence as a result of the serious injury or death of a child	16
9.4.10 Domestic and family violence referral agencies	16
9.4.11 Recorded statements – Gold Coast and Ipswich districts only	16
9.5 Domestic violence custody	17
9.5.1 Domestic violence custody	17
9.5.2 Release of respondent for treatment or due to intoxication	20
9.5.3 Watch-house/holding cell procedures – search and release	21
9.6 Domestic violence orders, police protection notices and conditions	22
9.6.1 Police protection notice	22
9.6.2 Application for a domestic violence protection order	25
9.6.3 Application for a temporary protection order	26
9.6.4 Service of domestic violence documents	26
9.6.5 Power to give a direction to remain or move to another location	31
9.6.6 Domestic violence orders unable to be served	32
9.6.7 Interstate (National Domestic Violence Order Scheme) and registered foreign (New Zealand) orders	32
9.6.8 Application to vary a domestic violence order (increase conditions)	33
9.6.9 Withdrawal of domestic violence order applications	35
9.6.10 Intervention orders	36
9.6.11 Service to appear and make representations at a variation of an order	37
9.7 Assisting persons involved in domestic violence to retrieve property	37
9.8 Children exposed to domestic violence	39
9.8.1 A child may be an aggrieved or a respondent	39
9.8.2 Including the names of children in a domestic violence order	39
9.8.3 Children who are the victims of a criminal offence	40
9.8.4 Other action to protect children exposed to domestic violence	40
9.8.5 Children's evidence in domestic violence proceedings	41
9.8.6 Service of domestic violence documents on children	41
9.9 Weapons	42
9.9.1 Surrender of weapons and weapons licences after being named as a respondent in a temporary protection order, police protection notice or released conditions	42
9.9.2 Disposal of weapons	42
9.10 QPRIME domestic violence occurrences	43

9.10.1 Responsibilities of an OIC to ensure domestic violence entries are entered into QPRIME	43
9.10.2 Responsibilities of an officer taking action against a respondent for a contravention of a domestic violence order	43
9.10.3 Responsibilities of releasing officers prior to releasing respondents from custody	43
9.10.4 Authorisation to receive documents	43
9.10.5 Responsibilities of officers in charge of stations or establishments receiving domestic violence documents	44
9.10.6 Completion of QPRIME custody and search reports	44
9.10.7 Police Information Centre management of domestic and family violence documents	44
9.11 Prosecuting domestic violence	45
9.11.1 Police prosecutor's role in private applications	45
9.11.2 Documents required by police prosecutor	46
9.11.3 Responsibilities of police prosecutors (police and private applications)	47
9.11.4 Role of prosecutor in cross applications	47
9.11.5 Role of prosecutor in tenancy applications	47
9.11.6 Role of prosecutor under s. 68R of the Family Law Act	48
9.11.7 Preparation of briefs of evidence	48
9.11.8 Appeals under the Domestic and Family Violence Protection Act	51
9.11.9 Consultation with Community Justice Groups	52
9.12 Proceedings initiated against members of the Service	53
9.12.1 Responsibilities of members who initiate or become aware of domestic violence proceedings against a member of the Service	53
9.12.2 Responsibilities of members who have domestic violence proceedings initiated against them	53
9.12.3 Possession of weapons by members who are subject to domestic violence proceedings	54
9.13 Transport assistance	55
9.13.1 Transport assistance to an aggrieved	55
9.13.2 Transport and accommodation assistance to a respondent	56
9.14 Confidentiality of an aggrieved, named persons and respondent to be protected	57
9.15 Domestic violence coordination	57
9.15.1 Domestic, Family Violence and Vulnerable Persons Unit	57
9.15.2 Regional domestic and family violence liaison officers	57
9.15.3 District domestic and family violence coordinators	57
9.15.4 Station domestic and family violence liaison officers	57
9.15.5 High risk teams	58
9.15.6 Domestic and family violence mandatory specialist training	59
9.16 Information exchange	60
9.16.1 Relevant information exchange	60
Appendix 9.1 Domestic Violence Protective Assessment Framework (DV-PAF)	62

9.1 Introduction

The Queensland Police Service Domestic and Family Violence Doctrine and Queensland Police Service Domestic and Family Violence Strategy establish our commitment to domestic and family violence. This commitment will enable the Service to deliver victim-centric, trauma-informed responses to domestic and family violence and drive continual improvement, best practice and an integrated Service-wide policing agenda to reduce domestic and family violence and make Queensland the safest state.

The Service recognises the importance of the police response, as officers are often the first contact a victim-survivor has with the criminal justice system.

Domestic and family violence can affect any person regardless of race, gender, age, beliefs, religion or socio-economic or cultural background. The causes of domestic and family violence are complex, multi-faceted and influenced by broad and intersectional criminal justice, health and social issues. While any individual can be a victim of domestic and family violence and domestic and family violence can occur in any relationship, the evidence clearly demonstrates domestic and family violence is overwhelmingly a gendered issue embedded in structural inequalities and power imbalances, and the rate of domestic and family violence committed against women and children of all ages is significantly higher than against men.

This chapter outlines policy and procedures for managing domestic and family violence incidents and provides assistance to members of the community who may be affected by domestic and family violence.

The process for conducting investigations is outlined in Chapter 2: 'Investigative Process' of this Manual which should be read in conjunction with this chapter. Reference should also be made to Chapter 16: 'Custody' of this Manual for detention practices.

9.2 Domestic and family violence

The Service recognises domestic and family violence (DFV) is a serious and complex social problem within the community.

When responding to DFV matters, officers are to apply victim-centric and trauma-informed practices that protect victim-survivors and their children and contribute to reducing community harm.

Officers are responsible for assessing and evaluating all reported DFV and conducting a holistic, victim-centric and trauma-informed investigation with the paramount aim of:

- (i) maximising the safety, protection and wellbeing of people who fear or experience DFV, and to minimise the disruptions to their lives;
- (ii) preventing or reducing DFV and the exposure of children to DFV; and
- (iii) ensuring people who commit DFV are held accountable for their actions.

Officers should actively enforce legislation and make use of investigative skills and evidence gathering procedures to identify and support the person most in need of protection. Additionally, they should hold perpetrators of abuse and violence responsible and accountable for their behaviour by commencing proceedings for associated criminal offences, where appropriate.

Officers should work in partnership with government and non-government agencies to develop strategies to reduce the incidence of DFV and promote coordinated service delivery and appropriate referral points to those experiencing DFV, including where possible, the respondent.

9.2.1 Definitions

For the purposes of this chapter the following definitions and abbreviations apply:

Aggrieved

means the person for whose benefit a DVO or a PPN is in force or may be made under the DFVPA.

Child

means a child who is a biological, adopted or a step-child of the aggrieved or respondent, or both parties, including a child who is in the care or custody of the aggrieved or respondent, or both.

Court

means a court under the definition of s. 6: 'Meaning of court' of the DFVPA

DFV

means domestic and family violence. This includes DV as defined under s. 8: 'Meaning of domestic violence' of the DFVPA.

Domestic violence offence (DV offence)

an offence against an Act, other than the DFVPA committed by a person where the act done, or omission made, which constitutes the offence is also:

- (i) domestic violence (DV) or associated DV, under the DFVPA, committed by the person; or
- (ii) a contravention of s. 177(2): 'Contravention of domestic violence order' of the DFVPA, (e.g. a wilful damage offence committed during a DV incident) (see s. 1: 'Definitions' of the CC).

Domestic violence order (DVO)

means:

- (i) a protection order; or
- (ii) a temporary protection order; and

includes:

- (i) an order made by a Queensland court;
- (ii) a nationally recognised interstate order;
- (iii) a registered foreign (New Zealand) order; and
- (iv) a PPN.

DV

means domestic violence as defined under s. 8 of the DFVPA.

DV 01

means a DV 01: 'Application for a Protection Order'.

DV 02

means a DV 02: 'Temporary Protection Order'.

DV 04

means a DV 04: 'Application to Vary a Domestic Violence Order'.

DV 21A

means a DV 21A: 'Statement of Police Service'.

DV 25

means a DV 25: 'Affidavit'.

DV other action

is where an officer determines:

- (i) the involved persons are in a relationship as defined under s. 13: 'Meaning of relevant relationship' of the DFVPA; and
- (ii) allegations of DFV have been made; or
- (iii) DFV has occurred;

and after conducting a holistic investigation, determines a police application for a DVO is not appropriate due to:

- (i) insufficient evidence to support an application; or
- (ii) a protection order is not necessary or desirable to protect the aggrieved; and
- (iii) a supervising police officer, who has not been involved in the investigation of the reported DFV, authorises the matter to be finalised as a 'Domestic Violence – Other Action'.

DV-PAF

means the Domestic Violence Protective Assessment Framework.

Most senior officer on duty

means the officer present at the relevant station or establishment:

- (i) who is most senior by rank; or
- (ii) if there is no officer who is most senior by rank – who is most senior by continuous service as an officer.

No DV

is where allegations of DFV have been made and after conducting a holistic investigation an officer determines:

- (i) the involved persons are in a relevant relationship as defined under s. 13 of the DFVPA; and
- (ii) no DV has occurred as defined under s. 8 of the DFVPA; and

a supervising police officer who has not been involved in the investigation of the reported DFV authorises the matter to be finalised as a 'Domestic Violence – No DV'.

Personal property

means property that is tangible or material things – chattels or goods. The term generally encompasses moveable property, for example, furniture, clothing or household goods.

PMINOP

means the person most in need of protection.

PPN

means a QP 0899: 'Police Protection Notice'.

Property (of a person)

means:

- (i) property the person owns; or
- (ii) property the person does not own, but:
 - (a) is used and enjoyed by the person;
 - (b) is available for the person's use or enjoyment;
 - (c) is in the person's care or custody; or
 - (d) is at the premises at which the person is living.

Protection order

means an order made after an application has been heard by a court and:

- (i) it has been determined by the court that:
 - (a) a relevant relationship exists between the aggrieved and the respondent;
 - (b) the respondent has committed DV against the aggrieved; and
 - (c) the protection order is necessary or desirable to protect the aggrieved from DV; or
- (ii) the involved persons consent to the making of an order (see s. 51: 'Court may make or vary domestic violence order by consent' of the DFVPA).

Releasing police officer

in relation to a person in custody, means:

- (i) the most senior officer on duty at the station or establishment; or
- (ii) if the person is in custody at a watch-house:
 - (a) the watch-house manager; or
 - (b) an officer performing duties at the watch-house in relation to the person in custody.

Relevant police division

means the police division in which the respondent ordinarily resides or was last known to reside.

Relevant relationship (see s. 13 of the DFVPA)

means:

- (i) an intimate personal relationship (see ss. 15: 'Meaning of *spousal relationship*', 17: 'Meaning of *engagement relationship*', 18: 'Meaning of *couple relationship*' of the DFVPA);
- (ii) a family relationship (see s. 19: 'Meaning of *family relationship* and *relative*' of the DFVPA); or
- (iii) an informal care relationship (see s. 20: 'Meaning of *informal care relationship*' of the DFVPA).

Respondent

means the person against whom a DVO or a PPN is made.

Specialist DFV officer

includes:

- (i) a DFVC;
- (ii) a DFV officer; and
- (iii) officers of a DFV and vulnerable persons unit, while performing DFV-related functions.

Statement PPN

means a QP 0899A: 'Statement – Police Protection Notice'.

Supervising police officer

means:

- (i) in relation to the approval of the:
 - (a) finalisation of a matter as a No DV or DV other action;
 - (b) issuing of a PPN (subject to (ii) below); and
 - (c) inclusion of a cool-down condition and/or named persons on a PPN,

an officer of the rank of sergeant or above (including officers temporarily appointed to higher duties for that rank) who has not been involved in the investigation of the reported DFV; and

(ii) in relation to the approval of a PPN which includes an ouster condition or a no-contact condition, an officer of the rank of senior sergeant or above (including officers temporarily appointed to higher duties for that rank) who has not been involved in the investigation of the reported DFV.

A supervising police officer has not been involved in the investigation where they are not the investigating officer of the reported DFV. A senior police officer may attend the scene of a DFV incident to render the location safe or for the purpose of supervision and overview of the response to the reported DFV. The investigating officer is the member responsible for the investigative process involving the collection of evidence and interviewing of witnesses.

Temporary protection order (TPO)

means an order made in the period before a court decides whether to make a protection order.

Victim-centric and trauma-informed

means a systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a non-judgemental manner which seeks to minimise re-traumatisation. This approach seeks to understand the physical, social and emotional impacts of trauma on individuals.

9.3 Domestic violence (Initial receipt of report)

ORDER

Officers who receive a report of DFV are to commence an investigation in accordance with s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter.

9.3.1 Procedures on receipt of an initial domestic and family violence report

Members receiving an initial report relating to DFV, where the identity of the involved persons or the location of the incident is known are to conduct checks, or cause checks to be completed, on the following information systems:

- (i) QPRIME;
- (ii) QCAD; and
- (iii) NCIS (to identify any nationally recognised DVOs and DFV-related criminal history),

where available.

ORDER

Members who receive a report of:

- (i) DFV;
- (ii) a contravention of a DVO; or
- (iii) a contravention of release conditions,

are to record particulars of the report on a relevant information recording system for future reference (see s. 1.6.1: 'Recording initial demand' of this Manual).

Members are not to create a QPRIME street check or intelligence submission to record an initial report of DFV.

When the initial report is received, the incident is to be classified as DV (i.e. job code 312) when:

- (i) a person claims to be a victim of DFV;
- (ii) a person at the incident address claims DFV is occurring or has occurred;
- (iii) a person at the incident address claims there is a current DVO between the parties involved in the current incident; or
- (iv) the information is received from a third party not at the incident address and the information states:
 - (a) DFV is occurring at the address; or
 - (b) a disturbance is occurring at the address and:
 - QPRIME or QCAD confirms DFV has previously occurred at the address;
 - No DV occurrences have been recorded for the address and new information warrants the incident be coded as DV; or
 - the persons involved in the disturbance are known and QPRIME has previous DV occurrences recorded for those persons.

The member receiving the initial report is to ensure a holistic investigation is commenced in compliance with s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter.

9.4 Investigation of domestic and family violence

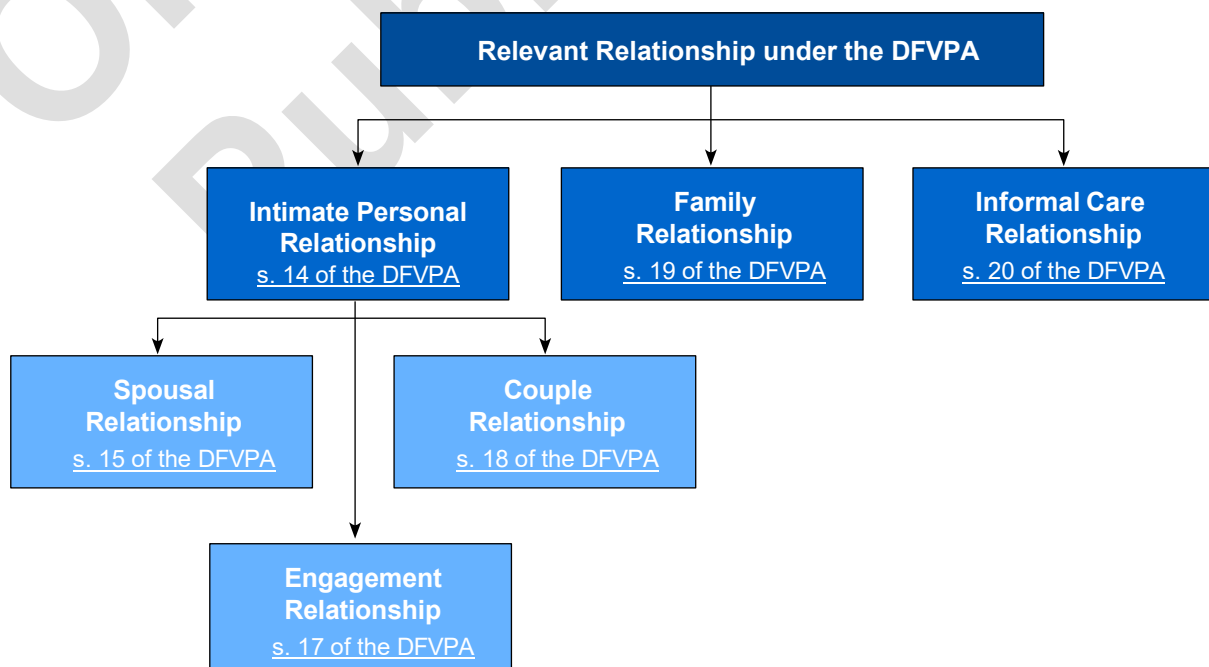
Police Powers and Responsibilities Act

Officers investigating reports of DFV should make use of investigative powers provided by the PPRA that officers do not have under the DFVPA, including:

- (i) s. 19: 'General power to enter to make inquiries, investigations or serve documents';
- (ii) s. 157: 'Powers under search warrant';
- (iii) s. 160: 'Search to prevent loss of evidence';
- (iv) s. 365: 'Arrest without warrant';
- (v) s. 403: 'Initial period of detention for investigation or questioning';
- (vi) ss. 467 to 473; and
- (vii) s. 609: 'Entry of place to prevent offence, injury or domestic violence'.

9.4.1 Police action regarding domestic and family violence

Section 8: 'Meaning of domestic violence' of the DFVPA identifies behaviour which constitutes DFV and s. 13: 'Meaning of relevant relationship' of the DFVPA defines a relevant relationship.



ORDER

An officer who reasonably suspects DFV has been committed, is to investigate or cause to be investigated the circumstances surrounding the report. If, after conducting a holistic investigation, an officer reasonably believes DFV has been committed, the officer is to take a course of action to immediately protect the aggrieved from further DFV (see s. 100: 'Police officer must investigate domestic violence' of the DFVPA).

Person attends a police station or establishment in relation to a domestic and family violence matter

Where a person attends a police station or establishment in relation to a DFV matter, members are to ensure the person is taken to a designated private area (see s. 2.6.8: 'Designation of private area for domestic and family violence matters' of the MSM) to progress all enquiries, discussions, reports, interviews and investigations.

Where a person reports a DFV incident, an officer is to prioritise the receipt of the initial report and commence a holistic investigation. Where, after a holistic investigation has been conducted, an officer reasonably believes:

- (i) a relevant relationship exists between the parties involved;
- (ii) DFV has occurred;
- (iii) the PMINOP has been identified;
- (iv) any associated criminal offences and supporting evidence have been identified;
- (v) it is necessary or desirable to protect a person from DFV (see s. 37(2): 'When court may make protection order' of the DFVPA); and
- (vi) there is sufficient evidence to a civil standard – 'balance of probability',

the officer is to take appropriate action to immediately protect the aggrieved and any named persons from DFV.

When deciding the appropriate action to take, an officer should consider the wishes of the aggrieved and whether the aggrieved is supportive of an application and any conditions. However, an aggrieved's absence of support does not mitigate an officer's responsibility to act to protect the aggrieved.

See ss. 4(2)(b): 'Principles for administering Act', 51(3),(4): 'Court may make or vary domestic violence order by consent' and 100(2): 'Police officer must investigate domestic violence' of the DFVPA.

ORDER

When completing a DFV occurrence or application officers are to detail:

- (i) whether the aggrieved is supportive of an application and any conditions; and
- (ii) if the aggrieved is not supportive and an application has been made to protect the aggrieved, why the order is required to immediately protect the aggrieved and any named persons from DFV.

9.4.2 Investigating domestic and family violence (initial action)

Where a report of DFV has been received, the investigating officer is to:

- (i) commence a holistic investigation in accordance with Chapter 2: 'Investigative process' of this Manual (officers should refer to the 'Guide to responding to domestic & family violence (DFV) incidents' and see s. 4.4: 'Body worn cameras' of the DERIE Manual);
- (ii) determine if any DVOs, release conditions or PPNs are in existence. This includes conducting checks via NCIS for any nationally recognised orders or any other order that is not yet nationally recognised;
- (iii) identify the PMINOP;
- (iv) give or arrange for reasonable help to any person at the place;
- (v) apply the DV-PAF to assess risk and determine the protective needs of the aggrieved. This includes considering previous protective assessments relating to the aggrieved and protective assessments relating to other matters involving the respondent;
- (vi) consider the circumstances of previous DFV reports and incidents. This includes considering reports and incidents relating to matters involving the respondent and another aggrieved;
- (vii) take an affidavit or statement from the aggrieved;
- (viii) ascertain whether any children (including unborn) usually live with either the aggrieved or respondent or have been experiencing DFV;
- (ix) identify any associated criminal offences and investigate or cause to be investigated the circumstances of those offences;
- (x) identify and interview any witnesses;

(xi) conduct an electronically recorded interview with the respondent (see s. 120: 'Person not to be questioned about offence' of the DFVPA). Action should not be stopped or delayed due to an inability to locate or interview the respondent;

(xii) gather any supporting evidence for an application for a DVO or the commencement of proceedings for any associated criminal charges. Supporting evidence for an application may include, but is not limited to:

- (a) the initial call for service, including any 000 recording and CAD job details;
- (b) medical evidence;
- (c) statements/affidavits, e.g. aggrieved, witnesses, neighbours;
- (d) any prior contact by the aggrieved with DFV support agencies;
- (e) photographic or video evidence of the involved persons and the scene;
- (f) circumstances of previous DFV reports and incidents; and
- (g) a statement/affidavit from an investigating officer;

(xiii) offer the involved persons a Police Referral to a relevant support agency (see s. 9.4.10: 'Domestic and family violence referral agencies' of this chapter); and

(xiv) take appropriate action to immediately protect the aggrieved and any named persons from DFV (see s. 9.6: 'Domestic violence orders, police protections notices and conditions' of this chapter).

Initial action to be taken where the respondent's location is unknown

This subsection does not limit or prohibit officers from conducting investigations within adjoining police divisions.

Where a respondent is not present at the location of an initial report of DFV and the respondent's location is unknown, the investigating officer is to commence a holistic investigation in accordance with s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter and assess the protective needs of the aggrieved by applying the DV-PAF.

Where there is an immediate risk of harm to the aggrieved or any named person, the investigating officer is to:

- (i) as soon as reasonably practicable, cause a job to be entered through the relevant police communications centre for officers to attempt to locate the respondent at an address where the respondent is known to reside or frequent; and
- (ii) if appropriate:
 - (a) prepare and arrange for service of a PPN; or
 - (b) apply for a TPO; and

offer a Police Referral to the aggrieved.

Where there is no immediate risk of harm to the aggrieved or any named person and the respondent resides in another police division, the investigating officer is to:

- (i) create a 'DV – Other Action' QPRIME occurrence and upload all relevant supporting evidence to the occurrence; and
- (ii) create and forward a QPRIME task to the station where the respondent is known to reside or frequent to request the matter be further investigated and the respondent interviewed, and if the subsequent investigating officer reasonably believes:
 - (a) DFV has occurred, and it is reasonably necessary to protect a person from DFV, the subsequent investigating officer complete and serve a PPN or DV 01 on the respondent with appropriate conditions; or
 - (b) there is insufficient evidence to support an application for a DVO, the subsequent investigating officer forward the respondent's version to the initial investigating officer to determine if any further action is required.

A subsequent investigating officer who receives a QPRIME task to investigate a DFV matter should, where appropriate:

- (i) prepare and serve a PPN on the respondent; or
- (ii) if further investigation is required, return the task to the initial investigating officer.

Investigating officers requesting assistance from another police division in relation to a report of DFV can directly contact a shift supervisor or DDO to assist in the coordination and negotiation of an appropriate policing response.

Where appropriate and reasonably practicable, officers should keep the aggrieved informed about the progress of an investigation to maintain victim engagement.

Domestic violence protective assessment framework

The DV-PAF is a decision-making framework designed to assist officers in assessing the protective needs of an aggrieved. Identifying the presence of risk factors and assessing the aggrieved's level of fear will assist in determining the required response.

Officers are to conduct a protective assessment at all incidents or reports of DFV and utilise information gathered on risk factors in conjunction with their investigative skills, knowledge, experience and the respondent's criminal and DFV history to make an informed decision. Officers play a crucial role in identifying and responding to DFV and their actions and decisions can have a marked effect on future violence.

A record of the relationship and identification of category 1 and 2 risk factors, fear level and level of risk will assist with future assessments and determination of risk, as well as informing internal case management. DV-PAF risk factors are shared with service providers in DFV referrals to inform their assessment and assistance to be provided to an aggrieved and/or respondent.

Cross orders

An application for a cross order is an application for a protection order which names a person, who is an aggrieved in an existing application or protection order, as a respondent (see s. 41A: 'Application of particular provisions' of the DFVPA).

Officers investigating reports of DFV are to identify the PMINOP and take appropriate action to protect the PMINOP from further DFV. If, after conducting a holistic investigation, an officer believes it is necessary or desirable to protect a person who is named as a respondent in an existing application or DVO, the officer may apply for a cross order in exceptional circumstances (see s. 41G: 'Deciding cross applications' of the DFVPA).

ORDER

Officers are not to issue a PPN to apply for a cross order where an application or DVO already exists between the involved persons.

Where an application or DVO naming the involved persons is already in existence, the options for making a cross application include:

- (i) completing a DV 01 (s. 32: 'Application for protection order', DFVPA);
- (ii) where detaining the respondent, who is also a named aggrieved, is justified, completing a DV 01 with release conditions; or
- (iii) where there may be delays in the application being heard and decided by a court, completing a DV 01 and applying for a TPO.

Where an officer makes a cross-order application, the officer is to create a separate QPRIME occurrence for the aggrieved named in the application.

Choking, suffocation or strangulation in a domestic setting

ORDER

Non-fatal strangulations have been identified as a key predictor of domestic homicide. Officers responding to a DFV incident and who have identified there is evidence of choking, suffocation or strangulation are to commence a holistic investigation, and if appropriate, commence criminal proceedings (see s. 315A: 'Choking, suffocation or strangulation in a domestic setting' of the CC) and any other action under the DFVPA against the respondent to immediately protect the victim from DFV (see s. 9.4.7: 'Commencing proceedings for statutory offences' of this chapter).

Officers should request Queensland Ambulance Service attendance at all incidents of suspected non-fatal strangulation or arrange for the victim to be transported to obtain medical treatment.

All DV occurrences that involve an allegation of choking, suffocation or strangulation are to be reviewed by a specialist DFV officer.

When a specialist DFV officer reviews a matter that involves an allegation of choking, suffocation or strangulation, the officer is to:

- (i) ensure the allegation(s) has been investigated; and
- (ii) consider if the matter should be referred to the relevant QPS high risk team (HRT) for it to be assessed for a referral into the multi-agency HRT (see s. 9.15.5: 'High risk teams' of this chapter).

Where a specialist DFV officer determines a matter involving an allegation of choking, suffocation or strangulation does not require assessment by the relevant QPS HRT, the specialist DFV officer is to record that decision and reasons in the relevant QPRIME occurrence.

Safeguards

Officers are to comply with Chapter 15: 'Powers and responsibilities relating to particular investigations and questioning' of the PPRA when investigating an associated indictable offence that has been identified in connection with a holistic DFV investigation.

Officers are to comply with Chapter 20: 'Other standard safeguards' of the PPRA when entering and searching premises and when seizing anything (see s. 2.8: 'Entry, search and seizure' of this Manual).

9.4.3 Police action to be taken where applying for a domestic violence order is not appropriate

An officer, who determines it is not appropriate to apply for a DVO because:

- (i) there is insufficient evidence to support an application; or
- (ii) DFV has not occurred,

is to obtain authorisation from a supervising police officer (see s. 9.2.1: 'Definitions' of this chapter) prior to finalising the investigation.

Supervising police officers, prior to authorising an incident as a 'Domestic Violence – Other Action' or 'Domestic Violence – No DV' are to, where practicable:

- (i) attend the incident address; and
- (ii) overview the investigation,

to ensure the decision and reasons for not applying for a DVO are in the best interest of all persons involved.

The investigating officer is to include sufficient information in the DV occurrence, justifying why no action was taken prior to terminating duty.

Officers are to offer a Police Referral to a person experiencing DFV and a respondent who has committed DFV (see s. 9.4.10: 'Domestic and family violence referral agencies' of this chapter). Therefore, where a matter is finalised as:

- (i) DV other action, officers are to offer the involved persons a Police Referral; or
- (ii) No DV, officers should offer an involved person a Police Referral if the person may benefit from a referral,

see also s. 6.3.14: 'Police Referrals' of this Manual.

Where there is insufficient evidence to support a police application for a protection order

Where a relevant relationship exists and, at the conclusion of a holistic investigation, no action is to be taken because there is insufficient evidence to support a police application, the investigating officer is to:

- (i) consult with a supervising police officer prior to advising the involved persons there is insufficient evidence to support a police application;
- (ii) advise the involved persons of the process for making a private application, including that they may attend a courthouse to make a private application for a DVO;
- (iii) offer the involved persons a Police Referral;
- (iv) obtain approval from a supervising police officer to finalise the occurrence as 'Domestic Violence – Other Action'; and
- (v) create a DV occurrence in QPRIME.

Where domestic violence has not occurred

Where an alleged DFV incident has been reported to police and, at the conclusion of a holistic investigation, an officer determines DFV has not occurred, the officer is to:

- (i) seek approval from a supervising police officer to finalise the incident as 'Domestic Violence – No DV'; and
- (ii) create a DV occurrence in QPRIME.

Where one party of the relationship claims that a relevant relationship exists, officers are to treat the relationship and investigation as if a relevant relationship does exist, unless proven otherwise.

Where a supervising police officer's approval is granted, the investigating officer is to specify to police communications the revised job activity code (e.g. 832 – DV Relationship – No DV) for the incident.

Where a relevant relationship doesn't exist

Where an alleged DFV incident has been reported to police (see s. 9.3.1: 'Procedures on receipt of an initial domestic and family violence report' of this chapter) and, at the conclusion of an investigation, it is determined that a relevant relationship doesn't exist between the involved persons (see s. 13: 'Meaning of relevant relationship' of the DFVPA) the investigating officer is to specify to police communications the appropriate revised job code (e.g. 313, 504) for the incident.

Supervisor approval and the creation of a DV occurrence in QPRIME is not required.

9.4.4 Respondent continues to commit domestic and family violence before court order is issued

ORDER

If a private DV 01 has been served upon a respondent and the respondent continues to commit further DFV before the application is heard by a court, the investigating officer is to:

- (i) if justified, take the respondent into custody (see s. 9.5.1: 'Domestic violence custody' of this chapter);
- (ii) where there is sufficient evidence, take appropriate action to protect the aggrieved from further DFV (e.g. issue a PPN or apply for a TPO); and
- (iii) consider any additional conditions to protect the aggrieved from further DFV (see s. 106A: 'Other conditions' of the DFVPA).

Previous history and circumstances of domestic and family violence can be used to support a fresh application

All circumstances of previous DFV reports and incidents can be used to support a fresh application for a DVO.

Nationally recognised DVOs and DFV-related history can be referenced (without naming another aggrieved) in an application to assist in determining if a DVO is necessary or desirable.

Officers are to note the requirement for a copy of the respondent's criminal history and DV history to be given to the court under ss. 36A: 'Court must be given respondent's criminal history and domestic violence history' and 90A: 'Court must be given respondent's criminal history and domestic violence history' of the DFVPA.

9.4.5 Where the order has been issued but is not yet served

Officers are to ensure DV applications and orders issued by the courts are served as soon as reasonably practicable (see s. 9.6.4: 'Service of DV documents' of this chapter).

If a respondent has not been served with a copy of, or told of the existence of, a DVO and is alleged to have committed further DFV, the officer investigating the report of further DFV is to:

- (i) personally serve the order upon the respondent; or
- (ii) if a copy of the order is not readily available:
 - (a) make arrangements for the personal service of the order on the respondent (see s. 134A: 'Power to give direction' of the DFVPA); or
 - (b) tell the respondent of the order and its conditions (see subtitle 'Service of documents on the respondent' of s. 9.6.4 of this chapter) and record the notification in a supplementary report to the relevant QPRIME occurrence; and
- (iii) conduct a holistic investigation of the report of further DFV to establish if:
 - (a) further DFV has been committed and whether any additional conditions are necessary and desirable to protect the aggrieved; and
 - (b) there is sufficient evidence to commence proceedings for any associated criminal offences; and
- (iv) where appropriate:
 - (a) prepare a DV 04 to apply for the variation of the current order to include any additional conditions or named persons; and
 - (b) commence proceedings for any associated criminal offences.

Direction to move or remain

In accordance with Part 4, Division 5: 'Power to direct person to remain, or move to and remain, at a place' of the DFVPA, an officer may, give a direction to a respondent in order to:

- (i) serve a previously issued application or DVO on the respondent;
- (ii) where the officer does not have possession of the order, tell the respondent about the order and its conditions; or
- (iii) issue and serve a PPN on the respondent.

The direction may be to:

- (i) remain at an appropriate place at the current location; or
- (ii) where it is contrary to the interests of a person (including the respondent) to remain at the current location, to go to another appropriate location (e.g. police station, court house, shelter), which is a reasonable distance from the current location.

Whenever practicable, the aggrieved should be told of the direction given to the respondent.

When giving a direction to move or remain, the officer is to comply with s. 134A: 'Power to give direction' of the DFVPA.

Section 134B: 'Limits on direction' of the DFVPA provides the limitations of time the person may be directed to remain.

If a person fails to comply with a direction, whenever practicable the officer should:

- (i) repeat the direction to the respondent; and
- (ii) give the respondent a reasonable opportunity to comply with the direction (see s. 134C: 'Offence warning' of the DFVPA).

ORDER

An officer who gives a respondent a direction to remain or move to another location under s. 134A of the DFVPA is to:

- (i) remain in the presence of the respondent whilst the respondent moves to and remains at the nominated location (see s. 134E: 'Responsibilities of police officer in relation to direction' of the DFVPA) and is not to:
 - (a) question the respondent in relation to any other offence;
 - (b) generally search a respondent, unless the officer is investigating another offence with a search provision; and
- (ii) create a QPRIME custody report and record the reason for giving the direction.

9.4.6 Contravention of domestic violence order, release conditions or police protection notice

A Queensland DVO made before the 25 November 2017 not declared under the National Domestic Violence Order Scheme remains enforceable in Queensland.

Duration of police protection notice and release conditions

Where an officer commences a proceeding by:

- (i) issuing a PPN (see s. 113: 'Duration' of the DFVPA); or
- (ii) serving a QP 0937: 'Release from custody conditions' (see s. 125(5): 'When police officer must release person on conditions' of the DFVPA),

the PPN conditions or release conditions remain in force until:

- (i) where the court makes a DVO, the order becomes enforceable; or
- (ii) where the court does not make a DVO, the proceeding is adjourned or the application is dismissed.

A DVO becomes enforceable when:

- (i) the respondent is present in court when the court makes the order (see s. 177(1)(a): 'Contravention of domestic violence order' of the DFVPA);
- (ii) the respondent is served with a copy of the order (see s. 177(1)(b) of the DFVPA);
- (iii) the respondent is told by an officer about the order, including the conditions of the order (see ss. 177(1)(c), 177(4) and 184(5): 'Service of order on respondent' of the DFVPA and s. 9.6.4: 'Service of domestic violence documents' of this chapter); or
- (iv) in relation to a TPO, the court makes a TPO with the same conditions as the PPN or QP 0937 which was served on the respondent (see s. 184 of the DFVPA).

Contravention offence

A respondent who contravenes a DVO, release conditions or a PPN commits a criminal offence (see Part 7: 'Offences' of the DFVPA).

ORDER

Officers are to conduct a holistic investigation and approach these offences in the same manner as investigating any other criminal offence (see Chapter 2: 'Investigative Process' of this Manual).

Officers are to commence a proceeding for the relevant offence where there is sufficient evidence to prove a respondent contravened:

- (i) a DVO which was properly served (see ss. 177 and 184A: 'Substituted service' of the DFVPA and s. 9.6.4 of this chapter);
- (ii) release conditions (see s. 179: 'Contravention of release conditions' of the DFVPA); or
- (iii) a PPN which was personally served (see ss. 109: 'Service of notice on respondent' and 178: 'Contravention of police protection notice' of the DFVPA).

Respondent convicted of a domestic violence offence within relevant period

Where a respondent contravenes a DVO and, within the last five years, has been convicted (whether or not a conviction was recorded) of an offence:

- (i) where the charge states ‘the offence is also a domestic violence offence’; or
- (ii) against ss. 177, 178 or 179 of the DFVPA,

the respondent should be charged with the indictable offence under s. 177(2)(a) of the DFVPA.

Otherwise, the respondent should be charged with the simpliciter offence against s. 177(2)(b) of the DFVPA.

Respondent arrested for a domestic violence related offence to show cause

Where an officer has arrested and taken a respondent into custody for a DV offence (see s. 9.2.1: ‘Definitions’ of this chapter) and there is a risk of further or associated DV, the arresting officer is to complete an QP 0215: ‘Bail affidavit’ and QP 0215A: ‘Bail Affidavit Annexure’ (Adult) or, where relevant, a QP 0215B: ‘Bail Affidavit Annexure’ (Child).

See s. 16.20.2: ‘Prescribed police officer’s (PPO) responsibilities’ of this Manual.

An aggrieved or other named persons do not commit an offence

If an officer is investigating a report of DFV where an aggrieved or other named persons in a DVO, release conditions or PPN aids, abets, counsels or procures a respondent to contravene the DVO, release conditions or PPN, the aggrieved or named person does not commit an offence (see Part 7: ‘Offences’ of the DFVPA) irrespective whether the person, encouraged, permitted or authorised conduct by the respondent to contravene any of the conditions of the DVO, release conditions or PPN (see s. 180: ‘Aggrieved or named person not guilty of an offence’ of the DFVPA).

Notice to allege previous

Officers are to comply with s. 3.5.18: ‘Notices alleging previous criminal and traffic histories and circumstances of aggravation’ of this Manual. A QP 041A: ‘Notice of intention to allege previous conviction’ for a charge under s. 177(2) of the DFVPA is to include offences which are a DV offence (see ‘Definitions’ of this chapter) and any offence under Part 7 of the DFVPA.

Officers are to comply with s. 9.4.8: ‘Recording domestic violence offence on a person’s criminal history’ of this chapter.

Unfounded contravention of domestic violence order, release conditions or police protection notice

Where the report of a contravention of a DVO, release conditions or PPN is unfounded after a holistic investigation has been conducted, the investigating officer is to create an unfounded ‘Domestic Violence (Contravene DFVPA)’ occurrence to record enforcement act register entries (see s. 9.10.6: ‘Completion of QPRIME custody and search reports’ of this chapter) and finalise the occurrence in accordance with s. 1.11.2: ‘Recording an offence in QPRIME’ of this Manual.

9.4.7 Commencing proceedings for statutory offences

Officers investigating DFV should consult with the aggrieved and any named persons about the possibility of pursuing criminal charges where the acts of DFV amount to criminal acts (see Criminal Law Bulletin No. 286.1: ‘Ancillary Wording – “the offence is also a domestic violence offence”’ available on the Legal Division webpage on the Service Intranet).

If doubt arises whether proceedings should be initiated under other legislation in addition to the DFVPA, the investigating officer is to seek advice from:

- (i) a supervising officer;
- (ii) a brief checker;
- (iii) their OIC;
- (iv) a local police prosecutor; or
- (v) a DFVC.

If an investigating officer believes it may not be in the public interest to proceed with an offence, the officer is to comply with s. 3.4.2: ‘The decision to institute proceedings’ of this Manual by referring the matter to their OIC for advice.

Considerations when investigating domestic and family violence and criminal offences

Where an officer is investigating a report of DFV and is considering making an application for a DVO as well as proceeding with a criminal offence, the investigating officer is to determine whether the application should be finalised prior to the continuation or finalisation of the criminal investigation.

Whether action will be taken under the DFVPA or another Act first, will depend on:

- (i) the nature of the DFV;
- (ii) the nature, type and seriousness of the related criminal offence;

(iii) the need to immediately investigate the criminal offence, e.g. to prevent the loss of evidence; and

(iv) s. 120: 'Person not to be questioned about offence' of the DFVPA, a person who has been taken into custody under the DFVPA cannot be interviewed in relation to offences under another Act (e.g. common assault under the CC).

Respondent commits an offence under another Act

Where an officer reasonably suspects a respondent has committed an offence under another Act, the officer should consider whether it is more appropriate to:

(i) arrest the respondent under s. 365(1): 'Arrest without warrant' of the PPRA; or

(ii) in the case of an indictable offence, arrest the respondent for the offence for the purpose of questioning the respondent about the commission of the offence in accordance with s. 365(2) of the PPRA,

in preference to taking the respondent into custody under s. 116: 'Police officer may take person into custody' of the DFVPA.

If a person is in custody for an offence under another Act, and the officer identifies the person has committed DFV, the officer is to investigate whether this places the defendant in a show cause situation (see s. 16.20.2 of this Manual).

Arresting a respondent under another Act is not an alternative to investigating the DFV and taking appropriate action under the DFVPA (see s. 9.4.1: 'Police action regarding domestic and family violence' of this chapter). An offence arising from a DFV incident may be a domestic violence offence (see ss. 9.2.1: 'Definitions' and 9.4.8: 'Recording domestic violence offence on a person's criminal history' of this chapter).

The onus rests on the investigating officer to properly investigate the incident and obtain all available evidence to support the commencement of proceedings under the DFVPA or another Act (see Chapter 2: 'Investigative Process' of this Manual and s. 4.4: 'Body worn cameras' of the DERIE Manual).

Forms to be completed if granted bail

If bail is to be granted by the releasing police officer, the arresting officer is to prepare and serve one of the following, a:

(i) PPN;

(ii) TPO; or

(iii) DV 01 (including release conditions),

prior to releasing the respondent from custody.

9.4.8 Recording domestic violence offence on a person's criminal history

Where an officer commences a proceeding for an offence against an Act other than the DFVPA which is also a DV offence (see s. 9.2.1: 'Definitions' of this chapter), the officer is to include as ancillary wording in the charge that the offence is also a DV offence.

Where a defendant is found guilty, regardless of whether the conviction is recorded or not, if the court is satisfied the offence is also a DV offence, the court will order the matter be recorded on the person's history as a DV offence.

Where a court orders a matter be recorded on the person's criminal history as a DV offence, or convicts an offender of an offence against Part 7: 'Offences' of the DVFPFA, prosecutors may apply to the court for an order that any previous offences identified as a DV offence be recorded as a DV offence on the person's history (see s. 12A: 'Convictions for offences relating to domestic violence' of the *Penalties and Sentences Act*).

Identifying and recording previous DV offences on a person's criminal history

Districts should develop local instructions, identifying high risk or recidivist DFV respondents and make an application for an order to have all relevant previous convictions recorded as DV offences.

When commencing a proceeding against a person for a DV offence, officers should review the respondent's previous criminal history, and where it is identified there are DV offences, officers should complete documentation and provide evidence (e.g. previous court brief (QP9), witness statements etc.) to apply for the person's previous history to be recorded as a DV offence.

Where it is identified a previous conviction may also be defined as a DV offence, other than an offence under the DFVPA, but is not recorded as a DV offence on a defendant's criminal history, officers are to:

(i) complete a Form 80: 'Application by Queensland Police Service for an order that previous offences were domestic violence offences'; and

(ii) prepare a Form 81: 'Order of court that a previous offence is a domestic violence offence';

(iii) attach any documentation and evidence (e.g. previous court brief (QP9), witness statements etc.) supporting the application to the Form 80, including a QP 1035: 'Form 80 Annexure' where practicable;

- (iv) where possible, serve a copy of the Form 80 and supporting documentation on the defendant or the defendant's legal representative at least 3 days before the court appearance and endorse a copy regarding service;
- (v) attach the above to the court brief (QP9) for the current charge; and
- (vi) attach all completed documents to the relevant QPRIME occurrence.

Where it is not practicable to serve the Form 80 and supporting documentation on the defendant or the defendant's legal representative prior to the defendant's court appearance, the documentation should still be attached to the Court Brief (QP9) for the prosecutor to serve on the defendant or the defendant's legal representative at court.

9.4.9 Domestic and family violence as a result of the serious injury or death of a child

ORDER

Where an officer is investigating the serious injury or death of a child by their parent/guardians and there is supporting evidence the incident was a DFV related incident (see s. 8(3)(e): 'Meaning of domestic violence' of the DFVPA), the officer is to make application for a DVO against the relevant person who has harmed the child.

Where the officer cannot identify which parent/guardian was responsible for causing the child's injury or death, the officer is to:

- (i) make cross-order applications (see subsection 'Cross orders' of s. 9.4.2 of this chapter); or
- (ii) apply for a variation of any current DVOs in place,

and, where the incident involves the serious injury of a child, include the injured child as a named person against each respondent.

9.4.10 Domestic and family violence referral agencies

The Service recognises an integrated approach to DFV across government and the community is necessary for the effective application of legislation. Members should be aware of the vital roles carried out by government and non-government agencies in addressing DFV.

An officer who reasonably believes:

- (i) a person is experiencing DFV; or
- (ii) a respondent has committed DFV against another person;

is to offer the person a Police Referral.

Where a person does not accept an offer of a Police Referral, officers can refer the person to a specialist DFV service provider without their consent. Officers can only refer a person without consent where the officer reasonably believes the person:

- (i) fears or is experiencing DFV and there is a threat to the person's life or safety because of the DFV; or
- (ii) has committed DFV against another person.

Before referring a person without their consent, officers are to consider whether a non-consent referral is likely to adversely affect the safety of the person or another person (see s. 6.3.14: 'Police Referrals' of this Manual, Police Referrals on the Service Intranet and s. 169B: 'Principles for sharing information' of the DFVPA).

ORDER

The Department of Child Safety, Seniors and Disability Services is to be advised if a child requires support or protection as a result of experiencing DFV (see 'Role of other agencies in relation to child harm' of s. 7.3.1: 'Initial action for reports of child harm' of this Manual). There is no authority under the *Child Protection Act* to refer a child to a non-government agency for support or counselling.

Employee Wellbeing

Members of the Service and their immediate families involved in DFV matters are encouraged to seek support through Employee Wellbeing or Employee Relations (see 'Supporting Members affected by Domestic and Family Violence Policy' on the HR Policies and Procedures page).

Officers dealing with DFV incidents involving members of the Service or their immediate families should advise both parties of the assistance provided by the respective region or command's human services officer.

9.4.11 Recorded statements – Gold Coast and Ipswich districts only

The taking, use and admissibility of a video or audio recorded statement from a complainant by an appropriately trained officer in relation to a DV offence is provided for in Part 6A: 'Recorded statements' of the *Evidence Act* (EA).

The taking of electronically recorded statements is only authorised as detailed in Part 6A of the EA and is not to be used for any other matter unless authorised by other statutory provisions (see s. 2.13.1: 'Introduction' of this Manual).

ORDER

Officers who:

- (i) have successfully completed training, which has been approved by the Commissioner in accordance with s. 103E(4): 'Requirements for making recorded statements' of the EA; and
- (ii) are investigating a DV offence where the first appearance of the matter is before the Southport or Ipswich Magistrates Court,

should take a recorded statement from the complainant where the complainant has provided informed consent.

Recorded statements are to be videorecorded unless exceptional circumstances exists (see s. 103H: Admissibility of recorded statements generally' of the EA).

Transcripts of recorded statements

When preparing a brief of evidence for court, the officer who took a recorded statement in accordance with the requirements of Part 6A of the EA is to produce a transcript of the recorded statement. The officer is to verify the transcript is accurate and reflects what was said in the recording. A copy of the verified transcript is to be attached to each copy of the brief of evidence.

9.5 Domestic violence custody

9.5.1 Domestic violence custody

Power of detention under the Police Powers and Responsibilities Act

If an officer reasonably suspects domestic violence is occurring, or has occurred before the officer's arrival at the place, the officer may detain a person:

- (i) to prevent acts of violence or damage to property; and/or
- (ii) to search the person for anything that may be, or has been used to cause injury or damage or for an act of domestic violence (see s. 609: 'Entry of place to prevent offence, injury or domestic violence' of the PPRA).

Officers should be aware detention under s. 609 of the PPRA is not the same as taking a person into custody under s. 116: 'Police officer may take person into custody' of the DFVPA. Where an officer has taken a person into custody under s. 116 of the DFVPA, the officer is first to 'un-detain' the person under the PPRA prior to taking the person into custody under the DFVPA.

Detention under the PPRA is to be recorded as a separate enforcement act in QPRIME to the person's custody under the DFVPA.

Enforcement act to be entered into QPRIME register**ORDER**

Any detention or search conducted under s. 609 of the PPRA is an enforcement act and a register entry is to be created (see ss. 679 of the PPRA and 2.1.2: 'Registers required to be kept' of this Manual). Enforcement act register entries are to be recorded within the relevant QPRIME occurrence prior to the reporting officer terminating duty.

Taking a respondent into custody under the Domestic and Family Violence Protection Act**ORDER**

When an officer receives a report of domestic violence and upon investigation, the officer reasonably suspects a respondent has committed domestic violence and:

- (i) is a danger of causing personal injury; or
- (ii) property is in danger of being damaged,

the investigating officer is to:

- (i) if appropriate, take the respondent into custody; and
- (ii) serve a QP 0899: 'Police Protection Notice' (PPN); or
- (iii) make an application for a domestic violence order (DVO),
with appropriate release conditions on the respondent.

Consultation with the aggrieved

Where a respondent is taken into custody, the investigating officer should:

- (i) inform the aggrieved and any named persons at the earliest opportunity of any action taken by police; and
- (ii) advise the result of any inquiries/applications where appropriate; and

(iii) consult with the aggrieved in relation to any safety concerns if the respondent returns to the premises.

Arrest of a person for a domestic violence offence or breach of a domestic violence order

An officer who arrests a person for a domestic violence offence or a breach of a DVO is to refuse the defendant bail and place the defendant in a show cause situation when the provisions of s. 16 of the *Bail Act* apply (see s. 16.20.2: 'Prescribed police officer's (PPO) responsibilities' of the Manual.)

A respondent taken into custody under the DFVPA is to be taken to a holding cell at a police station, establishment or watch-house and delivered into the custody of the most senior officer on duty at the station, establishment or watch-house manager.

(See s. 9.5.3: 'Watch-house/holding cell procedures – search and release' of this chapter.)

(Officers are to refer to Chapter 16: 'Custody' of this Manual for detention procedures.)

When a respondent is taken into custody under the DFVPA and transported to a holding cell or watch-house, the officer who transported the respondent is to create a 'whiteboard' custody report in QPRIME. The investigating officer is to link the 'whiteboard' custody report to the relevant domestic violence occurrence.

Service of domestic violence application on respondent

ORDER

Where a respondent has been taken into custody for the making of a DVO, the DVO and QP 0937: 'Release from custody conditions' are to be served upon the release of the respondent.

Officer to fully explain documents served upon the respondent

If a prescribed police officer grants the defendant bail, the officer serving any of the above mentioned documents is to fully explain them and inform the respondent the PPN release conditions under the DFVPA will continue in force until:

- (i) the court makes a DVO (see s. 9.2.1: 'Definitions' of this chapter) with the same conditions as the release conditions; or
- (ii) the order is served on the respondent or otherwise becomes enforceable (see s. 9.6.4: 'Service of domestic violence documents' of this chapter); or
- (iii) the court adjourns the application and a DVO is not issued or the court dismisses the application, (see s. 125(5): 'When police officer must release person on conditions' of the DFVPA).

An officer who serves a respondent with a document for domestic violence purposes is to ensure a DV21: 'Affidavit of personal service' or a DV21A: 'Statement of police service' (available in QPRIME) is completed in accordance with s. 9.6.4 of this chapter.

Custody of a child as a respondent

ORDER

Where a child is taken into custody as a respondent, in accordance with s. 126: 'Particular safeguards for detention of child' of the DFVPA, the officer is to:

- (i) take the child into custody only as a last resort, and for the least time justified in the circumstances;
- (ii) hold the child in custody separately from any adults; and
- (iii) notify:
 - (a) a parent of the child, unless a parent cannot be found after making all reasonable inquiries; and
 - (b) the Chief Executive (Child Safety) if the child is in the custody or under the guardianship of the Department of Communities, Child Safety and Disability Services and Seniors.

Detention period

Section 119: 'Detention time period' of the DFVPA allows a respondent to be detained until the following occurs, but for no longer than 4 hours:

- (i) if it is reasonably practicable to bring the person before a court whilst in custody, to appear and be held until:
 - (a) a DVO is made by the court and served on the respondent by a releasing police officer;
 - (b) the hearing of a DVO application is adjourned; or
 - (c) the application is dismissed;
- (ii) an application for a DVO is completed and release conditions are served on the respondent (see s. 9.6.2: 'Application for a protection order' of this chapter); or
- (iii) a temporary protection order is obtained after application by an officer and served on the respondent (see s. 9.6.3: 'Application for a temporary protection order' of this chapter).

Extension of detention period

When a respondent is in custody and:

- (i) a DVO is made by a court; or
- (ii) a temporary protection order is issued on police officer's application; or
- (iii) an application for a protection order is made; or
- (iv) a PPN is to be issued,

the detention period may extend to a maximum of:

- (i) eight hours from when the person is first taken into custody if an officer reasonably believes the person is intoxicated (see s. 119(2)(b): 'Detention period limited' of the DFVPA); or
- (ii) four hours initially from when a person is taken into custody if an officer reasonably believes:
 - (a) it is necessary to make arrangements to provide for the safety of the aggrieved or a child. The respondent may be held until the arrangements have been completed; or
 - (b) the respondent's behaviour is so aggressive or threatening it presents a continuing danger of personal injury or property damage. The respondent may be held until the danger of injury or damage has ceased.

In the case of (ii) above, an officer may seek to extend the detention period for a maximum of a further 4 hours upon application to a magistrate (see subsection 'Extension of detention period' of this section).

The applicant officer or releasing police officer (see 'Definitions' of this chapter) responsible for the custody of the respondent, is to ensure the custody report in QPRIME reflects the continuing grounds for the detention of the respondent.

Section 121: 'Police officer may apply for extension of detention period' of the DFVPA provides an extension of the detention period may be sought by an officer when:

- (i) arrangements need to be put into place to protect the safety of the aggrieved or a child; or
- (ii) the respondent's behaviour is so aggressive or threatening it presents a continuing danger of personal injury or property damage,

to a maximum of 8 hours from when the respondent was initially taken into custody under the DFVPA. The application is to be made to a magistrate prior to the initial 4 hour detention period expiring.

Prior to making the application to the magistrate, the officer applying for an extension of the detention period is to complete a DV 06: 'Application to extend detention period' (available in QPRIME) (see s. 121 of the DFVPA).

An application can be made by phone, fax, radio or email outside business hours or when a special circumstance exists such as an application made by an officer in a remote area.

ORDER

An officer making an application to extend the detention period of a respondent in custody is to submit a DV 06 to a magistrate prior to the expiry of the initial detention period.

Custody register to be updated upon application for an extension of the detention period

Where an officer is applying for an extension of the detention period the:

- (i) watch-house manager;
- (ii) most senior officer on duty at the station or establishment; or
- (iii) applicant officer,

is to ensure the respondent's QPRIME custody report is updated to record:

- (i) the grounds supporting the application for extension to the detention period; and
- (ii) the date and time the application was made and the results of the application.

An application for an extension of the detention period may be made at the same time a DVO is made.

Custody register to be updated upon release of a respondent

Upon the release of a respondent, the custody register is to be updated to record the date and time:

- (i) the arrangements to safeguard the aggrieved were completed;
- (ii) the officer reasonably believed the person was capable of understanding the nature and effect of a protection order application and release conditions or DVO under the DFVPA; or
- (iii) the officer reasonably believed the person's behaviour no longer presented a continuing danger of personal injury or property damage; and

(iv) the respondent was released from police custody.

9.5.2 Release of respondent for treatment or due to intoxication

A respondent may be released from custody to receive treatment or recover from intoxication. When a person is released from custody in this manner an officer is not required to comply with:

- (i) s. 101A: 'Police officer may issue police protection notice';
- (ii) s. 118: 'Police officer must apply for protection order';
- (iii) s. 124: 'Release of person from custody'; or
- (iv) s. 125: 'When police officer must release person on conditions',

of the DFVPA.

However, if there is sufficient evidence, officers should:

- (i) complete and serve a QP 0899: 'Police Protection Notice' (PPN); or
- (ii) make application for a protection order by DV 01: 'Application for a protection order',

for the protection of the aggrieved, children and any associated persons.

The officer should serve, or arrange for service of PPN, or DV 01 on the respondent as soon as practicable (see s. 9.6: 'Domestic violence orders, police protection notices and conditions' of this chapter).

Release of respondent for treatment

Section 127: 'Person may be taken to place for treatment' of the DFVPA provides a respondent taken into custody under the DFVPA may be transported to another place for the purpose of receiving any treatment necessary for the respondent's welfare.

If the officer reasonably believes treatment will not be completed prior to the expiry of any detention period, the respondent is to be released from custody at the place where the treatment will be completed. If the respondent is not intoxicated, a PPN may be served upon the respondent upon their release.

When the place providing the treatment to the respondent indicates the treatment will not be completed prior to the expiry of the detention period under the DFVPA, the officer should obtain a notation in their official police notebook/diary from the person providing care for the respondent.

The officer who takes and releases the respondent at the treatment place is to:

- (i) complete a QPRIME custody report entry as appropriate;
- (ii) serve or arrange for service of an application for a protection order, or PPN on the respondent; and
- (iii) pass any relevant information regarding the respondent onto the person providing care.

Release of intoxicated respondent to a place of safety

Section 128: 'When intoxicated person may be taken to a place of safety' of the DFVPA provides if a respondent is intoxicated, and at any time whilst in custody DFVPA an officer reasonable believes it is more appropriate for the person to be taken to a place of safety (see subsection 'Places of safety' of this section), the officer is to, at the earliest reasonable opportunity, release the person at the place of safety.

These provisions do not apply in cases where the officer is satisfied a person at a 'place of safety' is:

- (i) unable to provide care for the person; or
- (ii) the person's behaviour may pose a risk of harm, including, but not limited to domestic violence or associated domestic violence, to other persons at the place of safety.

A person taken to a place of safety is not compelled to stay at the place (see s. 128(5) of the DFVPA).

Requirements of an officer releasing a respondent at a place of safety

The officer who takes and releases the respondent at the place of safety is to:

- (i) complete a QPRIME custody report entry as appropriate;
- (ii) serve or arrange for service of:
 - (a) PPN; or
 - (b) DV 01,

on the respondent when the respondent is capable of understanding the nature and effect of an application, notice or order;

- (iii) pass any relevant information regarding the respondent onto the person providing care for the respondent;

- (iv) obtain a signed undertaking on a DV 23 from the person apparently in possession, or in charge of the place;
- (v) give anything taken from the respondent to:
 - (a) if the place of safety is the respondent's home – to a person at the home who is an adult member of the respondent's family;
 - (b) if the place of safety is the home of a friend or relative – to the friend or relative, for safe keeping while the respondent is at the place; or
 - (c) otherwise – to the person apparently in possession or in charge of the place of safety, for safe keeping while the respondent is at the place;
- (vi) obtain a signed QP 0034: 'Indemnity receipt' from the person receiving the respondent's property; and
- (vii) upload the DV 23 and QP 0034 into the relevant QPRIME occurrence and file at the releasing officer's station or establishment.

Places of safety

Places of safety (see s. 128(9) of the DFVPA) operated by the Government or external organisations may be available in some localities. Where such facilities are available, the OIC of a station or establishment should ensure an appropriate list of places is maintained and available to officers under their control.

9.5.3 Watch-house/holding cell procedures – search and release

ORDER

When a respondent is taken into custody for the purposes of making a DV 01: 'Application for a protection order' or a QP 0899: 'Police Protection Notice' (PPN), the officer:

- (i) if not the applicant officer, transporting the respondent to a watch-house or police station is to record the respondent on the watch-house or police station's 'whiteboard' and commence a custody record in QPRIME in accordance with the QPRIME user guide;
- (ii) is to create a 'Domestic Violence – Application Police' occurrence and commence a custody entry: and
 - (a) complete the enforcement register entries as required (see s. 2.1.2: 'Registers required to be kept' of this manual);
 - (b) complete a domestic violence order (DVO) or application for a protection order (see ss. 9.6.1: 'Police protection notice' and 9.6.2: 'Application for a domestic violence protection order' of this chapter);
 - (c) advise the watch-house manager or the most senior officer on duty at a police station of the relevant QPRIME occurrence number as soon as practicable.

The watch-house manager or the most senior officer on duty in a police station with a holding cell is to ensure the above particulars are entered in QPRIME as soon as possible after the person is taken to the watch-house/holding cell.

The releasing officer (see s. 9.2.1: 'Definitions' of this chapter) is to ensure a PPN is generated through the relevant QPRIME Custody Report and served upon the respondent prior to their release from custody.

Person may be searched when in custody

When a person is delivered into the custody of a watch-house manager or the most senior officer on duty at a police station (see s. 117: 'Person must be taken to holding cell or watch-house' of the DFVPA), officers may search and re-search the person and take and retain anything in accordance with s. 443: 'Police officer may search person in custody' of the PPRA while the person is in custody (see s. 16.10: 'Search of persons' of this Manual).

Release conditions

When releasing a person taken into custody under the DFVPA, in accordance with s. 125: 'When police officer must release person on conditions' of the Act, the following release conditions are to be applied by the releasing police officer (see s. 106: 'Standard conditions' of the DFVPA);

The respondent is to:

- (i) be of good behaviour towards the aggrieved;
- (ii) not commit domestic violence against the aggrieved;
- (iii) if the release conditions name a child of the aggrieved (see s. 9.8: 'Children exposed to domestic violence' of this chapter), or a child who usually lives with the aggrieved, the person should:
 - (a) be of good behaviour towards the child;
 - (b) not commit domestic violence against the child; and
 - (c) not expose the child to domestic violence (see s. 10: 'Meaning of exposed to domestic violence' of the DFVPA);

- (iv) if the release conditions name a relative or associate of the aggrieved, the person is to:
- (a) be of good behaviour towards the named relative or associate; and
 - (b) not commit associated domestic violence (see s. 9: 'Meaning of associated domestic violence' of the DFVPA) towards the named relative or associate.
- (v) the respondent is to surrender any weapons licence or weapons in their possession (see s. 9.9.1: 'Surrender of weapons and weapons licences after being named as a respondent in a DVO or released conditions' of this chapter).

The conditions mentioned in (iii) and (iv) apply only if the releasing police officer considers it appropriate to name a child, relative or associate of the aggrieved in the release conditions.

The releasing police officer is to seek advice from the investigating officer when determining release conditions, including whether to exclude the respondent from any premises.

Aggrieved should be advised prior to respondent's release

For any domestic violence related matter, the releasing police officer should, where practicable, advise the aggrieved of the release of the respondent at or before the time of the respondent's release from custody.

An officer serving a copy of a:

- (i) DV 01: 'Application for a protection order'; or
- (ii) QP 0937: 'Release from custody conditions'; or
- (iii) QP 0899: 'Police protection notice',

is to comply with subsection 'Service of domestic violence application on respondent' of s. 9.5.1: 'Domestic violence custody' of this chapter).

Where a hearing date for the application is more than 5 business days (one week, excluding weekend days or public holidays, see s. 38(2): 'Reckoning of time' of the *Acts Interpretation Act*) after the date the respondent was released on release conditions, the applicant police officer is to apply for a temporary protection order under s. 129: 'When police officer may apply for a temporary protection order' of the DFVPA from a magistrate (see s. 9.6.3: 'Application for a temporary protection order' of this chapter).

9.6 Domestic violence orders, police protection notices and conditions

ORDER

When an officer is making an application for a DV 01: 'Application for a protection order' or issuing a QP 0899: 'Police Protection Notice' (PPN), the officer is to create a domestic violence occurrence in QPRIME and complete all required documentation.

Officer commencing a proceeding

Where an officer commences a proceeding by:

- (i) the respondent being taken into custody, officers should issue and serve a PPN:
if additional conditions are required other than those in s. 106A: 'Other conditions' of the DFVPA, officers should complete:
 - (a) an application for a DV 02 'Temporary protection order' (see s. 9.6.3: 'Application for a temporary protection order' of this chapter); or
 - (b) for existing cross orders:
 - an application for a temporary protection order (see s. 9.6.3 of this chapter); or
 - release the person from custody on release conditions (see s. 9.4.6: 'Contravention of domestic violence order, release conditions or police protection notice' of this chapter);
- (ii) the respondent being present but has not been taken into custody, the officer should issue and serve a PPN (see s. 9.6.1: 'Police protection notice' of this chapter); or
- (iii) the respondent is not present, issue a PPN (see s. 9.6.1 of this chapter) for later service.

(see s. 125: 'When police officer must release person on conditions' of the DFVPA).

9.6.1 Police protection notice

When a QP 0899: 'Police Protection Notice' (PPN) is issued and served in accordance with ss. 101: 'Police officer may issue police protection notice' and 109: 'Service of notice on respondent' of the DFVPA, the aggrieved is immediately protected.

An officer prior to issuing a PPN is to comply with s. 101 of the DFVPA.

An officer is to issue a police protection notice

Where a respondent has been taken into custody under s. 116: 'Police officer may take person into custody' of the DFVPA, the officer is to issue a PPN unless:

- (i) it is reasonably practicable to bring the respondent before the court (see s. 118(2): 'Police officer must apply for protection order' of the DFVPA); or
- (ii) a temporary protection order has been granted; or
- (iii) the person has been released with release conditions pursuant to s. 125: 'When police officer must release person on conditions' of the DFVPA – in circumstances where a PPN cannot be issued pursuant to ss. 103: 'Cross-notice not permitted' or 101 of the DFVPA (because there is already a protection order between the parties).

Procedures when preparing a police protection notice

When preparing a PPN, officers are to:

- (i) contact a supervising officer (see s. 9.2.1: 'Definitions' of this chapter) and seek approval to issue a PPN. If the supervising officer does not grant approval for a person to be named (child, associated person or relative) in the notice, or for a condition to be imposed, officers are to:
 - (a) make application for a protection order by another process under the DFVPA; or
 - (b) finalise the investigation in accordance with s. 9.4.3: 'Police action to be taken where applying for a domestic violence order is not appropriate' of this chapter;
- (ii) request the respondent to provide:
 - (a) the respondent's name;
 - (b) contact details (including email and address for service) (officers note: the respondent is not obliged to provide contact details).
- (iii) select a hearing date. If the magistrates court sits:
 - (a) at least once a week, within the next 5 business days;
 - (b) within the next 28 days, at the next available court date; or
 - (c) if the next sitting date is more than 28 days after the notice is issued, the respondent is to be advised the:
 - matter will be mentioned in another magistrates court within 28 days of the notice being issued;
 - other magistrates court will notify the respondent of the date, time and place of the mention;
 - respondent may participate in the mention by attending the other magistrates court in person or by electronic means at the next local magistrates court sitting date; and
 - other magistrates court may make a temporary protection order regardless of the respondent participating in the mention;
- (iv) record the standard conditions imposed on the respondent;
- (v) determine whether cool-down, no-contact, or ouster conditions are necessary or desirable to protect the aggrieved and named persons from domestic violence (see subsections 'Cool-down, no-contact, ouster, and return conditions' of this section) and for a cool-down condition, state the date and time the condition ends;
- (vi) record whether the PPN is issued under ss. 101 or 101A: 'When police officer must issue police protection notice' of the DFVPA (see 'Recording issuing section on PPN' of this section);
- (vii) personally serve a copy of the PPN on the respondent and explain the notice (see subsection 'Explanation of police protection notice' of this section);
- (viii) immediately take possession of or arrange to take possession of any weapons licences and weapons in the respondent's possession (see s. 9.9.1: 'Surrender of weapons and weapons licences after being named as a respondent in a temporary protection order, police protection notice or released conditions' of this chapter);
- (ix) give a copy and explain the PPN to the aggrieved and any named persons (see subsection 'Explanation of police protection notice' of this section);
- (x) complete a DV 21A: 'Statement of police service' electronically;
- (xi) ensure a signed copy of the PPN and DV 21A is filed with the court. Where the person is to appear within 3 business days of service of the notice and in any case before the date set for the respondent's date of appearance on the notice; and

- (xii) distribute the completed documentation in accordance with the instructions printed on the notice;
- (xiii) on returning to the station ensure the grounds to support the issuing of a PPN are recorded in QPRIME prior to the termination of shift;
- (xiv) complete all fields in the PPN but to keep the contact details of the aggrieved confidential;
- (xv) ensure a QPRIME occurrence is created prior to terminating the shift.

Officers are to serve a PPN in accordance with s. 9.6.4: 'Service of domestic violence documents' of this chapter.

Recording issuing section on police protection notice

If an officer:

- (i) issues and personally serves a PPN on the respondent where the respondent has not been taken into custody, the officer is to:
 - (a) circle '101' on the PPN;
 - (b) in QPRIME use the PPN Transfer Report;
 - (c) serve a QP 0899A on the respondent; and
 - (d) upload the PPN and QP 0899A into QPRIME and transfer the details to the court; or
- (ii) where the respondent is in custody under Division 3 of the DFVPA, s. 101A of the DFVPA applies and the officer should:
 - (a) circle '101A' on the PPN;
 - (b) in QPRIME use the DV 01 Transfer Report;
 - (c) complete and serve the DV 01: 'Application for a protection order' on the respondent; and
 - (d) upload the PPN and DV 01 into QPRIME and transfer the details to the court.

ORDER

An officer issuing a QPRIME generated or field issued PPN is to circle either ss. 101 or 101A of the DFVPA or make an entry clearly identifying the relevant section the PPN was issued under.

Confidentiality of an aggrieved, named persons and respondent to be protected

When entering an aggrieved or named persons address details into the QPRIME transfer report, officers are to select the 'Yes' (confidential) box and complete a QP 0932: 'Aggrieved confidential address form'.

(see s. 9.14: 'Confidentiality of an aggrieved, named persons and respondent to be protected' of this chapter).

Explanation of police protection notice

ORDER

Officers issuing a PPN are to take reasonable steps to ensure the respondent, aggrieved, named person, or parent of a child who is a respondent or aggrieved, understands the nature and consequences of the notice and provide an explanation of the contents of the PPN in accordance with s. 110: 'Explanation' of the DFVPA.

Cool-down, no-contact, ouster, and return conditions

Where an officer issues a PPN, the officer is to include a cool-down, no-contact, ouster, or return condition if the officer reasonably believes such a condition is necessary or desirable to protect the aggrieved, named persons from associated domestic violence or a child from being exposed to domestic violence (see ss. 107: 'Cool-down condition', 107A: 'No-contact condition', 107B: 'Ouster condition' and 107C: 'Return condition' of the DFVPA).

Approval required for an ouster, return, cool-down or other conditions

A supervising officer (see 'Definitions' of this chapter) not involved in the domestic violence investigation is to authorise a PPN which includes a 'cool-down' condition. Officers at the rank of senior sergeant or above are able to approve 'ouster', 'no contact' or 'return' conditions.

Consideration to be given to accommodation needs of a respondent

Officers are to consider the accommodation needs of a respondent when serving or telling a respondent about a PPN with a cool-down or ouster condition (see s. 108: 'Police must consider accommodation needs' of the DFVPA).

Officers where possible should not remove the aggrieved, named persons or children from family home

The aggrieved, named persons and children are to be protected from domestic violence. To help reduce the impact of domestic violence, where possible, officers should not remove the aggrieved or named persons or children from their family home.

Child or adult named as a respondent on a police protection notice with a cool-down condition

Where a child or adult is named as a respondent on a PPN with a cool-down condition, officers are to follow the procedures outlined in s. 9.13.2: 'Transport and accommodation assistance to a respondent' of this chapter and in the case of child respondent arrange temporary accommodation (see s. 108(3) of the DVFPA).

9.6.2 Application for a domestic violence protection order

An application for a protection order is to be made when:

- (i) the respondent is being released from custody on release conditions;
- (ii) the officer is applying for a temporary protection order;
- (iii) it is not appropriate to issue a QP 0899: 'Police Protection Notice' (PPN); or
- (iv) it is necessary to make a cross order application for the protection of both parties.

ORDER

Officers making application to a court for a domestic violence order (DVO) are to prepare or cause to be prepared, documents required by the police prosecutor (see ss. 9.11.2: 'Documents required by police prosecutor' and 9.14: 'Confidentiality of an aggrieved, named persons and respondent to be protected' of this chapter).

Preparation of documents for an application

When preparing documents for a DV 01: 'Application for a protection order' officers should:

- (i) fully record the grounds to support the issue of a DVO, and any conditions, against the respondent;
- (ii) direct the respondent to appear at a time, date and court at which domestic violence applications are being heard;
- (iii) time permitting, confer with the relevant police prosecution corps and confirm the mention date is suitable;
- (iv) serve a copy of the application on the respondent, with a QP 0937: 'Release from custody conditions' if the respondent was taken into custody under s. 116: 'Police officer may take person into custody' of the DVFPA;
- (v) complete a DV 21A: 'Statement of police service' and endorse the signed copy of the DV 01 and QP 0937 as 'Exhibit A'; and
- (vi) ensure a signed copy of the application and the DV 21A is filed with the court where the person is to appear within 3 days of service of the application and in any case before the date set for the respondent's date of appearance.

Officer to advise the aggrieved and named persons after the application or order is granted

Officers should advise the aggrieved and any other named person of the conditions in an application or order as soon as practicable after the application or order is granted.

The aggrieved is to be provided with a copy of the application and a notice of the time and place the application is to be heard.

Separate QPRIME occurrence in a cross-order application

If an officer attends a domestic violence incident where:

- (i) the aggrieved is a named person in a DVO; and
- (ii) it is necessary to apply for a cross order application naming the aggrieved as a respondent,

the officer making the cross-order application is to commence a separate QPRIME occurrence for the aggrieved.

(see ss. 9.4.2: 'Investigating domestic and family violence (initial action)' subsection 'cross orders' and 9.14: 'Confidentiality of an aggrieved, named persons and respondent to be protected' of the chapter).

Police protection notice including named persons

A PPN may also include:

- (i) a child of the aggrieved or a child who usually lives with the aggrieved; (see ss. 101B: 'Naming persons in police protection notice' of the DVFPA and 9.8: 'Children exposed to domestic violence' of this chapter);
- (ii) a relative of the aggrieved (see s. 101B of the DVFPA); and
- (iii) an associate of the aggrieved (see ss. 24(3): 'Who can a domestic violence order protect' and 52: 'Naming relative or associate of aggrieved' of the DVFPA),

as a named person in the order (see s. 24 of the DVFPA).

Officers submitting a PPN naming relatives, children or associates of the aggrieved protected by a DVO are to include sufficient information to demonstrate the naming of the:

- (i) person is necessary or desirable to protect them from associated domestic violence; or
- (ii) child of the aggrieved is necessary or desirable to protect the child from:
 - (a) associated domestic violence; or
 - (b) being exposed to domestic violence committed by the respondent.

Police protection notice involving several respondents

Where multiple respondents have been involved in the same or substantially the same acts of domestic violence against an aggrieved, the PPN should be collated and presented to the court for hearing at the same time. A single QPRIME occurrence is to be created with additional QPS DFV reports where more than one respondent is involved.

ORDER

An officer issuing and serving a PPN on several respondents is to complete a PPN for each respondent.

9.6.3 Application for a temporary protection order

An application for a temporary protection order should be made when:

- (i) additional conditions, in addition to the mandatory, cool-down, no-contact, ouster or return conditions available on a police protection notice, are necessary to protect the aggrieved from domestic violence;
- (ii) there are existing cross orders in place;
- (iii) court is more than business 5 days in the future (see s. 129(2)(c): 'When police officer may apply for temporary protection order' of the DFVPA; or
- (iv) the officer knows or reasonably believes an additional condition being sought is inconsistent with a family law order but is necessary for the protection of a person named in an order (see s. 107D: 'Relationship between police protection notice and family law order' of the DFVPA).

If a temporary protection order is made, the applicant officer is to prepare a DV 02: 'Temporary Protection Order', through the relevant QPRIME occurrence, in the terms conveyed by the issuing magistrate.

An officer is to personally serve a copy of the DV 01: 'Application for a protection order' and DV 02: 'Temporary protection order' on the respondent as soon as practicable after the order is made.

The officer who served the documents on the respondent is to complete a DV 21: 'Affidavit of personal service' or DV 21A: 'Statement of police service' (as applicable in accordance with s. 9.6.4: 'Service of domestic violence documents' of this chapter) and ensure it is returned to the court where the matter is to be heard, with the DV 01 and DV 02 marked as exhibits.

Officers are to ensure:

- (i) the DV 01 is filed at the court where the application is to be heard as soon as practicable after the temporary protection order is made;
- (ii) a copy of the DV 02 and a copy of the DV 01 are given to the aggrieved as soon as is practicable; and
- (iii) prior to the return date shown on the DV 02, the relevant police prosecutor is provided with the documents required for the hearing of an application for a protection order (see s. 9.11.2: 'Documents required by police prosecutor' of this chapter).

ORDER

Officers seeking the issue of a temporary protection order under the provisions of s. 129 of the DFVPA are to complete a DV 01 in accordance with s. 9.6.2: 'Application for a domestic violence protection order' of this chapter.

The particulars of the application are to be provided by telephone, fax, radio, email or other similar facility to a magistrate. The magistrate will decide whether to issue a temporary protection order and reply to the officer by telephone, fax, radio, email or other similar facility.

9.6.4 Service of domestic violence documents

Officers are to prioritise the service of documents issued under the DFVPA ('**DV documents**'). Service of DV documents directly affects the safety of an aggrieved and named persons by allowing conditions to be enforced.

For the purposes of this section:

PPN

means a QP 0899: 'Police Protection Notice'.

Statement PPN

means a QP 0899A: 'Statement – Police Protection Notice'.

Release conditions

means a QP 0937: 'Release from custody conditions'.

DV 01

means a DV 01: 'Application for protection order'.

DVO

means a temporary protection order or protection order.

TPO

means a temporary protection order.

DV 21A

means a DV 21A: 'Statement of police service'.

QP 1210

means a QP 1210: 'Statement of document provision to the aggrieved/named person'.

DV 25

means a DV 25: 'Affidavit'.

ORDER

Where service of DV documents on a respondent is required, officers are to:

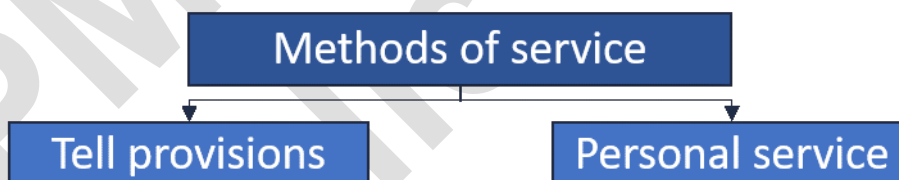
- (i) ensure a copy is served on the respondent as soon as reasonably practicable;
- (ii) after service, complete proof of service documentation and file the proof of service and copy of the served documents with the relevant court as soon as practicable; and
- (iii) update the relevant QPRIME occurrence to record service, including uploading a copy of any proof of service documentation, prior to the termination of the officer's shift.

Where service cannot be affected by the next court date, the officer attempting to serve the documents should:

- (i) record all actions taken to attempt to effect service in the relevant QPRIME occurrence; and
- (ii) consider whether it would be appropriate to apply for a TPO to ensure the aggrieved and any named persons are afforded protection (see ss. 40: 'Hearing of application – before respondent is served' of the DFVPA and 9.6.3: 'Application for a temporary protection order' of this chapter).

Method of service

Officers may generally serve DV documents via the following methods of service:



Where the respondent is a child, see also s. 9.8.6: 'Service of domestic violence documents on children' of this chapter.

Service of DV documents is to be tasked through QPRIME. The documents should be uploaded into the relevant QPRIME occurrence prior to sending the task for service. Tasks should be sent through the relevant OIC.

Determining method of service

Officers are to consider the 'Service risk considerations' below and all relevant facts and circumstances to determine which method of service is appropriate in the circumstances.

Service risk considerations

When deciding which method of service is appropriate, officers should consider the following risk factors:

- (i) whether the DVO imposes mandatory conditions only or additional conditions which afford the aggrieved and named persons further protection;
- (ii) the seriousness of the offending behaviour and urgency for the DVO to be served;
- (iii) the type of emotional response the existence or conditions of the DVO are likely to elicit from the respondent, and any further actions the respondent may take as a result;
- (iv) the vulnerability of the victim and whether use of tell provisions may expose the victim to a greater risk of harm;

(v) the results of QPRIME checks, including the respondent's propensity for violence based on flags/cautions and previous history and the need to seize weapons; and

(vi) current case management and focussed deterrence strategies.

Tell provisions

When an officer tells a respondent about a DVO, including the conditions of the order, the DVO becomes enforceable and it may be served by ordinary service (e.g. by post/fax/email or as otherwise directed by the court).

See ss. 177(3) and (4): 'Contravention of domestic violence order' and s. 184(5): 'Service of order on respondent' of the DFVPA and r. 15: 'How ordinary service is performed' of the Domestic and Family Violence Protection Rules (DFVPR).

When deciding whether to use the tell provisions, an officer is to ensure:

(i) the above 'Service risk considerations' have been considered and use of the tell provisions is appropriate in the circumstances;

(ii) current and reliable contact details of the respondent are available (including postal address for service); and

(iii) a relevant witnessing person (e.g. Justice of the Peace) can be accessed to complete the DV25.

When using the tell provisions, an officer is to:

(i) verify the identity of the respondent (see the Tell Provisions Script Guide);

(ii) tell the respondent about the DVO and all conditions imposed by the order;

(iii) verify with the respondent that he or she understands the conditions imposed by the order;

(iv) record the use of the tell provisions in the relevant QPRIME occurrence, including sufficient details to complete a DV25;

(v) post a copy of the DVO to the respondent's address or serve via alternative authorised means (see r. 15 of the DFVPR); and

(vi) complete a DV25.

For phone interactions, the conversation is to be electronically recorded. N.B. if the respondent hangs up before being told about the order and the conditions, the order or a condition may not be enforceable (see s. 177(4) of the DFVPA).

For email, SMS or social media interactions, the use of tell provisions should be confirmed by a response from the respondent. A copy of the response should be uploaded to the relevant QPRIME occurrence.

Personal service

Where an officer personally serves a DV document, the officer is to:

(i) verify the identity of the person is the same as the person intended to be served;

(ii) give a copy of the document to the person;

(iii) tell the person what the document is and explain the document;

(iii) verify the person understands the conditions stated in the document; and

(iv) complete a DV21A, unless the document includes a statement of police service and affirmation of service and is served prior to transfer to court (e.g. a field PPN and Statement PPN).

Where a respondent refuses to take a copy of the document, the officer may serve it by putting it down in the respondent's presence, telling the respondent what it is and explaining the document (See s. 134A: 'Power to give direction' of the DFVPA).

Affirmation of statement of police service

ORDER

When an officer has personally served a DV document on a respondent and is completing the statement of police service, the officer is to affirm service before:

(i) the OIC of a police station, establishment or watch-house;

(ii) if an OIC is not available, an officer of the rank of sergeant or above; or

(iii) if a sergeant or above is not available, an officer who is more senior in rank to the officer who is completing the statement of service (i.e. minimum rank of senior constable),

in accordance with r. 14A: 'Affirming statement of police service' of the DFVPR.

Affidavit of service

Where an officer has served a document on a respondent, other than by personal service, the officer is to complete a DV25. The DV25 must detail:

- (i) when the respondent was told about the document;
- (ii) how the respondent was identified; and
- (iii) how the content of the order was explained.

Service of a PPN and Statement PPN

A PPN must be personally served on a respondent, even if it has already taken effect because an officer has used the tell provisions and told a respondent about the PPN and its conditions. The court may make a TPO on the first court date if the PPN has not been served.

See ss. 109: 'Service of notice on respondent', 113: 'Duration' and 40: 'Hearing of application – before respondent is served' of the DFVPA.

Where a PPN:

- (i) is personally served and the statement of service completed prior to being transferred to court, a DV21A is not required;
- (ii) has been personally served, a Statement PPN may be served in any way in accordance with s. 111(4): 'Filing' of the DFVPA; and
- (iii) has not been personally served prior to being transferred to court, a DV21A is to be completed and filed once:
 - (a) the PPN and Statement PPN has been personally served; or
 - (b) if a TPO has been made prior to service being affected, the Statement PPN and TPO have been personally served.

Service of court orders

Where the respondent was present in court when a DVO was made, personal service of the order on the respondent is deemed to have occurred (see r. 12: 'How personal service is performed' of the DFVPR).

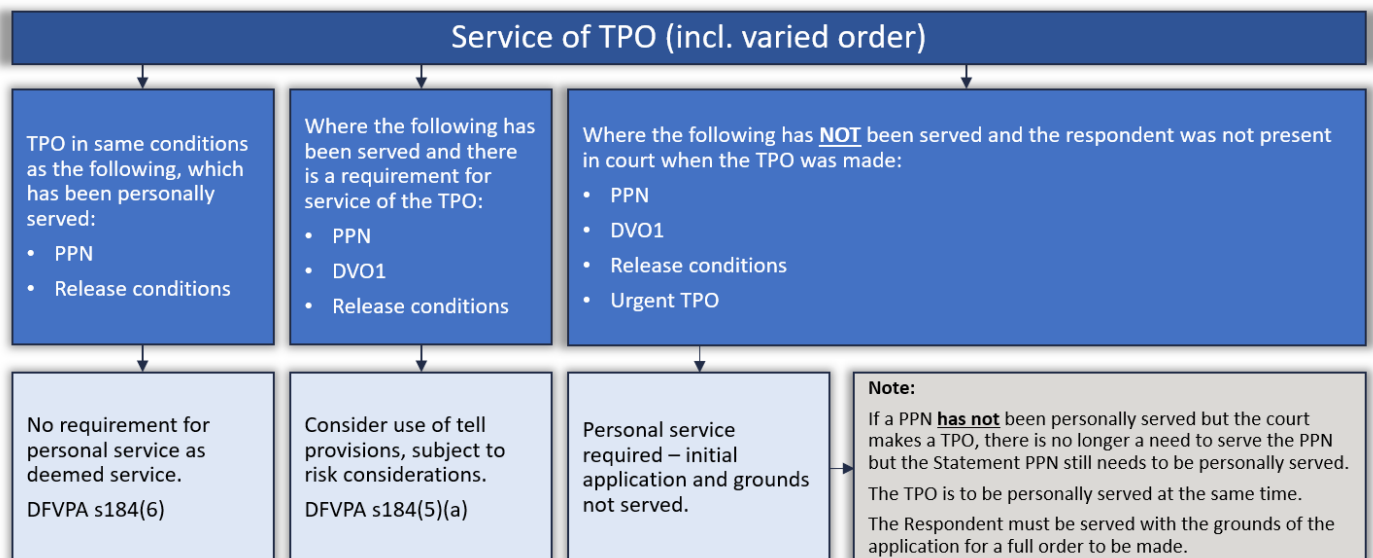
Where an officer commences a DV proceeding by personally serving a:

- (i) PPN; or
- (ii) DV01 and Release conditions (see s. 124: 'Release of person from custody' of the DFVPA);

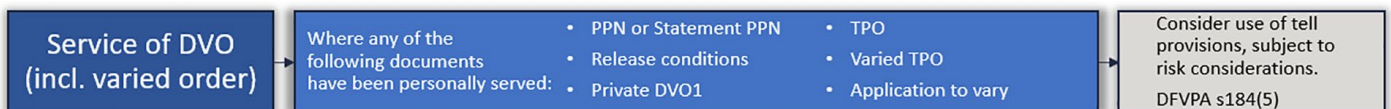
and a court makes a TPO with the same conditions as the PPN (the cool-down condition is not taken into account) or release conditions, the TPO is taken to be served on the respondent when the order is made (see s. 184(5) of the DFVPA).

The diagrams below provide guidance on the method of service that should be adopted in the circumstances for court orders.

Officers should use the tell provisions where it is appropriate to do so unless personal service can be affected in an efficient and timely manner.



NB: the above diagram does not account for all factual circumstances where a TPO may be required to be served.



Release from custody

Where an officer is releasing a respondent taken into custody for a DFV investigation, the officer may serve the following documents on the respondent:

- (i) a PPN and Statement PPN (see s. 101A: 'When police officer must issue police protection notice' of the DFVPA);
- (ii) a DV01 (see s. 118: 'Police officer must apply for protection order' of the DFVPA);
- (iii) a DVO if an order has been made by the court; or
- (iv) a DV01 and Release conditions (see s. 125: 'When police officer must release person on conditions of the DFVPA).

Documents to be fully explained

When an officer is serving DV documents on a respondent, the officer is to fully explain the documents and any conditions imposed. Where the document being served is a PPN or Release conditions, the officer is to tell the respondent the conditions set out in the document will continue in force until the court:

- (i) makes a TPO in the same conditions; or
- (ii) makes a protection order, or a TPO in different conditions, and the order is served on the respondent or otherwise becomes enforceable; or
- (iii) adjourns the application without making a DVO or the court dismisses the application.

Officers should provide timely advice to the aggrieved as to whether document service has occurred.

QPRIME checks prior to serving documents

Before attempting to serve DV documents on a respondent, officers should check QPRIME to determine if:

- (i) the respondent is a wanted person or a person of interest;
- (ii) the respondent holds a weapons licence or may be in possession of any weapons; and
- (iii) there is any information available relevant to the safety of officers serving the documents.

Service of unserved documents

When an officer locates a respondent named in unserved DV documents, the officer is to advise the respondent of the existence of the documents and explain any conditions imposed to the respondent.

If the officer is not in possession of a copy of the documents when the respondent is located, the officer should:

- (i) arrange for:
 - (a) a copy of the documents to be sent electronically to the officer, so the officer can show the documents to the respondent; or
 - (b) arrange for another officer to tell the respondent about the documents over a radio, telephone or other communication device; and
- (ii) make suitable arrangements for the respondent to receive a copy of the documents.

See ss. 134A of the DFVPA and 9.6.5: 'Power to give direction to remain or move to another location' of this chapter.

The officer is to update the relevant QPRIME occurrence with the action taken to serve the order, prior to the termination of the officer's shift.

Giving documents to the aggrieved

ORDER

Where an officer is making an application for a DVO, variation to a DVO or issuing a PPN, the officer is to give or arrange for a copy of the application to be given to the aggrieved (N.B. this does not need to be via personal service). Once a copy of the application is given to the aggrieved, officers are to complete QP 1210 'Statement of document provision' (Aggrieved). Failure to give a copy to the aggrieved does not invalidate the application. Where the aggrieved is a child, a parent must also be given a copy of the application. For a PPN, s. 110: 'Explanation' of the DFVPA requires the notice, grounds for reasonably believing domestic violence has been committed and the reasons for imposing the conditions in the notice must be explained to the aggrieved, taking reasonable steps to ensure the aggrieved understands the nature and consequences of the notice.

See s. 35: 'Copy of application must be given to aggrieved' of the DFVPA.

See s. 88: 'Service of application' of the DFVPA.

See s. 89: 'Copy of application must be given to aggrieved' of the DFVPA.

See s. 109A: 'Giving copy of notice to aggrieved' of the DFVPA.

See s. 110: 'Explanation' of the DFVPA.

See s. 188: 'Giving of document to child' of the DFVPA.

9.6.5 Power to give a direction to remain or move to another location

Service of an order or application

Where an officer reasonably suspects a person is named as a respondent in a:

- (i) DV 01: 'Application for a protection order' not been served on the person; or
- (ii) domestic violence order (DVO) (including a PPN) not been served on the person,

the officer may direct the respondent to remain at an appropriate place to allow the officer to:

- (iii) if the officer has a copy of the documents in their possession:
 - (a) serve a copy of the DV 01;
 - (b) serve a copy of the DVO and explain the conditions imposed by the order; or
- (iv) if the officer does not have a copy of the DVO or DV 01 in their possession, arrange for the respondent to be told about the application or order and any conditions imposed by the order in accordance with subsection 'Where personal service cannot be completed in a timely manner's' of this chapter.

The officer in the presence of the respondent:

- (i) is considered to have 'told' the respondent of the order and the conditions of the order;
- (ii) is to update the relevant QPRIME occurrence; and
- (iii) should also make suitable arrangements for the respondent to receive a paper copy of the order by ordinary service.

It is to be noted by officers under s. 134A: 'Power to give direction' of the DFVPA, a respondent cannot be directed to:

- (i) remain at an appropriate place until a paper copy of the DVO or DV 01 is delivered; or
- (ii) attend a police station or establishment for the specific purpose of collecting a paper copy of the DVO or DV 01.

QPRIME custody report is to be created if respondent directed to remain

Where a person is directed to remain at a place, the officer making the direction is to ensure a custody report is created in the relevant domestic violence QPRIME occurrence prior to the termination of the shift.

The officer is to update the relevant QPRIME occurrence with the details:

- (i) of the date and time, the respondent was directed to remain, and time required to remain in a custody report in the person's entity; and
- (ii) regarding the service of the DVO or DV 01.

Search of a person subject to a direction

An officer should not routinely search a respondent who is subject to a direction under s. 134A of the DFVPA, unless justified.

Officer to remain in the presence of a person

The officer giving the direction is to remain in the presence of the person while the person under the direction moves to another location (see s. 134A of the DFVPA).

Officer directing a person to remain at an appropriate place

Section 134B: 'Limits on direction' of the DFVPA allows an officer to direct a person to remain at an appropriate place for:

- (i) one hour; or
- (ii) a longer reasonable time, having regard to the particular circumstances but not more than 2 hours (for example when investigating a current incident).

An officer who gives a direction to a person is to:

- (i) warn the person it is offence not to comply with the direction (unless they can provide a reasonable excuse); and
- (ii) tell the person it is an offence and they can be arrested for not complying with the direction.

Before taking any action against a person, the officer should:

- (i) give the person a reasonable opportunity to comply with the direction; and
 - (ii) if the person fails to comply with the direction;
 - (iii) repeat the warning (if practicable); and
 - (iv) give the person further opportunity to comply with the direction.
- (see s. 134C: 'Offence warning' of the DFVPA).

Not to cause unreasonable delay in serving a domestic violence order

ORDER

Officers are not to unreasonably delay the service of a DVO, DV 01 or issuing and serving of a PPN, after giving a respondent a direction to remain at an appropriate place.

Where a person is directed to remain at a place, the officer making the direction is to ensure a custody report is created in the relevant domestic violence QPRIME occurrence prior to the termination of the shift (see s. 134 of the DFVPA).

Updating relevant QPRIME occurrence

The officer is to update the relevant QPRIME occurrence with the details:

- (i) of the date and time the respondent was directed to remain and time required to remain in a custody report in the person's entity; and
- (ii) regarding the service of the DVO or DV 01.

9.6.6 Domestic violence orders unable to be served

Members who have exhausted all reasonable attempts and are unable to personally serve a domestic violence order (DVO) on a respondent, who resides in Queensland are to:

- (i) update the relevant QPRIME occurrence and record why the DVO was not served;
- (ii) ensure a copy of the DVO is uploaded into the occurrence;
- (iii) complete and upload to the occurrence a DV 38: 'Application for substituted service';
- (iv) complete and upload to the occurrence a DV 39: 'Affidavit of attempted personal service' in accordance with s. 184A: 'Substituted service' of the DFVPA; and
- (v) notify the relevant prosecution corps by email, attaching the relevant DV 38 and DV 39, requesting an application for substituted service be made.

Respondent resides outside Queensland

If the member is unable to serve a DVO due to the respondent residing:

- (i) in another Australian state or territory, or New Zealand, the member is to complete and submit the National DVO request form located on the National Domestic Violence Order Scheme (NDVOS) page on the Service intranet; or
- (ii) where attempts to serve a respondent through NDVOS have been unsuccessful, members are to make an application for substituted service following steps (i) to (v) above.

Respondent resides outside Australian or New Zealand jurisdiction

Where it can be substantiated that the respondent resides overseas, and not in an Australian state, territory, or New Zealand, members are to make an application for substituted service following steps (i) to (v) above.

Receiving a notification of substituted service order

A member receiving a notification for a 'substituted service order' from the courts is to ensure:

- (i) a copy of the substituted service order is uploaded into QPRIME;
- (ii) facilitate the substituted service in accordance with the court order;
- (iii) complete the declaration of substituted service; and
- (iv) upload any record relating to the service in QPRIME (i.e. email/call records/service through apps/message logs/interstate registered post etc).

9.6.7 Interstate (National Domestic Violence Order Scheme) and registered foreign (New Zealand) orders

All domestic violence orders (DVO) issued on or after 25 November 2017 by any Australian court are recognised under the National Domestic Violence Order Scheme (NDVOS) and are enforceable (see s. 176A: 'Interstate and foreign DVOs are recognised interstate orders' of the DFVPA). A foreign (New Zealand) order is to be registered in an Australian

court by submitting a DV 14A: 'Application to register New Zealand order in Queensland' before it becomes enforceable in Queensland.

Declaring an order under the National Domestic Violence Order Scheme

Where an officer identifies a DVO has not been declared under the NDVOS, the officer should consider the following:

- (i) the risk indicators identifying the likelihood of continuation of domestic violence occurring;
- (ii) if the parties involved require case management;
- (iii) if the parties reside near state border areas;
- (iv) parties who have orders that are not due to expire for several years such as a 5 year order,

before submitting a DV 35: 'Application for declaration for a DVO to be recognised interstate order' to the court.

Officers are to comply with the Victims of Crime Assistance Act

An officer submitting a DV 35 is to make a reasonable attempt to advise and keep the aggrieved informed of the court process (see s. 2.12.1: 'Victims of Crime Assistance Act' of this Manual). Officers are to complete:

- (i) a QP 0932: 'Domestic Violence Confidential details form'; and
- (ii) a QP 0931: 'Domestic violence application information sheet'.

(see s. 9.14: 'Confidentiality of an aggrieved, named persons and respondent to be protected' of this chapter).

Enforcing a nationally recognised interstate order/registered foreign order

ORDER

An officer investigating a domestic violence incident is to enforce:

- (i) a nationally recognised interstate DVO; or
- (ii) registered foreign (New Zealand) order,

as if the order was issued in a Queensland court.

An officer attending a domestic violence incident where the aggrieved presents an unregistered foreign (New Zealand) order, is to investigate the incident in accordance with the DFVPA.

Officer to complete a domestic violence request form

Where an officer is taking action in relation to a domestic violence incident and the National Police Reference System (NPRS/CRIMTRAC) in QPRIME indicates there is a current nationally recognised interstate order, the officer should complete a domestic violence request form located on the Domestic and Family Violence and Vulnerable Persons website to obtain a copy of the interstate order.

Investigating an undeclared interstate or unregistered foreign (New Zealand) domestic violence order

An officer investigating a domestic violence incident where the aggrieved has an undeclared interstate (NDVOS) or unregistered foreign (New Zealand) DVO should:

- (i) determine if a proceeding can be commenced under another Act (see s. 9.4.7: 'Prosecution of statutory offences' of this chapter); and
- (ii) investigate the report of domestic violence and if appropriate, issue and serve a QP 0899: 'Police protection notice' or DV 01: 'Application for a protection order'.

Where there are insufficient grounds to proceed with a PPN or DV 01 officers should:

- (i) complete and submit a DV 35 to the court; or
- (ii) in the case of a foreign (New Zealand) order complete and submit a DV 14A: 'Application to register New Zealand order in Queensland', at the nearest court,

(see s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter).

9.6.8 Application to vary a domestic violence order (increase conditions)

Officers investigating a domestic violence incident are to apply for a variation of a domestic violence order (DVO) if the officer becomes aware for the need of further conditions to be placed upon the respondent.

Officers are to make an application for a variation of a nationally recognised interstate order or registered foreign (New Zealand) order on behalf of the aggrieved or named person, if the officer believes:

- (i) varying the order would enhance the safety, protection and wellbeing of the aggrieved or named persons; and
- (ii) there is sufficient reason for doing so; and

(iii) the respondent was properly notified under the DFVPA (see s. 176D: 'Recognised interstate order may be enforced' of the DVFPA).

When an officer investigating a report of domestic violence determines an existing order needs additional conditions for the aggrieved or named person, the officer should:

- (i) ensure the order is a current nationally recognised DVO;
- (ii) create a new QPRIME occurrence with the type of Domestic Violence – Interstate Variation/Declaration (or locate the relevant QPRIME occurrence);
- (iii) provide to the court, evidence to support the grounds for a variation to the DVO including, a statement or DV 25: 'Affidavit' from the aggrieved;
- (iv) select a suitable date, time and place for the hearing of the application;
- (v) ensure the documents are filed with the court where the application is to be heard (DV 04A: 'Application to vary a domestic violence order' cannot be electronically transferred to the court);
- (vi) complete any other relevant statements/affidavits outlining the circumstances which necessitate the variation of the order (affidavits are to be filed at the court in accordance with r. 37: 'Filing affidavit' of the Domestic and Family Violence Protection Rules (DFVPR);
- (vii) complete the first page of a QP 0931: 'Domestic Violence Application Information Sheet' (see s. 9.11.2: 'Documents required by police prosecutor' of this chapter);
- (viii) give or cause the aggrieved and any affected named persons to be given a copy of the DV 04A: 'Application to vary a domestic violence order', and complete a QP 1210: 'Statement of document provision';
- (ix) personally serve, or cause to be served, a copy of the application and notification of hearing on the respondent; and
- (x) complete a DV 21A: 'Statement of police service' as required; and
- (xi) ensure confidentiality of all parties (see s. 9.14: 'Confidentiality of an aggrieved, named persons and respondent to be protected' of this chapter).

Varying an order (removing conditions)

Where an officer receives a request from an aggrieved or named persons to remove conditions in a DVO, the officer should:

- (i) investigate whether the request is due to a change in circumstances (taking into consideration Appendix 9.1); and
- (ii) not due to threats or intimidation made by the respondent.

If the officer is satisfied the aggrieved wishes to resume contact with the respondent for personal reasons and not as a result of threats or intimidation by the respondent, the officer can direct the aggrieved to the nearest court, support agency or relevant internet website for assistance.

If the order is not a recognised interstate order, the officer should submit a DV 35: 'Application for declaration of a DVO to be a recognised interstate order'.

No provisions to revoke a domestic violence order

Officers should be aware there is no provision under the DVFPA to revoke a DVO only vary the duration, named persons in the order or other conditions (see s. 86: 'Application for variation' of the DFVPA).

Temporary protection order in relation to an application to vary a domestic violence order

Where a court adjourns a hearing of an application to vary a DVO, the court may:

- (i) make a temporary protection order against a respondent; and
- (ii) suspend the existing DVO,

until the court makes a decision on the application for the variation.

The suspension of the existing DVO and the commencement of the temporary protection order starts when:

- (i) the respondent is served with a copy of the temporary protection order; or
- (ii) when an officer has told the respondent of the temporary protection order, including the conditions of the order (see s. 177: 'Contravention of domestic violence order' of the DFVPA).

(see s. 9.6.4: 'Service of domestic violence documents' of this chapter).

Revival of an existing domestic violence order

An existing DVO is revived (i.e. the suspension ends and it is enforceable against the respondent as if it had never been suspended) and a temporary protection order ends when the:

- (i) court varies the existing DVO; and
 - (a) if the respondent is present in court, when the court varies the order; or
 - (b) if the respondent is not present in court when:
 - the respondent is served with a copy of the varied existing protection order; or
 - an officer has told the respondent of the order, including the conditions of the order in accordance with s. 177 of the DFVPA).
 - (ii) court refuses to vary the existing DVO and:
 - (a) if the respondent is present in court, when the refusal happens; or
 - (b) an officer tells the respondent about the refusal in any way; or
 - (iii) application for the variation to the existing DVO is withdrawn and:
 - (a) if the respondent is present in court, when the withdrawal is made; or
 - (b) an officer tells the respondent about the withdrawal in any way.
- (see s. 9.6.4: 'Service of domestic violence documents' of this chapter)

See s. 48: 'Temporary protection order in relation to application for variation' of the DFVPA and r. 19: 'Obligation to inform police commissioner if suspended domestic violence order is to be revived' of the DFVPR.

Member to accept documents on behalf of the Commissioner

Where the suspended DVO is revived due to a refusal or withdrawal of an application to vary a DVO, the court will provide a DV 28: 'End of Suspension and Revival of DV Order' and a copy of the DVO being revived. Where a member receives these documents from a court, the member is to:

- (i) accept them on behalf of the Commissioner (see Delegation D 18.18);
- (ii) ensure QPRIME is updated and the documents uploaded into the relevant occurrence; and
- (iii) ensure a QPRIME task is created and assigned as necessary to enable the respondent to be served or informed.

Officers are to advise a respondent about the refusal or withdrawal of application to vary a DVO and the subsequent revival of the suspended DVO by:

- (i) personally serving the copy of the order and the DV28 on the respondent where possible; and
- (ii) completing a DV 25,

in accordance with s. 9.6.4 of this chapter.

Officer should attempt personal service before telling the respondent in another way

Officers should only tell the respondent about the refusal or withdrawal of the application to vary a DVO and the subsequent revival of the suspended DVO in another way after attempting personal service (see s. 48(7) of the DFVPA and subsection 'Where personal service cannot be completed in a timely manner' in s. 9.6.4 of this chapter).

Members are to ensure the relevant QPRIME occurrence is updated to reflect when an existing DVO is revived.

9.6.9 Withdrawal of domestic violence order applications

Withdrawal of an application for a domestic violence order

The DFVPA was enacted to protect the aggrieved, children and named persons from domestic violence. The withdrawal of a domestic violence order (DVO) may wrongly imply to both the aggrieved and the respondent that domestic violence is acceptable behaviour within the community. Officers are not to withdraw a DV 01: 'Application for a Protection Order' unless compelling reasons exist. These reasons may include:

- (i) continued non-service of the relevant documents on the respondent and no further domestic violence has occurred;
- (ii) a DVO is no longer necessary or desirable to protect the aggrieved and named persons from domestic violence; or
- (iii) there is insufficient evidence.

An application to withdraw a DV 01 by an officer should not be made merely because the aggrieved requests the matter be withdrawn.

When considering withdrawing an application for a DVO, the officer authorised to approve the withdrawal should consider all circumstances including whether:

- (i) there is sufficient evidence to support the application;
- (ii) a DVO is necessary or desirable to protect the aggrieved or named person from domestic violence;
- (iii) a DV 01 for an order has been made in lieu of a contravention of a nationally recognised interstate or registered foreign (New Zealand) DVO. In these circumstances it may be appropriate to withdraw the DV 01 and proceed with the contravention of the nationally recognised interstate or registered foreign (New Zealand) DVO; or
- (iv) two concurrent DV 01 exist and it is appropriate to withdraw one of the applications.

Officers seeking approval to withdraw a DV 01 under the DFVPA may obtain verbal approval from an authorised officer. A brief report or email should be forwarded by the requesting officer to the authorising officer outlining the circumstances surrounding the request.

ORDER

Police prosecutors who intend to request the withdrawal of a DV 01 should, where practicable, first consult with the officer who made the initial application.

Approval required to withdraw an application for domestic violence order

Officers who have made an application for a DVO, or police prosecutors prosecuting domestic violence matters are not to withdraw a DV 01 without first obtaining approval from:

- (i) a commissioned officer;
- (ii) the OIC of the relevant, Police Prosecution Corps; or
- (iii) in the case of an application for a DVO against a member of the Service, an officer of the rank of assistant commissioner or above.

Procedures when a domestic violence application is withdrawn

ORDER

When an DV 01 has been withdrawn, the officer seeking the withdrawal is to:

- (i) as soon as reasonably practicable, advise all involved parties;
- (ii) offer the aggrieved and respondent a police referral (see s. 6.3.14: 'Police Referrals' of this manual); and
- (iii) ensure the relevant QPRIME occurrence is finalised.

Withdrawal of a domestic violence order by an applicant other than a police officer

An applicant may withdraw a DV 01 orally during a proceeding or in writing to the relevant court by a DV 27: 'Application to Withdraw'. Where a court receives a DV 27, the court will send a copy to the OIC of the police station nearest the place where the respondent was last known to live.

The OIC of a station receiving a copy of the DV 27 is to ensure a:

- (i) copy is personally served on the other parties in the proceeding (such as the respondent); and
- (ii) DV 21A: 'Statement of police service' is completed for each copy served, ensuring the served document is marked as 'Exhibit A' and the endorsed copies are returned to the relevant court (see s. 9.8.4: 'Service of domestic violence documents' of this chapter and r. 50: 'Withdrawal of DFVP application' of the Domestic and Family Violence Protection Rules).

9.6.10 Intervention orders

When making or varying a domestic violence order, a court may make an intervention order (see s. 69: 'Court may make intervention order' of the DFVPA).

An intervention order requires the respondent to:

- (i) complete an intervention program; or
- (ii) receive counselling from an approved provider to assist with harmful behaviour relating to domestic violence.

During an intervention order a number of approved notices will be provided to the court and the Commissioner by the approved provider.

ORDER

The OIC of the relevant police division or the OIC of the police prosecutions corps appearing in the court where the order was issued is to receive the order on behalf of the Commissioner (see Delegation D 18.17).

Approved notices are to be entered into the relevant QPRIME domestic violence occurrence

Approved notices received on behalf of the Commissioner are to be entered in the relevant QPRIME domestic violence occurrence by the relevant police division or police prosecutions corps receiving the notice.

Whilst no offence is committed if a respondent contravenes an intervention order, officers making application for a future DVO involving the respondent should include details of previous voluntary intervention orders and the outcome of those orders.

9.6.11 Service to appear and make representations at a variation of an order

If an officer initiates a DV 01: 'Application for a protection order', the Service may appear and make representations at any applications to vary the conditions contained in the order which would reduce the safety, protection and wellbeing of the aggrieved or named persons.

9.7 Assisting persons involved in domestic violence to retrieve property

Officers may receive requests to assist persons involved in domestic violence to retrieve property belonging to the person from premises occupied by other persons involved in the domestic violence situation.

These situations may include circumstances where an aggrieved has left personal property in a premises occupied by a respondent or where a respondent has left personal property in a premises occupied by an aggrieved.

Court imposed condition for the return of property

Section 59: 'Conditions relating to the recovery of personal property' of the DFVPA allows a court to impose a condition requiring the respondent to:

- (i) return the aggrieved's personal property; or
- (ii) provide access to recover the aggrieved's personal property; or
- (iii) do any act necessary or desirable to facilitate action to retrieve personal property.

The court may also require:

- (i) an officer to supervise the access or recovery of the property; or
- (ii) the respondent to remain a stated distance from the premises during a stated period of time whilst the aggrieved accesses or recovers the stated property.

Recovery of personal property from a premises

An officer may also issue and serve a QP 0899: 'Police Protection Notice' (PPN) and impose an ouster and return condition allowing the respondent to recover personal property.

Where a return condition is imposed by either a PPN or by a court, the conditions may state:

- (i) when the respondent may return to the premises and how long the respondent may remain at the premises without contravening the domestic violence offence (DVO); and
- (ii) whether an officer is to supervise the recovery and removal of the stated property.

A return condition does not permit the respondent to recover or remove personal property required to meet the daily needs of any person who continues to live at the premises stated in the ouster (see s. 107C: 'Return condition' of the DFVPA).

Duties of an officer receiving a request to assist in retrieving property

Members receiving requests from persons involved in domestic violence to assist in retrieving property are to:

- (i) ensure the request is recorded, prioritised and actioned in accordance with ss. 1.6.1: 'Recording initial demand' and 14.24: 'Priority codes' of this Manual; and
- (ii) confirm in QPRIME whether a current DVO is in place which includes a condition authorising access to a premises to retrieve property.

Officers assisting persons to retrieve property should ensure:

- (i) domestic violence;
- (ii) breaches of the peace (see s. 13.4.10: 'Breaches of the peace' of this Manual); or
- (iii) other offences,

do not occur while the person is retrieving property. Where appropriate, officers should use the powers provided by ss. 50: 'Dealing with breach of the peace', 52: 'Prevention of offences – general' and 609: 'Entry of place to prevent offence, injury or domestic violence' of the PPRA to ensure the safety of persons and property.

ORDER

When attending a premises to retrieve personal property officers are not to:

- (i) assist a person to forcibly enter any premises to retrieve property;
- (ii) assist a respondent to retrieve property from premises which the respondent is prohibited from entering by the conditions of a DVO or release from custody conditions;
- (iii) become involved in the actual removal of property; or
- (iv) attempt to determine the ownership of items which a person seeks to retrieve,

Disputed property in a domestic violence situation

If there is a dispute over ownership of any property, officers should advise persons not to remove the property.

Officers should advise persons attempting to remove jointly owned property without the consent of all other joint owners their actions may constitute an offence (see s. 396: 'Stealing by persons having an interest in the thing stolen' of the CC).

Property a person subject to a domestic violence situation should be allowed to retrieve

Officers should ensure a person is allowed to retrieve:

- (i) any of the person's personal items and clothing; and
- (ii) personal items and clothes of any children in the care of the person;
- (iii) other items which are not of disputed ownership; and
- (iv) items which all other joint owners consent to the removal of.

Officers should advise the aggrieved when recovering property

Where a DVO includes a condition under s. 59 of the DFVPA which allows the aggrieved access or to remove property but access or removal of the property is denied by the respondent, officers should:

- (i) advise the aggrieved:
 - (a) police will not force entry on their behalf; and
 - (b) if the aggrieved causes damage to the respondent's property or a third party in attempting to access or remove property, the aggrieved may be liable to prosecution (see s. 458(2): 'Unlawful Acts' of the CC);
- (ii) where possible, warn the respondent of the consequences of failing to comply with the DVO and attempt to seek their cooperation in allowing access to or removal of property; and
- (iii) take any necessary action to investigate and prosecute any contravention of the relevant DVO committed by the respondent by not:
 - (a) allowing the aggrieved to access or remove the aggrieved's property;
 - (b) leaving the premises for the period of time or distance stated in the order; or
 - (c) complying with any other condition of the order.

Where the aggrieved does not have a domestic violence order attempting to recover property

In cases where an aggrieved does not have a DVO which has as a condition under s. 59 of the DFVPA and recovery or access to the property by the aggrieved has been prevented by the respondent, officers should:

- (i) advise the aggrieved to obtain a variation to the existing DVO requiring the respondent to return property or allow access or recovery of the aggrieved's property; or
- (ii) if a DVO has not been issued:
 - (a) conduct an investigation to determine whether there are sufficient grounds to support a police application for a DVO (see s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter) including a condition under s. 59 of the DFVPA if appropriate; or
 - (b) if there is insufficient evidence to support a police application for a DVO advise the involved parties about appropriate support agencies or referrals, where available (see ss. 9.4.3: 'Police action to be taken where applying for a protection order, a police protection notice or temporary protection order is not appropriate' and 9.4.10: 'Domestic violence referral agencies' of this chapter).

In cases where a respondent does not have a return condition under s. 65 of the DFVPA, officers should advise the respondent to seek legal advice about how to retrieve property.

9.8 Children exposed to domestic violence

Definitions

For the purpose of this section:

Child

means is an individual under the age of 18 years (see s. 8: 'Who is a child' of the *Child Protection Act* (CPA)) who is a biological, adopted, step child, or in the care or custody of:

- (i) the aggrieved; or
- (ii) a respondent.

Domestic violence incident

means any investigation where the officer reasonably believes domestic violence has been committed (see s. 8: 'Meaning of domestic violence' of the DFVPA).

Harm

means as defined in s. 9: 'What is harm' of the CPA.

9.8.1 A child may be an aggrieved or a respondent

A child may be named as the aggrieved or the respondent in a domestic violence order (DVO) only if:

- (i) an intimate personal relationship; or
- (ii) an informal care relationship exists between the child; and
- (iii) the other party is named in the DVO,

(see s. 22: 'Child as aggrieved or respondent' of the DFVPA).

A court cannot make a DVO which names a child as the aggrieved or respondent if a family relationship exists between the child and the other party.

Aggrieved or respondent child is at risk of harm or parent not able to protect them from harm

Where the aggrieved or respondent is a child and during investigations into the domestic violence incident, it becomes apparent to the investigating officer the child:

- (i) has suffered, or is at risk of suffering harm; and
- (ii) does not have a parent sufficiently capable protecting them from harm,

in addition to making inquiries into the report of domestic violence, the officer should report the matter in accordance with s. 7.3.1: 'Initial action for complaints of child harm' of this Manual and s. 9.8.4: 'Other action to protect children exposed to domestic violence' of this chapter.

Respondent child being questioned by an officer

Officers who question a child as a respondent are to comply with ss. 6.3.3: 'Interviewing persons with vulnerability, disability or cultural needs' and Chapter 5: 'Children' of this Manual.

When a child is taken into custody officers should comply with the provisions of ss. 5.9.6: 'Parent and other notification requirements' and 16.17.2: 'Arrest of children' of this Manual.

9.8.2 Including the names of children in a domestic violence order

Section 53: 'Naming child' of the DFVPA provides a child of the aggrieved, or a child who usually lives with the aggrieved may be included as a 'named person' in a domestic violence order (DVO) if the court is satisfied it is necessary or desirable to protect the child from:

- (i) associated domestic violence; or
- (ii) being exposed to domestic violence committed by the respondent.

When a court is hearing an application for a DVO or a variation to a DVO and information before the court discloses the existence of:

- (i) a child of the aggrieved; or
- (ii) a child who usually lives with the aggrieved,

the court must consider whether the child should be named in the protection order (see s. 54: 'When court must consider naming child' of the DFVPA).

Officer to include sufficient information to assist the court

Officers investigating a domestic violence incident where a child of the aggrieved or a child who usually lives with the aggrieved is involved are to include sufficient information to assist the court in deciding whether the child is in need of protection under the DFVPA.

9.8.3 Children who are the victims of a criminal offence

An officer making inquiries in relation to a report of domestic violence who reasonably suspects a child is the victim of a criminal offence involving physical, sexual or emotional abuse (e.g. the offence of torture) or neglect, is to:

- (i) report the matter in accordance with s. 7.3.1: 'Initial action for complaints of child harm' of this Manual; and
- (ii) if the child is at immediate risk of harm, take such action as is necessary and authorised in accordance with the subsection 'Children at immediate risk of harm' of s. 7.3.1 of this Manual.

Where a child suffers an injury or death as a part of domestic violence, see s. 9.4.9: 'Domestic violence as a result of the injury or death of a child' of this chapter.

9.8.4 Other action to protect children exposed to domestic violence

An officer investigating a report of domestic violence should take actions to address or mitigate their serious concerns for a child's wellbeing (see 'Definitions' of s. 7.1: 'Introduction' of this Manual). When responding to a domestic violence incident (see s. 9.8: 'Children exposed to domestic violence' of this chapter) officers should where appropriate:

- (i) include the child as a named person on a QP 0899 'Police protection notice', application/variation of a domestic violence order (DVO) (see s. 9.6.2: 'Application for a domestic violence protection order' of this chapter);
- (ii) include a 'no contact' and residential ouster clauses on an application/variation of a DVO to protect the aggrieved and child;
- (iii) remove the aggrieved and child to a place of safety;
- (iv) remove the respondent from the residence;
- (v) refer the family to a domestic violence support service;
- (vi) take other actions to address or mitigate the serious concerns for the wellbeing of the child.

Child/children victims of criminal offence involving harm

Where an officer is investigating a report of domestic violence and ascertains one or more children usually lives with either the respondent or aggrieved and the:

- (i) child/children appear to be the victim of a criminal offence involving harm to a child; or
- (ii) an officer still has serious concerns for the wellbeing of a child despite taking appropriate action to address or mitigate their serious concerns for a child's wellbeing,

the officer is to:

- (i) create an appropriate domestic violence occurrence in QPRIME, e.g. Domestic Violence – Application Police, Domestic Violence – (Breach of DFVPA); and
- (ii) enter a Child Harm Report occurrence into the 'Incident/Count' stats tab of the domestic violence occurrence,

to create a multi-classed domestic violence occurrence, including the child harm template (see subsection 'Additional child harm reporting responsibilities' of this section). Each child is to be named, regardless of whether or not they witnessed, or were otherwise present at, the domestic violence incident.

Crime manager receives a domestic violence occurrence with a child harm report occurrence

A crime manager who receives a domestic violence occurrence multi-classed with a Child Harm Report occurrence is to review the occurrence in accordance with s. 7.3.2: 'Responsibility for reviewing child harm reports' of this Manual.

The Domestic Violence occurrence multi-classed with a Child Harm Report occurrence is to contain the information contained in subsections 'Additional child harm reporting responsibilities' and 'Non-criminal child harm report' of s. 7.3.1: 'Initial action for reports of child harm' of this Manual and the 'Child harm template' in the occurrence report.

Condition of order to limit contact between parent and child

Section 62: 'Condition limiting contact between parent and child' of the DFVPA provides a court may impose a condition on the respondent which would prevent or limit contact between the respondent and a child of the respondent and only to the extent necessary for the child's safety, protection and wellbeing.

An officer who considers contact between the respondent and a child needs to be restricted or prohibited, is to include in the application sufficient information to demonstrate the condition/s are necessary or desirable in the best interests of the child (see s. 53: 'Naming child' of the DFVPA).

A child of the aggrieved or a child who usually lives with the aggrieved who needs this type of protection is to be included as a named person in the domestic violence order.

9.8.5 Children's evidence in domestic violence proceedings

Except in the case of a child who is an aggrieved or respondent in the relevant proceedings, officers are not, unless a court orders otherwise, to:

- (i) call a child as a witness in a proceeding under the DFVPA;
- (ii) ask a child to remain in a court during such proceedings;
- (iii) ask a child to swear an affidavit for such proceedings; or
- (iv) ask a child to produce a stated document or other thing during such proceedings (see s. 148: 'Child can not be compelled to give evidence' of the DFVPA).

Where a court may grant leave to give evidence

A court may grant leave for a child to be called to give evidence if the child:

- (i) is at least 12 years old; and
- (ii) is represented by a lawyer; and
- (iii) agrees to give evidence.

The court must also have regard to the desirability of protecting children from the unnecessary exposure to the court system and the likely harm to the child and to family relationships if the child gives evidence.

A child to give evidence as a protected witness

A child who is to give evidence in a domestic violence hearing is a 'protected witness' under s. 150: 'Protected witnesses' of the DFVPA. Whilst the child is giving evidence the court must consider ordering:

- (i) the child give evidence outside the courtroom; and
 - (a) the evidence be transmitted to the courtroom by an audio visual link; or
 - (b) an audio-visual recording of the evidence is made and replayed in the courtroom;
- (ii) a screen, one-way glass or other thing be placed so the child cannot see the respondent; or
- (iii) the respondent be held in a room apart from the courtroom and the evidence be transmitted by an audio visual link,

in addition to any other safeguards mentioned in s. 150(2) of the DFVPA.

A child giving evidence not to be cross examined by the respondent

A child who is giving evidence in a hearing cannot be cross examined by the respondent in person in accordance with s. 151(3): 'Restriction on cross-examination in person' of the DFVPA.

Cases where an officer should obtain an unsworn affidavit from a child

In cases where a child, other than the respondent or the aggrieved in the particular proceedings, is a witness to domestic violence, and the evidence of the child is significant and cannot be obtained from another source, officers should obtain an unsworn affidavit from the child. The child's affidavit should be clearly marked with the notation 'child's affidavit', attached to the relevant file and forwarded to the prosecutor.

Prosecutors receiving an affidavit from a child should assess the information contained in the affidavit and, if the information is considered critical to the conduct of the matter, request the presiding magistrate make an order permitting the child to be called as a witness or to be asked to swear the affidavit.

9.8.6 Service of domestic violence documents on children

Officers who are responsible for giving or serving a document to a child are to also give a copy of the document to a parent of the child (see s. 16: 'Meaning of *parent*' of the DFVPA); or if the child is under the custody or guardianship of the Chief Executive (Child Protection) under the *Child Protection Act*, to the Chief Executive (Child Protection), Department of Child Safety, Seniors and Disability Services.

Officers serving a document on a child at or near a child's school

Officers are to only serve or give a document to a child, of any age, at or in the vicinity of the child's school if:

- (i) it is not reasonably practicable to affect the service of the document at another place;
- (ii) the officer has consulted their supervising commissioned officer; and
- (iii) the principal of the relevant school has been notified of the officer's intention to serve a document on a child at or in the vicinity of the school.

Officers should advise the principal they have the authority under s. 19: 'General power to enter to make inquiries, investigations or serve documents' of the PPRA to enter a place to serve a document. The principal should be consulted on the least disruptive and most discreet method of serving the document on the child. The principal should not be told the nature of the document to be served in order to protect the privacy of the child concerned.

After serving or giving documents to a child, the serving officer is to:

- (i) complete a DV21: 'Affidavit of Service' or DV21A: 'Statement of police service' as applicable (see s. 9.6.4: 'Service of domestic violence documents' of this chapter) and return the endorsed copies to the relevant court; and
- (ii) update the relevant QPRIME occurrence to record the document service.

After giving a copy of the documents to a parent of the child, or the Chief Executive (Child Protection) as applicable, the officer giving the documents is to update the relevant QPRIME occurrence to record the document service.

When a parent of a child cannot be located

If a parent of a child cannot be located or a special circumstance exist, a court may dispense with the requirement to give a copy of a document to the parent of a child (see s. 188: 'Giving of document to child' of the DFVPA).

An officer who:

- (i) cannot locate a parent to give the document to after making all reasonable inquiries;
- (ii) has established the child is estranged from their parents;
- (iii) considers there is an unacceptable risk of harm to the child if a parent received a copy of the document, or
- (iv) considers there are any other special circumstances for giving dispensation,

is to seek the dispensation of the court by making application to a magistrate through the relevant police prosecution corps.

9.9 Weapons

9.9.1 Surrender of weapons and weapons licences after being named as a respondent in a temporary protection order, police protection notice or released conditions

When an officer names a respondent in a domestic violence order (DVO) (including PPN) or release conditions the respondent is to immediately surrender to police any weapons licence or weapons in the respondent possession (see s. 27A: 'Effect of temporary protection order, police protection notice or release conditions on licence' of the *Weapons Act* (WA));

If a DVO (including PPN) or release conditions is served on the respondent at any other place or in any way other than by personal service, arrangements are made for any weapons licences and any weapons in the respondent's possession to be delivered to an officer as soon as practicable and no later than one day after the day the order is served (see s. 29B: 'Arrangements for surrender of suspended or revoked licences and weapons' of the WA).

Any action taken in relation to the surrender of a weapons licence or weapon, the officer is to update the relevant QPRIME occurrence by adding the information to a supplementary report.

Officers who make arrangements for a respondent to surrender a weapons licence or weapon/s should take any appropriate action against a respondent who fails to surrender: any weapons licences, or weapons within the time allowed (see s. 27A of the WA).

Where a weapon has been 'otherwise surrendered' in accordance with s. 29B of the WA, a copy of the dealers Form 10 'Notice of Transactions involving a weapon' is to be properly endorsed, uploaded into the relevant QPRIME occurrence and then returned to the respondent.

An officer who receives a weapons licence from a respondent is to retain the licence at the police station.

ORDER

Officers who seize a weapon or weapons from a domestic violence incident are to issue a QPB32A: 'Field property receipt' and enter the property into the relevant QPRIME occurrence. All weapons seized are to only be stored with a licenced firearms dealer/armourer or police station (see s. 622: 'Receipt for seized property' of the PPRA).

9.9.2 Disposal of weapons

A weapon seized or otherwise coming into the possession of an officer in the course of performing the officer's duty and that has not been returned to the owner or another person entitled to possess it within 3 months of the date it was seized is forfeited to the State and is to be disposed of in accordance with s. 4.6.10: 'Disposal of weapons and weapon related things' of this Manual unless a longer period is directed by the Commissioner.

Officers should consider the definition of 'possession' contained in s. 79: 'Definition of div 8' of the DFVPA when the respondent nominates another person to have possession of a weapon or other thing.

ORDER

An officer is not to return a surrendered weapon seized under s. 27A: 'Effect of temporary protection order, police protection notice or release conditions on licence' of the *Weapons Act* (WA) unless formally advised by Weapon Licensing.

Special case (protection order not determined within 3 months)

Where a protection order in respect to a respondent is not determined within a period of 3 months after a weapon has been:

- (i) seized from a respondent under the provisions of s. 27A of the WA; or
- (ii) surrendered under the provisions of s. 29B: 'Arrangements for surrender of suspended or revoked licences and weapons' of the WA upon the service of or being named in of a police protection notice, domestic violence order or temporary protection order;

an application should be made and forwarded through the normal chain of command to the Commissioner, requesting the weapon or other thing not be forfeited to the State until the application is determined by a court.

9.10 QPRIME domestic violence occurrences

9.10.1 Responsibilities of an OIC to ensure domestic violence entries are entered into QPRIME

The OIC of a station or establishment has overall responsibility for ensuring all domestic violence entries are entered into QPRIME within the required time frames.

Officers should use QPRIME to record relevant details including:

- (i) the service of any orders; and
- (ii) whether or not the respondent was present in court at the time the order was issued.

This provides important information to police prosecutors and other officers receiving subsequent reports of domestic violence.

Officers in charge of a station or establishment are to ensure regular checks are conducted by the station domestic and family violence liaison officer, at least monthly, to ensure officers at their station or establishment are complying with the requirements of this section.

Officers in charge are to ensure all:

- (i) nationally recognised interstate orders;
- (ii) registered foreign (New Zealand) orders;
- (iii) private applications for domestic violence orders (DVO) and any other orders (see s. 9.11.3: 'Responsibilities of police prosecutors (police and private applications)' of this chapter); and
- (iv) intervention orders,

received from a court, are entered into QPRIME.

If a member enters a DVO or application into QPRIME, the OIC is to check to ensure the entry has been made correctly.

9.10.2 Responsibilities of an officer taking action against a respondent for a contravention of a domestic violence order

Officers investigating an offence under the provisions of the DFVPA, are to ensure the incident is recorded in QPRIME by Policelink operators.

9.10.3 Responsibilities of releasing officers prior to releasing respondents from custody

ORDER

Before a respondent is released from custody, the releasing police officer (see s. 9.2.1: 'Definitions' of this chapter) is to ensure the release or police protection notice conditions are entered onto the relevant QPRIME occurrence.

9.10.4 Authorisation to receive documents

The DFVPA requires courts to deliver copies of documents to the Service. In accordance with:

- (i) s. 33: 'Fixing of date, time and place for hearing' (application for a protection order); and
- (ii) s. 87: 'Fixing of date, time and place for hearing' (application for a variation of a protection order),

The court is to deliver a copy of the relevant documents to the OIC of the police station nearest the place where the respondent lives or was last known to live.

The Domestic and Family Violence Protection Rules (DFVPR) requires courts to deliver copies of documents to the Service.

In accordance with:

- (i) r. 10: 'Change of address for service or email to be filed in DFVP court registry'; and
- (ii) r. 19: 'Obligation to inform police commissioner if suspended domestic violence order is to be revived',

of the DFVPR, the court is to deliver a copy of the relevant documents to the OIC of the police station nearest the place where the respondent lives or was last known to live.

An OIC of:

- (i) a police station or establishment; or
- (ii) the police prosecution corps appearing at the magistrate's court where the matter is being heard,

have been authorised to accept delivery of documents to be given to the Commissioner for the purposes of the DFVPA and DFVPR (see Delegations D 18.17 and D 18.18).

9.10.5 Responsibilities of officers in charge of stations or establishments receiving domestic violence documents

ORDER

An OIC of a station or establishment receiving domestic violence documents are to ensure they are entered in QPRIME on the same day as the documents are received.

9.10.6 Completion of QPRIME custody and search reports

Entry of a place etc. under s. 609 of the Police Powers and Responsibilities Act

Officers who enter a place to investigate a domestic violence incident under s. 609: 'Entry of a place to prevent offence, injury or domestic violence' of the PPRA are to complete a register entry into QPRIME (see s. 2.1.2: 'Registers required to be kept' of this Manual).

Taking a person into custody under s. 116 of the Domestic and Family Violence Protection Act

When officers take a person into custody under s. 116: 'Police officer may take person into custody' of the DFVPA, they are to enter the detention into a custody register (see s. 9.5.3: 'Watch-house/holding cell procedures – search and release' of this chapter).

ORDER

Officers who take a respondent into custody under s. 116 of the DFVPA are to record a Custody Report (Full) against the person.

Officer directing to remain or move to complete a custody report

ORDER

An officer who directs a person to remain at or move to another place under s. 134A: 'Powers to give direction' of the DFVPA is to record a Custody Report against the person prior to the termination of the shift.

(see s. 9.6.5: 'Power to give a direction to remain or move to another location' of this chapter).

9.10.7 Police Information Centre management of domestic and family violence documents

All courts in Queensland electronically deliver documents related to the outcome of DFV matters (including private applications) to the Police Information Centre (PIC) for entry into QPRIME.

Many of the DFV documents delivered to PIC do not require service because the respondent was present in court when the order was made, or the document type does not require police service. Where documents require service, PIC will prioritise the management of these documents.

ORDER

When PIC receives a DFV document from the courts and the document:

- (i) requires police service, the Manager, PIC is to ensure the document is uploaded to the relevant QPRIME occurrence and a QPRIME task for service is sent on the same day the document is received; or
- (ii) does not require police service, the Manager, PIC is to ensure the document is uploaded to the relevant QPRIME occurrence as soon as reasonably practicable, but within 24hrs of the document being received.

9.11 Prosecuting domestic violence

9.11.1 Police prosecutor's role in private applications

Provision of Service information to the court

Section 146 of the DFVPA: 'Right of appearance and representation' provides that a police officer or service legal officer may appear in any proceeding under the Act.

Where a court is hearing a private application for a protection order or an application to vary a protection order, and has cause to suspect the Service has information pertaining to the application that may assist the court in the proper administration of justice, the court may request assistance of a police prosecutor to provide that information.

A police prosecutor requested by a court to provide Service information pertaining to a private application is to:

- (i) request the court to provide:
 - (a) identifying details of the parties;
 - (b) any details of the application considered necessary to assist in searching for relevant information; and
 - (c) the nature of the information sought;
- (ii) conduct the necessary QPRIME checks; and
- (iii) provide the court with information relevant to the proceedings.

Information relevant to the proceedings may include criminal history records and details of prior domestic violence occurrences. However, only criminal history entries/occurrences that are relevant to the proceedings should be provided.

Generally, hardcopy or electronic documents of this nature should not be provided to the court, unless irrelevant entries are first redacted.

Police prosecutors to assist an aggrieved in private applications

Police prosecutors are to assist an aggrieved who has made a private application for a protection order or an application to vary a protection order when requested.

In assisting an aggrieved who has made a private application, the police prosecutor should discuss with the aggrieved whether it is necessary or desirable to name any relatives or associates of the aggrieved (including children) in the protection order.

Police prosecutor representation of an aggrieved in private applications

Section 147: 'Representation of aggrieved' of the DFVPA provides that a police officer or service legal officer may appear and act on behalf of an aggrieved in a proceeding for any private application under the Act.

Police prosecutors are to appear on behalf of an aggrieved who has made a private application for a protection order or a private application to vary a protection order when requested. However, a police prosecutor should not appear in respect of an application if:

- (i) the prosecutor reasonably believes the application:
 - (a) is malicious, deliberately false, frivolous or vexatious;
 - (b) does not show a relevant relationship as defined in s. 13: 'Meaning of relevant relationship' of the DFVPA exists; or
 - (c) does not include an act of domestic violence as defined in s. 8: 'Meaning of domestic violence' of the DFVPA;
- (ii) the aggrieved has adequate legal representation; or
- (iii) Legal Aid Queensland is representing the aggrieved.

When a police prosecutor receives a request to appear on behalf of an aggrieved who is making a private application set for hearing, the prosecutor should contact the OIC of the division in which the aggrieved resides to arrange for the preparation of a brief of evidence for hearing as if the application was made by a police officer. The brief may include statements or affidavits.

Where a copy of the brief of evidence is sought by the aggrieved or their legal representative, the police prosecutor should provide a copy of the:

- (i) statements and affidavits; and
- (ii) relevant documents attached to the brief.

Where sought by the aggrieved or their legal representative, other documents such as:

(i) criminal histories of any person; and

(ii) other police-generated documentation, e.g. reverse call charge records, telephone records, should only be produced by the relevant authority to the court upon subpoena.

Details of all particulars provided should be recorded by the prosecutor on the relevant prosecution file.

(see s. 3.10.11: 'Property in witnesses' of this Manual).

ORDER

OIC's are to ensure a brief of evidence requested by police prosecutors is prepared in accordance with ss. 9.4: 'Investigation of domestic and family violence' of this chapter and 3.8: 'Preparation and submission of briefs of evidence' of this Manual.

9.11.2 Documents required by police prosecutor

Whenever possible, officers should ensure the application for a protection order or variation of a protection order and associated documentation is inspected by a:

- (i) shift supervisor;
- (ii) brief checker; or
- (iii) district duty officer,

prior to submission to the relevant police prosecution corps.

(see s. 3.7.5: 'Checking of court briefs' of this Manual).

ORDER

Officers making application to a court for a protection order or a variation to a protection order (see s. 9.6.8: 'Application to vary a domestic violence orders including nationally recognised interstate and registered foreign (New Zealand) orders' of this chapter) are to prepare the following documents for each respondent in the relevant QPRIME occurrence and initiate the 'DV Application Notification Task Workflow' to the relevant police prosecutions corps prior to the first court appearance:

- (i) a QP 0931: 'Domestic violence application – information sheet';
- (ii) as appropriate, a:
 - (a) QP 0899: 'Police Protection Notice' (PPN);
 - (b) QP 899A: 'Statement – Police Protection Notice';
 - (c) DV 01: 'Application for a protection order';
 - (d) DV 04: 'Application to vary a domestic violence order';
 - (e) DV 04A: 'Application to vary a recognised interstate order'; and
 - (f) QP 1210: 'Statement of document provision' (Aggrieved);
- (iii) a completed DV 21A: 'Statement of police service'.

Officers who release a respondent from custody on release conditions are to ensure:

- (i) details of the QP 0937: 'Release from custody conditions', including service details, are updated within the relevant QPRIME occurrence for each respondent released prior to the first court appearance; and
- (ii) a completed DV 21A,

is attached to the station copy of the QP 0937.

Where original or signed documents are required by the police prosecutor, these are to be forwarded in accordance with regional or district instructions.

Interpreters

Where the aggrieved or respondent in a PPN or police application for a protection order is unable to:

- (i) adequately understand due to illiteracy;
- (ii) communicate in the English language because of cultural differences; or
- (iii) understand due to a physical disability,

the applicant officer should arrange for an accredited on-site interpreter to attend the first mention of the application in court in accordance with s. 6.3.7: 'Interpreters' of this Manual.

9.11.3 Responsibilities of police prosecutors (police and private applications)

Information which could affect the safety of officers should, as soon as possible be added into QPRIME.

ORDER

A police prosecutor in a domestic violence matter, where any of the following has resulted:

- (i) a domestic violence order (DVO);
- (ii) a variation of a DVO; or
- (iii) the withdrawal or dismissal of a DVO; or
- (iv) an application for an order,

is to ensure any decisions, orders or modifications, made by the court are entered in QPRIME prior to terminating rostered duty.

If the entry is unable to be completed prior to the prosecutor terminating duty, it is the responsibility of the OIC of the station or establishment where the respondent lives or was last known to live to make arrangements for entry to immediately be made.

(see s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter).

9.11.4 Role of prosecutor in cross applications

Cross applications occur when a person named as the respondent in an application for a domestic violence order (DVO) which is before the court (the '**original application**') makes an application for a DVO (the '**cross application**') against the person named as the aggrieved in the original application.

The DFVPA provides where cross applications for protection orders naming both the aggrieved and respondent have been lodged at:

- (i) the same court, and the court is aware of them, the court must hear the applications together unless the court considers it necessary to hear the applications separately for the safety, protection or wellbeing of the original aggrieved; or
- (ii) a different court, the court may direct either application to be moved to the other court and heard together. Where a court decides it is necessary for the applications to be heard separately, the court must give reasons for the decision.

Section 49: 'Temporary protection order in relation to particular adjourned applications' of the DFVPA provides when the respondent makes a cross application, which is not served on the aggrieved at least 1 business day before the date of the hearing of the original application, the court is to:

- (i) adjourn the hearing of the cross application to another date, unless the aggrieved named in the original application consents to the court hearing the cross application before hearing the original application or together with the original application; and
- (ii) consider making a temporary protection order. However, the court may issue a temporary protection order only if satisfied the order is necessary or desirable to protect the aggrieved or another person named in the cross application.

Officers investigating reports of domestic violence should not be submitting cross applications for protection orders. In accordance with s. 4(2)(e): 'Principles for administering Act' of the DFVPA, officers are to identify and assist the person in most need of protection and take appropriate action to protect the aggrieved from further domestic violence.

Section 103: 'Cross-notice not permitted' of the DFVPA prohibits officers from issuing a QP 0899: 'Police protection notice' where another notice is in force naming the respondent and aggrieved as the opposite party.

A cross application for a DVO may be made by an officer after an investigation is conducted in accordance with s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter including the protective assessment where it is necessary or desirable to protect the aggrieved named in the police application, who is also named as the respondent in any other application.

Police prosecutor to assist the aggrieved in a cross application

Where a cross application is to be heard before hearing the original application or together with the original application, the police prosecutor should continue to assist the original aggrieved for the duration of the hearing.

Subject to the provisions of s. 9.11.1: 'Police to assist in private applications' of this chapter, police prosecutors may assist an aggrieved who was named as the respondent in a previous application.

9.11.5 Role of prosecutor in tenancy applications

Prosecutors should not become involved in making tenancy applications under s. 141: 'Procedures applicable to tenancy applications before Magistrates Court' of the DFVPA.

Prosecutors who are advised by an aggrieved or a respondent a tenancy application is to be sought in the magistrates court dealing with an application for a domestic violence order should advise the person:

- (i) the prosecutor is not able to assist in making the application; and
- (ii) to seek advice from a legal representative, court staff or the Tenant Advice and Advocacy Service (Queensland) (contact details are contained in the telephone White Pages) about making such an application.

9.11.6 Role of prosecutor under s. 68R of the Family Law Act

Section 68R: 'Power of court making a family violence order to revive, vary, discharge or suspend an existing order, injunction or arrangement under this Act' of the *Family Law Act* (Cwlth) (FLA) provides in proceedings to make or vary a domestic violence order (DVO), a court having jurisdiction may revive, vary, discharge or suspend:

- (i) a parenting order, to the extent to which it provides for a child to spend time with a person, or expressly or impliedly requires or authorises a person to spend time with a child;
- (ii) a recovery order (see s. 67Q: 'Meaning of recovery order' of the FLA) or any other order under the FLA, to the extent to which it expressly or impliedly requires or authorises a person to spend time with a child;
- (iii) an injunction granted under ss. 68B: 'Father liable to contribute towards maintenance and expenses of mother' or 114, FLA to the extent to which it expressly or impliedly requires or authorises a person to spend time with a child; or
- (iv) to the extent to which it expressly or impliedly requires or authorises a person to spend time with a child:
 - (a) an undertaking given to, and accepted by, a court exercising jurisdiction under the FLA;
 - (b) a registered parenting plan within the meaning of s. 63C(6): 'Meaning of parenting plan and related terms' of the FLA; or
 - (c) a recognisance entered into under an order under the FLA.

The court may do so of its own initiative or on application by any person. Sections 68R(3), (4) and (5) provide certain limitations on the courts power under s. 68R of the FLA.

Police prosecuting a domestic violence application or a variation of a DVO are not a party to any proceeding commenced under s. 68R of the FLA and as such do not have standing to appear in court on s. 68R matters. Further, s. 10.24: 'Representation in court' of the PSAA does not provide any legislative authority to allow a prosecutor to appear in relation to s. 68R matters. Police prosecutors are to excuse themselves from appearing before a court purporting to exercise s. 68R: 'Power of court making family violence order to revive, vary, discharge or suspend an existing order, injunction or arrangement under this Act' of the FLA.

9.11.7 Preparation of briefs of evidence

Definitions

For the purposes of this section:

Media exhibit

means a plan, photograph, video or audio recording or model.

Model

includes a model or image generated by a computer.

Proceedings under the DFVPA are civil proceedings and are conducted in compliance with the Domestic and Family Violence Protection Rules (DFVPR).

The Uniform Civil Procedure Rules (UCPR) only apply to an appeal under the DFVPA (see s. 9.11.8: 'Appeals under the Domestic and Family Violence Protection Act' of this chapter). Proceedings for contraventions of the DFVPA are criminal proceedings conducted under the *Justices Act*.

ORDER

Officers are to comply with any direction made by the court under r. 22: 'Directions that may be issued by DFVP court for proceeding' of the DFVPR.

Briefs of evidence for:

- (i) contested protection order application hearings; and
- (ii) contraventions of:
 - (a) a domestic violence order (DVO); or
 - (b) release conditions,

are to be prepared in compliance with s. 3.8: 'Preparation and submission of briefs of evidence' of this Manual, except as provided in this section.

Further provisions for briefs of evidence for contested protection order application hearings

For full briefs of evidence for contested protection order application hearings, the applicant officer is to prepare:

- (i) a brief of evidence (including the original affidavits and the media exhibits), marked 'Court Original';
- (ii) one copy of the brief of evidence which does not contain copies of media exhibits, marked 'Respondent Copy';
- (iii) an additional copy of the brief of evidence which does not contain copies of media exhibits for each additional respondent if there is more than one respondent to the application; and
- (iv) one copy of the brief of evidence (including the media exhibits), marked 'Prosecutions Copy'.

Applicant officers are to:

- (i) have the brief of evidence checked in accordance with s. 3.8 of this Manual;
- (ii) file, or arrange the filing, of:
 - (a) the brief of evidence (excluding any media exhibits) with the court (see rr. 37: 'Filing affidavit' and 9: 'How document is to be filed' of the DFVPR); and
 - (b) any media exhibits with the court, at least 14 days before the hearing starts, ensuring they are in a format capable of being played or viewed in the court (see r. 34: 'Tendering media exhibit at hearing' of the DFVPR),

in accordance with the DFVPR and local procedures;

(iii) if the media exhibits are not of a sensitive nature, once filed, give a DV 30: 'Notice of filing of media exhibit' to all other parties at least seven days before the hearing commences. The notice should be given to the other parties in person. If a person cannot reasonably be found, officers may use an alternative method of service;

(iv) complete a DV 25: 'Affidavit' outlining the details of service and attach a copy of the DV 30 marked as an exhibit to the affidavit;

(v) comply with any directions given by the court regarding whether and how a document or a class of documents are to be disclosed to a party in the proceeding (r. 22(m) of the DFVPR); and

(vi) supply a copy of the complete brief of evidence marked 'Prosecutions Copy', including:

- (a) media exhibits;
- (b) any completed DV 25 and DV 30 forms; and
- (c) information as to the status of filing and serving of relevant documents,

to the prosecutor as soon as practicable, and in any event prior to the date of hearing the application.

If the applicant officer has reason to believe sexual assault privilege (see s. 590APA: 'Protected counselling communications' of the CC) may apply in the making of an application for a DVO, the officer is to comply with s. 3.14.4: 'Sexual assault counselling privilege' of this Manual.

Where an officer believes a media exhibit should not be made available to other parties in the hearing (e.g. the exhibit contains images of injuries to the aggrieved's genitals), the officer is to:

- (i) advise the prosecutor so an application can be made to the court for an order under r. 34 of the DFVPR to be issued; and
- (ii) file the media exhibit with the court in accordance of this section.

Where the court orders the media exhibit be placed in a sealed container, a DV 30 does not need to be given to the other parties for that exhibit.

Under r. 22(m) of the DFVPR, the court may issue a direction document or a class of documents to be disclosed to a party in the proceeding, and how disclosure is to occur. Officers are to comply with directions given under this rule. Where a court has not issued a direction regarding the service of the respondent's copy of the brief of evidence (which does not contain copies of media exhibits), officers are to serve a copy on each respondent.

Where an officer serves a copy of the brief of evidence on a respondent after having already supplied the complete brief of evidence to the prosecutor, the officer is to advise prosecutions via an entry in the relevant case diary log in QPRIME.

ORDER

Officers in charge of a station are to ensure the applicant officer or if the applicant officer is not available, another officer, comply with the requirements of this subsection. When an officer is serving briefs of evidence, the officer is to ensure the aggrieved and named persons contact details are kept confidential (see s. 9.14: 'Confidentiality of an aggrieved, named persons and respondent to be protected' of this chapter).

Evidentiary certificates

Section 189(3): 'Evidentiary provision' of the DFVPA provides an evidentiary certificate may be issued to prove, in relation to:

- (i) a PPN, at a stated date and time a stated:
 - (a) officer issued a stated protection notice;
 - (b) officer was a supervising officer under s. 102: 'Approval of supervising police officer required' of the DFVPA; and
 - (c) supervising officer approved the issuing of a stated PPN;
- (ii) the release of a respondent on release conditions a stated:
 - (a) officer was a releasing officer under s. 125: 'When police officer must release person on conditions' of the DFVPA; and
 - (b) releasing police officer released the stated respondent from custody on stated release conditions.

The power to issue a QP 0938: 'Certificate' under the hand of the Commissioner, has been delegated to the following officers:

- (i) a commissioned officer; or
- (ii) the OIC of a station, establishment or unit,

who has not been involved in the relevant domestic violence occurrence as:

- (i) the officer who issued a QP 0899: 'Police protection notice' on the respondent;
- (ii) the officer who was a supervising officer approving the issuing of a PPN; or
- (iii) the releasing police officer where a respondent has been taken into custody,

and is of a higher rank than the supervising officer where a PPN is issued to a respondent (see Delegation D 130.1).

When a criminal proceeding is commenced where the prosecution will rely on the evidence contained in the certificate (e.g. contravention of a protection order or release conditions), a copy of the QP 0938 is to be provided to the defendant or the defendant's legal representative at least 20 business days prior to the hearing date.

Under s. 189(5) of the DFVPA, the defence is to be given at least 15 business days' notice before the hearing date they intend to challenge a matter stated in the certificate.

The investigating officer should complete a QP 0938 including all relevant information can be stated on the certificate under s. 189(3) of the DFVPA. The investigating officer should forward the completed QP 0938 to the relevant delegated officer for signing through their chain of command.

A copy of the signed QP 0938 should be uploaded into the relevant QPRIME occurrence prior to submission of the completed brief of evidence for checking by a shift supervisor or brief checker (see s. 3.7.5: 'Checking of court briefs' of this Manual).

Certificate evidence – for a hearing of a nationally recognised interstate order

An officer upon receiving notification a breach of a nationally recognised interstate order is being contested should as soon as reasonably practicable forward an email via the Domestic and Family Violence and Vulnerable person's website requesting a copy of a Certificate of Notification stating the respondent was properly notified under s. 176U: 'Certificate evidence – notification' of the DFVPA.

Where a breach of a nationally recognised interstate order is set down for hearing and a certificate is required stating:

- (i) the making of a local order was properly notified; or
- (ii) a variation to a DVO has been properly notified,

under s. 176U of the DFVPA, officers are to as soon as reasonably practicable forward an email requesting a copy of the issuing/service state's Certificate of Notification via the Domestic and Family Violence and Vulnerable Person's on the Service intranet (see Delegation D 130.2).

Subpoena of production or to give evidence or both

Where an application for a protection order is to be determined by a hearing, all prosecution witnesses are to be subpoenaed to attend by a DV 22: 'Subpoena'.

Officers are to also consider whether subpoenas are necessary in order to require a person to produce a document or thing.

The investigating officer is to:

- (i) prepare a DV 22A: 'Request for subpoena' and DV 22 for each civilian witness who will be appearing on behalf of the prosecution;
- (ii) take the completed request for subpoena(s) and subpoena(s) to the magistrates court hearing the application for registration and signing in accordance with local procedures; and
- (iii) serve, or arrange for the service of, the subpoenas on the witnesses.

Officers are to serve subpoenas in person where practicable. If the person cannot reasonably be found, officers may use an alternative method of service. The court may issue a direction regarding how and when a subpoena is to be served (see r. 22 of the DFVPR). Officers are to comply with any direction made by the court in accordance with r. 22(p) of the DFVPR.

After service of a subpoena, the serving officer is to:

- (i) complete and return a DV 25 outlining the details of service with a copy of the document served marked as an exhibit, to the court where the matter is being heard; and
- (ii) provide a copy to the prosecutor for inclusion with the brief of evidence.

Rule 45: 'Inspecting subpoenaed documents' of the DFVPR outlines an officer may apply to the court for an order to enable the officer to inspect and copy a subpoenaed document. The DV 32: 'Application to inspect and copy subpoenaed documents' is to be completed if r. 45 applies.

Evidence under the Domestic and Family Protection Rules and Domestic and Family Violence Protection Act

Officers should refer to the DFVPR and the DFVPA regarding evidence in proceedings.

Rule 22 of the DFVPR provides the court may issue a direction requiring evidence given by a person be given by affidavit, taking into consideration r. 23: 'Matters relevant to making order or issuing direction'. Officers are to comply with a direction made by the court under r. 22.

Section 145: 'Evidence' of the DFVPA provides a court is not bound by the rules of evidence, or any practices or procedures applying to courts of record, and may inform itself in any way it considers appropriate. Rule 33: 'Evidence in other proceedings' of the DFVPR provides a party may rely on evidence used in an earlier proceeding if relevant and the court gives permission.

Rule 47: 'Accessing documents from registry' of the DFVPR outlines a person may seek a copy of any part of the record or any document used or tendered in a proceeding in accordance with s. 160: 'Prohibition on obtaining copies of documents for proceeding' of the DFVPA. For this purpose, form DV 34: 'Request to inspect and copy document'.

9.11.8 Appeals under the Domestic and Family Violence Protection Act

Appeals under the DFVPA may be made by persons who wish to contest a decision of a court to:

- (i) make a domestic violence order (DVO);
- (ii) vary, or refuse to vary, a DVO (including a variation of the conditions imposed by the order); or
- (iii) refuse to make a protection order.

Section 165: 'How to start appeal' of the DFVPA provides a copy of the notice of appeal is to be given to the Commissioner while s. 167: 'Police commissioner has right of appearance' of the DFVPA provides the Commissioner has a right to appear and be heard before the appellate court on an appeal to the court under the DFVPA.

Appeals by police officers

Officers who consider it is appropriate to lodge an appeal in regard to an order or decision of a court are to comply with s. 3.11.2: 'Appeals by the prosecution' of this Manual to the extent it is consistent with the nature of the appeal.

Officers in charge of regions or commands are to forward all correspondence requesting the lodgement of an appeal to QPS Legal Services, Legal Division. Appeals under the DFVPA are not to be referred to the Office of the Director of Public Prosecutions.

Initiating an appeal in regard to an order or decision of a court should only be considered in cases where an officer was the applicant for the protection order in respect of which the decision was made. Such cases include instances where an officer considers the:

- (i) refusal to grant a protection order on the application of a police officer (this does not include a private application which was assisted by a police prosecutor); or
- (ii) variation of a protection order initially granted on a police application,

should be appealed.

Appeals by persons other than police officers

Where an OIC of a station receives a copy of a 'Notice of Appeal (District Court)' (Uniform Civil Procedure Rules Form 96) from a person contesting an order or decision of a court, the OIC may accept the service of the document/s on behalf of the Commissioner (see s. 9.10.4: 'Authorisation to receive documents' of this chapter and Delegation D 18.17).

Officers in charge of stations receiving a 'Notice of Appeal (District Court)' (Uniform Civil Procedure Rules Form 96) are to:

- (i) if the applicant in the original application was a police officer, forward the notice to the applicant officer for further attention; or
- (ii) if the applicant in the original application was not a police officer, forward the notice to the OIC of the division which the aggrieved resides for further attention.

Receiving a notice of appeal

Officers who receive a 'Notice of Appeal (District Court)' (Uniform Civil Procedure Rules Form 96) for further attention (reporting officers) should check Service intelligence sources (e.g. QPRIME, patrol logs and previous domestic violence applications) to establish whether there are grounds for serious concern about the safety of an aggrieved or named person. It is not necessary to conduct interviews with the parties of the appeal to establish whether such grounds exist.

Reporting officers are to ensure a report is prepared which:

- (i) outlines any serious concerns about the safety of an aggrieved or named person should the appeal be successful;
- (ii) comments on the specific grounds of appeal stated in the 'Notice of Appeal (District Court)' (Uniform Civil Procedure Rules Form 96);
- (iii) recommends whether or not the Commissioner should be heard at the appeal; and
- (iv) includes a copy of any police application relevant to the appeal (e.g. original DV 01: 'Application for a Protection Order' and any original statements or affidavits).

Reporting officers are to forward the report to their district officer through their chain of command.

District officers receiving such reports are to provide a firm recommendation on whether the Commissioner should be heard in the appeal and forward the file to their chain of command.

Officers in charge of regions or commands receiving reports relating to 'Notice of Appeal (District Court)' (Uniform Civil Procedure Rules Form 96) should consult with the Director, QPS Legal Services, Legal Division where necessary, to determine whether the Commissioner should be heard in the appeal. If it is decided the Commissioner should be heard, the file should be forwarded to the Director, QPS Legal Services.

The Director, QPS Legal Services will make any necessary arrangements for the Commissioner to be heard in the appeal.

Officers are to promptly comply with any request made by QPS Legal Services, Legal Division for statements or affidavits to be prepared for the appeal.

Reporting officers and district officers should not recommend that the Commissioner be heard at an appeal unless the officer has grounds for serious concerns for the safety of an aggrieved or named person are likely to be jeopardised by a successful appeal.

9.11.9 Consultation with Community Justice Groups

Community Justice Groups (CJG):

- (i) operate in various communities across the State supporting First Nations peoples; and
- (ii) provide a community-based response to local issues by working cooperatively with other government agencies and community organisations.

Where a CJG is operating in a Magistrates Court District and available, the OIC of the relevant prosecution corps should request to meet with the CJG, for the purposes of consulting at least twice a year, to:

- (i) receive advice from the CJG on local cultural issues that may impact on the prosecution of domestic and family violence (DFV) matters; and
- (ii) enhance member awareness in relation, generally, to the cultural appropriateness of the proposed length and conditions of DFV orders.

The OIC of the relevant prosecution corps is to ensure written records of any meetings with CJGs are made.

9.12 Proceedings initiated against members of the Service

Definitions

For the purpose of this section:

Member

means:

- (i) a police officer;
- (ii) a recruit;
- (iii) a staff member; or
- (iv) a staff member who possesses weapons as part of the performance of their duty.

9.12.1 Responsibilities of members who initiate or become aware of domestic violence proceedings against a member of the Service

ORDER

An officer investigating a domestic violence incident involving another member of the Service is to fully investigate the allegations and if appropriate take action under the DFVPA.

Where evidence is available to support criminal charges, the investigating officer is to proceed in accordance with the Complaint Resolution Guidelines available on the Service Intranet.

Officer to notify OIC of member's region or command where member becomes a respondent

An officer who takes a member (the **subject member**) into custody under s. 116: 'Police officer may take person into custody' of the DFVPA or issues a QP 0899: 'Police Protection Notice' (PPN) against another member is to:

- (i) immediately notify the OIC of the region or command of the subject member; and
- (ii) as soon as reasonably practicable complete a QP 0466: 'Complaint against a member of Police Service' available from the ESC webpage of the Service Intranet.

Private application where a member of the service is named as a respondent

A member prosecuting a private application in which another member is the respondent is to:

- (i) immediately notify the OIC of the member's region or command; and
- (ii) as soon as reasonably practicable complete a QP 0466.

Executive briefing note requirement when a member initiates or becomes aware of domestic violence proceedings against a member of the Service

In addition to submitting a QP 0466 complaint, the actioning district is responsible for submitting an executive briefing note (EBN) (see for transmission via normal briefing arrangements to the AC ESC for consideration of stand down or suspension action (see Stand Down and Suspension Guidelines at ESC's SharePoint site on the Service Intranet). This may also require advice from the owning region or command where a member is not based within the area where the matter occurred.

9.12.2 Responsibilities of members who have domestic violence proceedings initiated against them

Members (see s. 9.2.1: 'Definitions' of this chapter) who are named as a respondent in a domestic violence order (DVO) or taken into custody under the provisions of s. 116: 'Police officer may take person into custody' of the DFVPA are to:

- (i) notify their OIC of the circumstances surrounding the seizure, order, release from custody, notice or application;
- (ii) surrender any personal issue Service firearm and OC spray to the OIC of their station or establishment or surrender any weapon(s) to the OIC of their region or command (if the OIC is a staff member, the weapons will be surrendered to an officer nominated by the OIC of the station or establishment or executive officer);
- (iii) surrender any other weapon or weapons licence as required under s. 27A: 'Effect of temporary protection order, police protection notice or release conditions on licence' of the *Weapons Act*;
- (iv) notify and surrender any authority under the *Explosives Act* (i.e. licence, permit) to access, use and/or possess explosives to the Chief Inspector of Explosives (see s. 43: 'Notification requirements for all authority holders' of the Explosives Regulation and s. 13.22.1: 'Issuing, suspension or cancellation of authorities' of this Manual); and
- (v) if the member is a first-year constable, notify the OIC, First Year Constable Section, People Capability Command of the circumstances surrounding the application, DVO or release from custody conditions.

Member to surrender authority to access, use and/or possess explosives

Members surrendering their authority to access, use and/or possess explosives are to surrender any explosives in their possession. In the case of Service issued explosives, arrangements to surrender the explosives are to be made with the OIC, Explosive Ordnance Response Team. Personally obtained explosives are to be surrendered to the Chief Inspector of Explosives, Resources Safety and Health Queensland.

9.12.3 Possession of weapons by members who are subject to domestic violence proceedings

A member who is a respondent in:

- (i) a domestic violence order (DVO); or
- (ii) release conditions,

is prohibited from possessing weapons or weapons licence (see s. 27A: 'Effect of temporary protection order, police protection notice or release conditions on licence' of the *Weapons Act (WA)*).

A member named as a respondent in a DVO (see s. 9.2.1: 'Definitions' of this chapter) or subject to release conditions is not permitted to possess firearms, OC spray, protective body armour or other weapons as defined in the Weapons Categories Regulation. However, members are permitted to possess batons and handcuffs in the performance of their duty (see s. 67: 'Possessing and acquiring restricted items' of the WA).

Member to report to OIC of the region or command

Members are to furnish a report to the OIC of the region or command if they become aware they are a respondent in a DVO or application for a protection order. The report is to address:

- (i) the circumstances surrounding the DVO;
- (ii) particulars of the duration and conditions of the DVO;
- (iii) the effect the DVO; may have on the effectiveness of the member in carrying out assigned duties;
- (iv) the date, time and place the member's firearm(s), personal issue OC spray and any weapons licence and/or explosives authority were surrendered, and the present location of these items; and

a copy of the DVO or application is to be included as an attachment.

Obligations of an OIC of a member subject to an application or domestic violence order

ORDER

An OIC who is notified a member (the subject member) is a respondent in an application for a DVO is to:

- (i) advise the OIC of the region or command of:
 - (a) the name, rank or job title and station or establishment of the subject member;
 - (b) the circumstances of the matter; and
 - (c) any circumstances which may justify the continued possession of firearms, OC spray, protective body armour or other weapons by the member where legislation does not prohibit such possession (e.g. an unfinalised application for a DVO where no domestic violence orders or release conditions are current),
- (ii) ensure the subject member does not have possession of weapons (see s. 79: 'Definition for div 8' of the DFVPA) in the course of the member's duties, until further advised by the OIC of the region or command; and
- (iii) ensure, if the subject member is authorised to access, use and/or possess explosives under the EA, the OIC of Explosive Ordnance Response Team (EORT), Operations Support Command is notified, as soon as practicable, via internal email at 'EORT Ops'.

OIC of the region or command to ensure the member does not have possession of a weapon

ORDER

The OIC of the region or command is to ensure any weapon seized from the subject member (see s. 27A of the WA) does not come into the possession of the respondent member (see s. 79 of the DFVPA) in the course of the member's duties.

Officer may be considered inappropriate to possess explosives

An officer who is authorised to access, use and/or possess explosives and are respondents in:

- (i) a DVO;
- (ii) an application for a DVO; or
- (iii) subject to release conditions,

may be considered inappropriate to possess any explosives and/or an authority in accordance with ss. 15: 'Inquiries about person's appropriateness' and 23: 'Grounds for suspension or cancellation' of the *Explosives Act* (EA) (see s. 13.22.1: 'Issuing, suspension or cancellation of authorities' of this Manual).

Member holder of an authority under the Explosives Act

Additionally, in the case of a member who is the holder of an authority under the EA to access, use and/or possess explosives, the OIC of a region or command is to ensure the member complies with ss. 9.12.2: 'Responsibilities of members who have domestic violence proceedings initiated against them' and 13.22.1: 'Issuing, suspension or cancellation of authorities' of this Manual.

The OIC of a region or command may make a request to the deputy commissioner

The OIC of a region or command may make a request on behalf of a member (subject to a domestic violence application) to the deputy commissioner to lawfully retain possession of weapons when on duty if the following conditions exist:

- (i) the application was a private application and did not allege any acts of violence or threats;
- (ii) the private application remains unfinalised;
- (iii) the member has not been detained under s. 116: 'Police officer may take person into custody' of the DVFP; and
- (iv) a PPN has not been issued; and
- (v) the member is not required to surrender any other weapon or weapons licence as required under s. 27A of the WA.
- (vi) suitable conditions can be imposed not putting the aggrieved in danger.

The decision for the member (subject to the application) to retain possession of weapons remains with the deputy commissioner.

Action taken upon expiry of any order

ORDER

Upon expiry of any order or at the conclusion of any proceedings not resulting in the issue of an order and before returning a member's weapons to the member the OIC of the region or command is to be satisfied this action would not place the aggrieved or other persons in any danger.

The officers district officer is to be adequately briefed by their OIC on the members domestic violence application or DVO prior being transferred or seconded to another region or command.

9.13 Transport assistance

9.13.1 Transport assistance to an aggrieved

In situations where:

- (i) an aggrieved wishes to leave their place of residence in order to escape; or
- (ii) it is necessary or desirable to protect the aggrieved from,

domestic violence officers should, initially, contact their local domestic violence support and referral agencies to obtain transport assistance for the aggrieved and any children in the care of the aggrieved. Alternatively, the statewide domestic violence telephone service is available 24 hours a day to assist with accommodation and transport arrangements.

Request for transport by the aggrieved

Officers may, subject to operational requirements, transport an aggrieved and any children in the aggrieved's care to a place of safety in cases where:

- (i) transport assistance cannot be arranged within a reasonable time through local agencies or the statewide domestic violence telephone service; and
- (ii) the aggrieved or children in the aggrieved's care would be exposed to danger or other potentially harmful consequences unless they were transported to a place of safety.

Where the respondent has been taken into custody under s. 116: 'Police officer may take person into custody' of the DFVPA, the respondent may have their detention period extended (see subsection 'Detention period' of s. 9.5.1: 'Domestic violence custody' of this chapter).

Officers should seek permission before providing transport assistance

Before providing transport assistance, officers should, where practicable, seek permission from a supervising officer (see s. 9.2.1: 'Definitions' of this chapter). If a supervising officer cannot be contacted, officers are to notify their OIC as soon as practicable after providing transport assistance.

Officers who transport an aggrieved and any children in the aggrieved's care should comply with s. 14.25.3: 'Radio and communication procedures generally' of this Manual.

In cases where alternative transport is arranged for an aggrieved and any children in the aggrieved's care, officers should remain with the aggrieved and children for such time as necessary or desirable to protect the aggrieved or children from domestic violence.

The senior officer providing transport assistance under this section is to record full particulars of any transport assistance provided, or instances where assistance is offered and declined, including the names and addresses of parties concerned, in the officer's QP 0161: 'Activity log' or official police notebook.

9.13.2 Transport and accommodation assistance to a respondent

Transport and accommodation assistance to an adult respondent

There is no obligation upon the Service to:

- (i) transport, arrange transport or pay for any transport;
- (ii) arrange temporary accommodation; or
- (iii) provide accommodation free of charge,

for an adult respondent involved in domestic violence, notwithstanding the requirements of s. 108: 'Police officer must consider accommodation needs' of the DFVPA when a QP 0899: 'Police Protection Notice' (PPN) is issued.

Where a PPN which includes a cool-down or ouster condition is served on an adult respondent (see s. 9.6.1: 'Police protection notice' of this chapter), in accordance with s. 108 of the DFVPA, the officer is to consider the accommodation needs of the respondent and take any reasonable steps necessary (see s. 108(2)(b) of the Act) to ensure the respondent has access to temporary accommodation.

Respondent request transport or arrange transport to a place

Officers may (subject to operational requirements), at the request of the respondent, transport or arrange transport for a respondent to a place if such action would:

- (i) reduce the likelihood of further domestic violence involving the respondent;
- (ii) improve the safety of any aggrieved; or
- (iii) address the accommodation needs of the respondent e.g. a respondent who is prohibited from returning to their normal residence by release from custody conditions or cool-down condition may be transported to a nearby relative's house.

Action officers should take before using a Service motor vehicle to transport a respondent

Before using a Service motor vehicle to transport a respondent in accordance with this policy, officers should, where practicable contact:

- (i) support or referral agencies which may be able to assist with transport or accommodation for the respondent; or
- (ii) a friend, or relative of the respondent to assist with accommodation and transport arrangements; and
- (iii) seek permission from a supervising officer (see s. 9.2.1: 'Definitions' of this chapter). If a supervising officer cannot be contacted, officers are to notify their OIC as soon as practicable after providing transport assistance.

Officers who transport an aggrieved including any children should comply with s. 14.25.3: 'Radio and communication procedures generally' of this Manual.

The senior officer providing transport assistance under this section is to record full particulars of any transport assistance provided, including the names and addresses of parties concerned, in the officer's QP 0161: 'Activity log' or official police notebook.

Providing transport assistance is not to be used as a substitute for taking a respondent into custody

Provision of transport assistance in accordance with this policy is not to be used as a substitute for taking a respondent into custody in accordance with s. 116 of the DFVPA where such a detention would be justified.

Transport and accommodation assistance to a respondent child

ORDER

Where an officer has served a PPN which includes a cool-down or ouster condition to a respondent child, the officer is to:

- (i) arrange temporary accommodation for the respondent child; and
- (ii) transport, or arrange transport for the respondent child to the accommodation,

in accordance with s. 108(3) of the DFVPA.

There is no obligation upon the Service to provide accommodation free of charge to a respondent child (see s. 108(4)(b) of the DFVPA).

Reasonable steps should be taken to arrange transport of a respondent child

Where an officer commences a proceeding against a respondent child by:

- (i) application for a protection order, including after release from custody under s. 118: 'Police officer must apply for protection order' of the DFVPA; or
- (ii) issue of a PPN, including when a cool-down or ouster condition is not included,

and it is necessary or desirable for the protection of an aggrieved from domestic violence or for the safety and welfare of a respondent child, reasonable steps should be taken to arrange transport for a respondent child to suitable accommodation.

9.14 Confidentiality of an aggrieved, named persons and respondent to be protected

ORDER

Members are to keep confidential the contact details of an aggrieved, named person and respondent and are not to disclose their details verbally, written or electronically unless it is a requirement by law.

9.15 Domestic violence coordination

9.15.1 Domestic, Family Violence and Vulnerable Persons Unit

The role and functions of the Domestic, Family Violence and Vulnerable Persons Unit, Road Policing and Regional Support Command, is outlined on the unit's webpage on the Service Intranet.

Officers are to only approach the Domestic, Family Violence and Vulnerable Persons Unit for advice on operational issues when other local avenues have been exhausted. Advice should be sought in the first instance from:

- (i) a shift supervisor;
- (ii) the OIC of the relevant station/establishment;
- (iii) the district/establishment education and training officer;
- (iv) a station domestic and family violence liaison officer;
- (v) a district domestic and family violence coordinator;
- (vi) a regional domestic and family violence liaison officer; or
- (vii) a local prosecutor.

9.15.2 Regional domestic and family violence liaison officers

While regional domestic and family violence liaison officers are not formalised positions, the OIC of a region or command may appoint an officer to coordinate domestic and family violence issues and activities within the region or command if the officer believes the appointment would improve police efficiency and provide a better service to the community.

9.15.3 District domestic and family violence coordinators

ORDER

Officers in charge of districts are to appoint domestic and family violence coordinators within their district and allocate adequate time and resources to those officers to enable them to carry out their functions and duties (see Domestic, family violence and vulnerable persons unit website on the Service intranet).

9.15.4 Station domestic and family violence liaison officers

The OIC of a station is, by virtue of their position, the domestic and family violence liaison officer for the station. The OIC may delegate the responsibility of domestic and family violence liaison officer to another officer within the station. When the OIC delegates the function to another officer, the OIC is responsible for the performance and supervision of the officer and should allow adequate time and resources for the officer to perform these duties.

An OIC of a station should enlist the assistance of officers within their division to give effect to Service policy, orders and procedures relating to the DFVPA.

9.15.5 High risk teams

High risk teams (HRT) are:

- (i) a core component of an integrated service response (ISR) to domestic and family violence (DFV);
- (ii) comprised of persons from prescribed government and non-government agencies (see s. 169C: 'Definitions for part' of the DFVPA), who work collaboratively to:
 - (a) share information;
 - (b) identify appropriate specialist service providers; and
 - (c) coordinate services and support to improve the safety of DFV victims and their families; and
- (iii) operating at various locations throughout the State.

The principal responsibility of the QPS HRT is to represent the Service and assist the other members of the multi-agency HRT carry out its role and functions. The information sharing function of the HRT is governed by Part 5A: 'Information sharing' of the DFVPA.

A member who is performing a function within an HRT, which includes assessing and acting to prevent threats to life, health or safety because of DFV, and reasonably believes:

- (i) a person fears or is experiencing DFV; and
- (ii) sharing information may help reduce or prevent a serious threat to life, health or safety because of DFV,

may give, receive or use information in relation to a person in accordance with Part 5A, Division 2 of the DFVPA.

ORDER

Members receiving information pursuant to Part 5A of the DFVPA are to use the information to:

- (i) assess whether there is a serious threat to the life, health or safety of people because of DFV;
- (ii) respond to serious threats to the life, health or safety of people because of DFV; and
- (iii) refer people who fear, experience or commit DFV to specialist DFV service providers.

Where an officer receives information pursuant to Part 5A of the DFVPA, the officer:

- (i) may use the information to perform the officer's functions as a police officer; and
- (ii) is not to use the information for an investigation or as evidence against a person for an offence, unless:
 - (a) the officer, or another officer, has consulted with the entity which provided the information; and
 - (b) after consultation with the entity, the officer has considered whether use of the information for that purpose would be in the best interests of the person experiencing DV.

Where an officer uses the information for an investigation, the officer is to comply with s. 9.4.2: 'Investigating domestic and family violence (initial action)' of this chapter.

Responsibilities of district officers

District officers should appoint an officer of the rank of senior sergeant or above to assist the HRT to:

- (i) carry out its functions and duties within the district; and
- (ii) manage and fill temporary HRT vacancies.

This may be the OIC of the district Domestic, Family Violence and Vulnerable Persons Unit (DFV&VPU).

Responsibilities of DFV&VPU officers and Domestic & Family Violence Coordinators (DFVC)

Where a DFV&VPU officer or a DFVC identifies a matter may be appropriate for referral to the HRT, the officer is to:

- (i) work collaboratively with the QPS HRT to determine if referral to the HRT is the appropriate risk management response; and
- (ii) where it is appropriate to refer the matter to the HRT, assign a task to the relevant QPS HRT org unit within the relevant QPRIME occurrence.

Responsibilities of QPS HRT senior project officers

Service referral to HRT

Where a VPU officer or a DFVC refers a matter to the QPS HRT, the senior project officer is to ensure:

- (i) any QPRIME tasks are reviewed and actioned as soon as reasonably practicable;
- (ii) a QPRIME Case management occurrence is created or updated;

- (iii) the HRT Consideration Checklist and Level 2 risk assessment and safety plan are completed and uploaded to the relevant QPRIME case management occurrence;
- (iv) a final assessment and determination whether the matter is appropriate for referral is made;
- (v) where a determination is made:
 - (a) to refer the matter to the HRT, the referral and level 2 risk assessment are uploaded in the case management system; or
 - (b) not to refer the matter to the HRT, detailed reasons are recorded in the relevant QPRIME occurrence;
- (vi) subject persons' addresses and flags are updated in QPRIME; and
- (vii) a QPRIME task is assigned to the referring VPU or DFVC advising of the QPS HRT assessment and determination.

See the QPS referral into High Risk Team flowchart.

External referral to HRT

Where a matter has been referred to the multi-agency HRT by another prescribed government or non-government agency, and accepted by the HRT co-ordinator, the senior project officer is to ensure:

- (i) a QPRIME Case management occurrence is created or updated as soon as reasonably practicable;
- (ii) subject persons' addresses and flags are updated in QPRIME;
- (iii) a Request for Information is completed within the required timeframe and uploaded to the case management system; and
- (iv) a QPRIME FYI task is sent to the relevant VPU or DFVC.

See the Non-QPS referral into High Risk Team flowchart.

Case management of HRT matters

The senior project officer is responsible for the ongoing QPS management of HRT matters and is to ensure:

- (i) all relevant information is uploaded onto the case management system;
- (ii) a member(s) performing HRT duties (preferably the senior project officer and a police officer) attends each multi-agency HRT meeting;
- (iii) a meeting summary is noted in the relevant Intelligence Enquiry Log (IEL) for each matter reviewed during the meeting with appropriate information caveats;
- (iv) any QPS action items are tasked and actioned; and
- (iv) the outcome of any QPS action items is uploaded onto the case management system.

See the Ongoing case management of High Risk Team referral flowchart.

Closure of HRT matters

Where the multi-agency HRT decides all strategies have been completed, assistance has been provided and the matter is closed, the senior project officer is to ensure:

- (i) the relevant IEL is updated, adding any additional case notes and noting the matter is now closed;
- (ii) the matter is reviewed 3 months after the decision to close;
- (iii) a QPRIME task is sent to the relevant VPU or DFVC; and
- (iv) local protocols are followed to close the QPRIME Case management occurrence.

See the Case Closure and monitoring of HRT referral flowchart.

9.15.6 Domestic and family violence mandatory specialist training

The Service has 3 categories of domestic and family violence (DFV) mandatory specialist training courses to ensure participants receive training that is relevant to the role they are performing.

DFV mandatory specialist training consists of 3 different courses, each delivered over 5 days, designed to be delivered to the following priority cohorts:

Training Course	Priority Cohort
Course 1: DFV Specialist Training	High Risk Team members; Domestic and Family Violence Coordinators and Domestic and Family Violence Officers; Domestic Violence Liaison Officers; Members of a Domestic and Family Violence and Vulnerable Persons Unit performing DFV related functions; and Members of the Domestic, Family Violence and Vulnerable Persons Command.
Course 2: DFV Specialist Training	Police Communications Centre personnel; and Policelink personnel. (not including administrative or support personnel)
Course 3: DFV Specialist Training	District Duty Officers; Shift Supervisors; and Officers in Charge.

Delivery of DFV mandatory specialist training

DFV mandatory specialist training will be managed through the Ignite Learning Management system.

ORDER

All members performing duties in an identified priority cohort are to complete the DFV specialist training course most relevant to their current role. This order applies to members already performing duties in priority cohort roles, and members who move into such roles; whether in a permanent or acting capacity for greater than 6 months, or where a member periodically relieves in such a role.

Members performing duties in a priority cohort role are to complete the relevant DFV specialist training course as soon as practicable within 24 months of the course's implementation.

Members appointed to a priority cohort role after the implementation of the DFV specialist training course most relevant to that role are to complete the course as soon as practicable within 6 months of their commencing duties in that role.

9.16 Information exchange

9.16.1 Relevant information exchange

The Commissioner is a prescribed entity and may give to and receive from any other service provider (see s. 169C: 'Definitions for part' of the DFVPA), relevant information under ss. 169I and 169J of the DFVPA, with members authorised to give and receive relevant information in accordance with s. 169H: 'Who may give and receive information on behalf of entity'.

Under s. 169H: 'Who may give or receive information on behalf of entity' authorises a prescribed entity, specialist domestic and family violence (DFV) service provider or otherwise authorised person to give, receive or use the relevant information to assess or take action by providing assistance or a service.

The Chief Executive or an authorised officer may, under s. 169D: 'Sharing information for assessing domestic violence threat' and s. 169E: 'Sharing information for responding to serious domestic violence threat' of the DFVPA, ask the Commissioner for relevant information in the possession or control of the Service. If asked, the Commissioner may comply with the request.

The Chief Executive or an authorised officer may, under s. 169F: 'Police officer may refer person to specialist DFV service provider' of the DFVPA, supply the prescribed entity or specialist DFV service provider with referral information.

Under s. 10.2: 'Authorisation of disclosure' of the PSAA the Commissioner may, in writing, authorise disclosure of information that is in possession of the Service.

Officers may in accordance with ss. 169A to 169J of the DFVPA, whenever safe, possible and practical, share information with particular entities while protecting confidentiality of information to:

- (i) assess whether there is a serious threat to life, health or safety because of DV;
- (ii) respond to serious threats to life, health and safety because of DV; and
- (iii) refer people who fear, experience or commit domestic violence to specialist DFV service providers.

Limitations on information that may be shared

In accordance with s. 169: 'Limits on information that may be shared' of the DFVPA, the Commissioner or a prescribed entity may not share information with another entity under circumstances that is:

- (i) relating to previous convictions other than a DV related offence;
- (ii) information under s. 186 of the *Child Protection Act*;
- (iii) information under s. 24A of the *Director of Public Prosecutions Act*;
- (iv) sensitive evidence under s. 590AF of the CC;
- (v) a recording within the meaning of s. 21AY of the *Evidence Act (EA)*;
- (vi) a statement or transcript within the meaning of s. 93AA of the EA; or
- (vii) giving the information is contrary to an order of a court or tribunal.

Confidential information

Members are to comply with s. 169K: 'Confidentiality of Information obtained under this part' of the DFVPA, the prescribed entity or specialist DFV service provider receiving confidential information must not use, disclose or provide access to the information to any other person or entity. If permitted by law or required to comply under information privacy principles (see schedules 3 and 4 of the *Information Privacy Act*), the receiving prescribed entity or specialist DFV service provider may use, disclose or access the information to contact the person involved in domestic violence or offer assistance or a service to the person or another involved in domestic violence.

Officers who receive confidential information from a prescribed entity, specialist DFV service provider or support service are authorised to use the information to perform the officer's function.

ORDER

Officers are not to disclose confidential information unless authorised by the DFVPA.

Recording requests for information exchange

Members receiving requests for information or requesting information from a prescribed entity under s. 169H, to assess threats to a person's life, health or safety because of DV or take action to lessen or prevent threats to life, health or safety because of DV are to:

- (i) When receiving requests for information:
 - (a) forward a copy of received QP 1211 'Domestic Family Violence Information Request' to the business email account of the relevant vulnerable person unit (VPU) or high-risk team (HRT); and
 - (b) create a QPRIME occurrence '[3151] Domestic and Family Violence Protection Act 2012 – Information Requests' and link relevant people, particulars and upload a copy of QP 1211 form.
- (ii) When requesting information:
 - (a) complete a QP 1211 'Domestic Family Violence Information Request' and forward a copy to the business email account of the relevant VPU or HRT; and
 - (b) relates to an existing QPRIME occurrence, upload a copy of QP 1211 to the occurrence, otherwise create a QPRIME occurrence '[3151] Domestic and Family Violence Protection Act 2012 – Information Requests' and link relevant people, particulars and QP 1211 form.

Requests for information (RFI) should be made on QP 1211 'Domestic Family Violence Information Request' where practicable and members should arrange for an electronic copy or hard copy of QP 1211 to be forwarded for completion by special entities when contact is made with the Service.

Each request for information is to be individually documented in QPRIME. Existing HRT case management occurrences and multiple requests for information from a single prescribed entity is exempt from this recording procedure. New RFI requests relating to an existing HRT case management occurrence do not require the creation of a new RFI occurrence, members are to log the RFI request in the existing occurrence.

ORDER

Members are to record all requests for information made to the Service and all requests made to a prescribed entity in QPRIME.

Appendix 9.1 Domestic Violence Protective Assessment Framework (DV-PAF)

(s. 9.4.2)

Category 1 Risk Factors

Frequency: are DV incidents happening more often and between shorter time periods? This may include incidents not reported to police.

Pregnancy: is the aggrieved (if female) pregnant? This may create considerable stress on the relationship.

Previous incident(s)/contraventions(s): are there previous DV incidents/contraventions recorded between the aggrieved and respondent?

Separation: have the aggrieved and respondent recently separated or are they separating? Is the aggrieved wanting or attempting to leave the relationship?

Severity: is the violence escalating/becoming more serious? For example, moving from verbal to physical, pushing to slapping, slapping to beating or serious/life threatening injuries.

Sexual violence: has the respondent committed sexual violence against the aggrieved? For example, using sex or sexual acts as a form of control, punishment or violence.

Significant change in circumstances: is there now or recently been a significant change in circumstances? For example, unemployment, financial hardship, child custody/access disputes, interfamily conflict.

Strangulation/suffocation: is there evidence the respondent has attempted to strangle/suffocate the aggrieved now or in the past?

Threats to kill: has the respondent threatened to kill the aggrieved/family members?

Use of weapons: has the respondent used or threatened to use a weapon to commit DV against the aggrieved/family in current or previous incidents?

Not present – no category 1 risk factors present.

Category 2 Risk Factors

Alcohol/drug misuse: is there a history of alcohol/drug misuse by aggrieved/respondent and does this occur concurrently with DV?

Animal cruelty: has the respondent harmed or threatened to harm family pets?

Child abuse: is there a history of abuse or neglect of a child by the respondent, irrespective of the relationship between the child and respondent?

Controlling behaviour: does the respondent try to control the aggrieved, for example, where he/she goes, what they do, who they spend time with, controlling finances, isolating the aggrieved from friends, family and/or support?

Cultural considerations: are there cultural considerations preventing the aggrieved from reporting DV in the future? For example, aggrieved may not be aware of rights in Queensland, aggrieved is isolated, cultural customs prevent aggrieved from speaking out.

Mental health issues: is there history of mental health issues for respondent? Is there evidence of a diagnosed or undiagnosed disorder which might increase risk of DV to the aggrieved?

Respondent history of violence: does the respondent have a violent history towards the aggrieved, family or others? Are there incidents of domestic violence with a previous partner?

Ongoing conflict: is there an issue creating conflict in the relationship or family unlikely to subside in the near future?

Significant damage/destruction of property: has the respondent significantly damaged property as a means of intimidating or victimising the aggrieved?

Stalking: does the respondent follow, contact, intimidate, place under surveillance, manipulate or harass the aggrieved?

Suicidal: has the respondent or aggrieved threatened or attempted suicide?

Violent threats: has the respondent threatened an act(s) of violence against the aggrieved/children/family?

Not present – no category 2 risk factors present.

Fear Level

Not fearful: aggrieved does not appear fearful of DV occurring in the future.

Fearful: aggrieved appears fearful of DV occurring in the future

Very fearful: aggrieved appears very fearful of DV occurring in the future

Unable to be assessed

Level of Risk

Unknown: level of risk unable to be determined.

Medium: no significant/current indicators of risk of harm to the aggrieved. Changes in circumstance or DV may create risk for the aggrieved and any future incidents should be carefully assessed.

High: proactive police response to risk is recommended. Indicators of risk of harm to the aggrieved have been identified. The respondent has the potential to cause harm. They may also have the potential to cause serious harm if there is future violence and/or risk and/or a change in circumstance.

Extreme: proactive police response to risk is highly recommended. There are identifiable indicators of risk of serious harm to the aggrieved. An incident could happen at any time and the impact could be serious.

OPM Issue 102
Public Edition