

NEW ZEALAND POLICE

RESPONSE TO

FAMILY VIOLENCE

A PAPER PREPARED BY SERGEANT JJ TAYLOR, FROM POLICE NATIONAL HEADQUARTERS, WELLINGTON, FOR THE 2ND CONFERENCE OF WOMEN AND POLICING, HELD IN BRISBANE, 7/9 JULY 1999.

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***Change from “IT’S NOT JUST A DOMESTIC” to
“FAMILY VIOLENCE IS A CRIME, CALL FOR HELP”***

The New Zealand Police began a campaign in 1993 aimed at changing attitudes from “**it’s just a domestic**” to “***family violence is a crime, call for help***”.

Background Prior to 1986, as in most countries, when members of the Police in New Zealand attended a dispute between family members, commonly known as “a domestic dispute”; the practice was to mediate between the parties. Seldom was an arrest made. Usually the “domestic” occurred in a private home. The violence was considered to be private and was not treated as serious.

The Police policy at that time encouraged staff to **mediate**. This usually involved speaking separately to each party in an effort to resolve the differences. Despite the best efforts of the attending officers, often the Police made repeat visits to many addresses, sometimes on the same day.

Often these Police Officers were younger than the fighting parties, and were giving advice to people old enough to be their parents! The problems causing these disputes were usually never fixed, despite all the advice given.

The New Zealand Police organised Greg Ford, who at that time was a Sergeant at Hamilton to do research into “domestic disputes”. He looked at what was being done overseas and checked into the effectiveness of the current Police policy in New Zealand.

His research indicated that the **mediation** approach was simply not working and that there was a need for the Police to stop treating family violence as private and not serious.

Around this time the Government of the day commissioned a small group to look at the problems of violence in New Zealand. The late Sir Clinton Roper, a prominent High Court Judge, headed this group. They produced a report, referred to as the Roper Report, which was published in 1987. They suggested that based on the evidence they heard 80% of all violence was family based, or in other words, 80% of all violence occurred in the home. The report concluded that ‘family violence is the cradle for the perpetuation of violence and crime in the community.’

As a result of this report and the findings of Greg Ford’s research, a new policy was developed in 1987 for the New Zealand Police based upon **arresting the offender where there was evidence of an offence having been committed**. This was a major change in approach for Police Officers, especially for the older staff, by moving away from mediating to arresting offenders.

This position was later reinforced by research conducted by Doctor Ian Miller, New Zealand Police Psychologist. He looked at all murders in New Zealand between 1988 and 1994 and found that someone known to the victim committed a majority of murders, with 39.2% being domestic (family) related.

Policy change By 1992 it was obvious that the 1987 policy change had **not** resulted in any major increase in arrests of family violence offenders. It was clear that a significant change in attitude was required for Police Officers to move from mediation to automatically arresting family violence offenders.

In 1993, in response to the rising rate of crime in New Zealand, including violence, the Police embarked on a five year Strategic Plan. Family Violence was to be one of the principal focuses.

The Strategic Plan has a mission statement, which states that the Police “will service the community by reducing the incidence and effects of crime, detecting and apprehending offenders, maintaining law and order, and enhancing public safety.”

This mission statement is reduced to a service motto of “Safer Communities Together”, to reflect the need for the Police to work closely with all agencies and the community in partnership in order to achieve the Strategic Plan’s goals.

In the same year (1993) a small project team at Police National Headquarters began to work at dealing more effectively with Family Violence. Their work focused on the Police policy, training, statistics, and other aspects including improved co-operation and co-ordination with other agencies. A public awareness campaign was begun aimed at changing attitudes towards family violence.

Public Awareness Campaign This was aimed at changing the internal attitudes within the Police as well as externally in the wider community. The Police wanted to change people’s perception that this sort of violence is **not just a domestic**, but that **family violence is a crime, call for help**. This message of “**family violence is a crime, call for help**” was turned into a by-line for the Police.

Over the past 6 years, significant progress has been made towards achieving this aim. Similar campaigns from other Government agencies, such as the Children, Young Persons and their Families Service and the Department for Courts, along with the Women’s Refuge movement have helped. Women’s Refuge is the principal community organisation providing support to women and children who are victims of family violence.

Communicado from Auckland was used to produce the Police campaign. Three high rating documentaries were produced and broadcast on national television, during the primetime evening viewing periods, using funding from NZ On Air, and supported by TVNZ.

These documentaries were entitled “Not Just a Domestic”, “Not Just a Domestic: the Update”, and “Picking Up the Pieces.” The first two featured actual victims and offenders telling their stories about how family violence had effected them, while the third documentary featured adults telling how witnessing family violence as a child had effected them. Each screening was watched by an average of half a million viewers and was among the top programmes for that week.

The screening of these documentaries was supported by a national toll free 0800 telephone Helpline. This Helpline was sponsored by Telecom, and was available for the next 5 nights and days, after each of the documentaries.

Initially, 300 telephone lines were available to take the calls to the Helpline. Volunteers from a wide variety of community agencies staffed all of these lines. They were able to skilfully answer the 3,000 calls received over the 15 days the Helpline operated for in total.

The public awareness campaign also included screenings of two series of television advertisements (16 advertisements in all). These television

advertisements were very successful and their style has been copied by other organisations, including in Australia.

Two music videos were also produced as part of our awareness campaign. These two music videos and songs received significant airtime. The latest song "Closest Thing to Heaven" was recorded using a popular band called 'Synergy.' This song appeared in the hit charts in New Zealand for six weeks in 1996, peaking at number 6.

While a lack of sponsorship money has temporarily halted extensive advertising on television, other forms of advertising have continued on a limited basis.

In 1997 the band 'Synergy' was successfully used to take the campaign message '*family violence is a crime – call for help*' to secondary school students. Synergy played free lunchtime concerts to packed audiences in most of the large secondary schools in Auckland City, West Auckland, South Auckland and in Rotorua.

Copies of the latest television advertisements are being used throughout New Zealand as part of the study material for secondary school students for the new English national examination syllabus. Also included on the video tape copy with the advertisements was a copy of the last documentary which focused on children as witnesses of family violence.

The distribution of this public awareness campaign material amongst some many secondary school students has the potential to have a significant impact on the attitudes of teenagers towards family violence, particularly when they become parents.

Other forms of publicity have been used such as full page and half page advertisements placed in a wide variety of magazines and newspapers. The '*family violence is a crime*' message appears on large billboards at sports stadiums, on large road side signs, on whole walls or fences at Police stations, and on such items as pens, folders and bus ticket holders in Auckland.

Several posters have been developed and then distributed widely to sports clubs, doctors' surgeries, police stations, schools, etc. All of these carried the same message, "*Family Violence is a Crime, Call for Help.*"

Awards The New Zealand Police FAMILY VIOLENCE IS A CRIME Campaign, produced by Communicado and managed by the Police, has won significant praise, both at home and abroad.

A real, but unexpected, highlight of the campaign was the winning of the Supreme award at the 1995 Television New Zealand marketing awards.

A record number of entries competed for the 1995 award included what the Judges described as "outstanding examples of best marketing practice." The

Judges said that “the Police entry could demonstrate achieving what most marketers dream of: a measurable change in both attitudes and behaviour.”

The judges described the New Zealand Police family violence campaign “as the ‘Everest’ of marketing undertakings”. They went on to say that the campaign “may be the biggest attack on a social issue undertaken by a government agency this decade”, and they “acknowledged the economic and social impact on all New Zealanders”.

The award was accepted by the then Commissioner Richard Macdonald, who may be the only Police Commissioner in the world who has won a television marketing award for having the best television advertising campaign in their country.

The campaign has also won a Gold Quill Award from the International Association of Business Communicators, a Silver Medal at the PROMAXASIA Electronic Media Awards, and the Premier Film/Television Award at the NZ Media Peace Awards.

But clearly the most significant award won to date has been the Gold Medal in the Public Service Category of the Advertising/Marketing Effectiveness International Awards run by the New York Festivals.

For forty years the New York Festivals have been the ‘Olympics’ of advertising and marketing. The 1996 Festival drew more than 10,000 entries from 65 countries. The Gold Medal was announced in New York at the Awards dinner on 31 January 1997.

The judging panel chaired by John Dooner, Chief Executive of McCann Erickson Worldwide, was impressed with the measurable effectiveness of the New Zealand Police campaign, which achieved a 92% public awareness, a doubling of prosecutions for family violence. A 50% increase in male offenders voluntarily seeking counselling, and a dramatic 30% reduction in the annual numbers of women being murdered by their male partners.

When the award was announced, the Project Coordinator, Sergeant JJ Taylor said from Police National Headquarters that “family violence has been and will remain a priority issue in the New Zealand Police’s commitment to ‘Safer Communities Together’. Our focus is on keeping women and children safe in their own homes.”

Campaign producer Mark Casey acknowledged that the Communicado team enjoyed winning awards for its work, but said that the team’s main source of satisfaction was the effectiveness of the campaign.

“We’re proud that lives have been saved, attitudes have been changed, offenders are getting help, and women and children are now safer in their homes,” he said when the campaign won the Gold Medal at the New York Festivals. “That’s what we set out to help the Police achieve and that’s our measure of success.”

It is important to acknowledge the contribution by commercial sponsors to the public awareness campaign. The Police are very grateful to the initial sponsors, Carter Holt Harvey and TVNZ for their valuable contributions, particularly as this sponsorship enabled the television advertisements to be made and screened on national television, as a key part of the campaign.

Public Awareness Campaign Initial Objectives:

The Police had initially set three objectives for this campaign, being:

1. to raise the level of awareness of family violence,
2. to encourage reporting or seeking of help, and
3. to deter offenders.

Objective 1: “To Raise Awareness”

- The Police commissioned MRL Research to measure recall and awareness, five months after the March 1994 campaign started. The MRL Research showed that there was unprompted awareness of 20% of the campaign, and prompted awareness of 88%. When MRL surveyed again September 1995 the level of prompted awareness had risen to 92%.
- Significantly, 67% of those who recalled the campaign said that their attitude to family violence had been influenced by the campaign.
- The first documentary achieved 51% audience share, was watched by over 560,000 people, and was the 22nd most watched programme across all channels that week.
- The second documentary achieved a 39% audience share and was the 11th most watched programme that week.
- The third documentary achieved a 40% audience share, was watched by nearly half a million, and was the 19th most watched programme that week.
- The print media coverage of the campaign launch (including comment on the opening, the song, the documentary, the 0800 Helpline, and the commercials) was extensive, with the publicity dollar value, in terms of advertising space, was worth almost \$200,000. It included 53 articles.
- The Department of Social Welfare reported a significant rise in applications for domestic purposes benefits after the first documentary.
- A few weeks into the campaign, some Relationship Services groups around New Zealand reported extraordinary increases (up to 50%) in couples seeking help.
- Similarly, Women’s Refuges reported significant increase in women seeking help. Over 1995 to 1997, Women’s Refuge reported a small dip in bed use (due in part to the Police arresting offenders and keeping them in custody).
- Over the same period Women’s Refuge also reported a 30% increase in community work, where women receive service from Refuges while staying in their own homes.
- Note that 1997 research by Susan Snively for Women’s Refuge estimated that the cost of family violence in New Zealand to the community was \$1.2 billion annually.

- While a lack of sponsorship money has temporarily halted extensive advertising on television, other forms of advertising have continued on a limited basis. Secondary school students have been a major target, with all schools having received a complimentary copy of our documentaries, television advertisements and the two music videos. This has now become part of the English syllabus studies for secondary school students.
- Another major initiative was the providing of free lunch time concerts with a family violence theme to secondary school students. In just one South Auckland College alone, over 1,000 students heard the message that “*family violence is a crime, call for help.*”

Objective 2: “To Encourage Reporting”

- With the campaign starting in 1993, the Police were keen to measure any subsequent changes in reporting of family violence related offences.
- For the 1993 year a total of 5,959 offences of assaults by men on women were reported, compared to 4,094 offences for the 1992 year; a staggering 45.5% increase over the previous year.
- Then again in 1994, reports of assaults by men on women rose again by a further 45%, to 8,640 offences. This was in a year where overall violence increased by 19.6% but total reported crime dropped by 3%. Note that it was always expected that reports of family violence would increase, because of the campaign.
- Interestingly, in 1995, the numbers of reported offences dropped by 2.7% to 8,408 and dropped further in 1996 by 3.9% to 8,082 offences. While this downward trend continued in 1997 and 1998 (6,992 and 6,876), there was still a 15.4% increase in offences of assaults by men on women between 1993 and 1998. The Police have not researched the reasons for these changes.
- Note that the Police experience is that about 80% of all assaults by men on women are family related. Records also show that about one out of every three violent offence is family related.
- When the numbers of family violence disputes are added to these, in 1998 the Police attended 34,500 family violence offences and incidents. These were entered into the family violence database, and provide valuable information for Police officers who attend a subsequent event. Note: a family violence incident is an event that the Police attend where they cannot prove that an offence has been committed.
- Another example of the change in reporting practice by Police officers is the change in the way that they action the recording of attending family violence incidents. In 1992, some 21,825 such incidents were attended with 59.5% being reported as needing *no further Police action*.
- While numbers of recorded family violence incidents dropped in 1994 to 16,956, the percentage reported as needing *no further Police action* dropped to 25.8%. In 1996, the percentage being “written off” dropped further to 12.8%. While in 1998, the percentage of “*no further Police action*” rose back to 23.2%, the number of recorded family violence incidents that year increased to 21,297; an increase of 9%.
- Other reporting examples relate to calls following the screening of the documentaries. Calls after the first Helpline totalled 1,309 with some 55%

coming from victims and 28% from witnesses. By the third Helpline, victims were 79% of callers and 11% were witnesses.

- Interestingly across all the Helplines, about 50% of callers said that they had not discussed the impact of family violence on their lives with anyone before.

Objective 3: ‘To Deter Offenders’

- In the first two years of the campaign Stopping Violence Services (previously called Men for Non Violence) reported a 50% increase in self-referrals from men wanting help with their family violence problems, and that nation-wide referrals from Judges in Courts have doubled.
- In relation to Police Armed Offenders Squad, traditionally in the past most of their work has involved family violence. In 1994 the number of callouts for family violence related incidents dropped for the first time in ten years. This downward trend continued through 1995 and 1996. Whilst Armed Offenders callout for the years 1997 and 1998 have not been specifically researched for family violence related figures, it is the Police view that the rate of such callouts is still lower today compared to pre-1993.
- As a measure of an increased willingness on the part of offenders, the percentage of offenders ringing the Helpline rose from 16.9% after the first documentary to 27% after the second. While the percentage dropped to 10% for the third documentary; this was probably due to the different focus of this last documentary being on adults telling how witnessing family violence as a child had effected them.
- A number of the community based Abuse Intervention projects have seen substantial numbers of men seeking stopping violence courses voluntarily, with an amazing 400% increase in Rotorua in 1994.
- In the six years prior to the 1993 campaign, an average of 14 women per year were murdered by their male partners. In 1994 (the first full year of the campaign), out of 65 homicides, the number of women killed by their partners or ex-partners fell significantly to six. In the second year (1995) out of 58 homicides, eight women were killed by their partners or ex-partners.
- And in 1996, out of 59 homicides, seven women were killed by their partners or ex-partners. In 1997, the number of homicides remained about the same (61) but the numbers of women killed by their partners or ex-partners rose to 12. But that was still lower than the previous average.
- Over the 4 years from 1994 to 1997, the average of women being killed by their partners or ex-partners has dropped from 14 to 8.25 per year. This is a significant reduction, and should be seen as an indicator of the success of the campaign.
- The number of prosecutions for family violence has more than doubled to 8,000 per year than before the campaign, reflecting not an increase in incidence of family violence it is believed, but a significant shift in Police practice from mediation to active intervention.

Current Police Family Violence Policy

The key assumptions used by the Police in re-developing their current policy on Family Violence were:

- that the violence was most often perpetrated by men on women and children. Research showed that in about 70% of family violence incidents, children either witnessed or heard the violence;
- that victims of this sort of violence are often physically and emotionally scarred, perhaps for life;
- that the assailants are often affected by alcohol, which aggravates the violence;
- that the cycle of violence must be broken, and
- that as violence is a learned behaviour, what is learned can be unlearned.

Following extensive consultation, both within the Police and with all the other family violence service providers, both Government agencies and community groups, and with the Chief Judges, the Police policy on Family Violence was re-issued in mid 1996, to coincide with the introduction of the 1995 Domestic Violence Act.

Note: the latest version of the policy is re-produced in the following section, as an appendix.

Some points of interest within this policy are:

- The Police definitions of both '*family*' and '*violence*' are based on the definitions in the Domestic Violence Act.
- '*Violence*' is defined as including physical, emotional, psychological and sexual abuse, and includes intimidation or threats of violence. The term '*family*' includes such persons as parents, children, extended family members and whanau, or any other persons involved in relationships. Examples of such relationships include partners, caregivers, boarders, flatmates, and persons in same-sex relationships, but do not include neighbours.
- The policy is consistent with the 1996 *New Zealand Government Statement of Policy on Family Violence* and the associated *Good Practice Guidelines for Co-ordination of Family Violence Services*.
- The **Police policy** is based on three core principles:
 - that the protection of the victim is paramount, and is best achieved by stopping the violence;
 - that assailants should be held accountable for their actions, and
 - that there is a need for consistent policies and practices across all agencies and groups involved in delivery of family violence services.

- Therefore where the Police are attend any family violence situations, they are instructed that:
 - the situation must be treated seriously, and
 - the actions that they take must focus on:
 - protecting the victim (including children),
 - identifying and investigating offences,
 - arresting offenders, and
 - ensuring that the victim has access to appropriate and timely support and information.

Other key points in the Police Family Violence policy are:

- In general, given sufficient evidence, offenders shall be arrested and held in custody until the next available court hearing.
- The policy states that the Police need to place more emphasis on ensuring that children and young persons who are witnessing family violence are afforded the maximum protection possible.
- The Police are committed to working together at a local level with all the agencies and groups involved in family violence, through a framework of locally developed protocols.
- A local member of Police must be appointed as the district or area family violence co-ordinator, to take responsibility for local inter-agency liaison, problem resolution, monitoring of staff compliance, and for staff training.
- Where firearms are involved, action must be taken to seize the firearms, and revoke the firearms licence.
- Certain defined steps must be taken in relation to dealing with respondents of protection orders who have a firearms licence or access to firearms.
- The policy clearly indicates that breaches of the Domestic Violence Act protection orders will be treated seriously and offenders arrested, subject to the provisions of Section 50.
- Family violence incidents and offences are to be reported using the special form 'Family Violence Report' (Pol 400), and then the details entered into a special database, for both victim and staff safety in the future.

Introduction of the Domestic Violence Act 1995

The Domestic Violence Act brought important changes for victims of family violence. Generally, for the Police there have been few issues arising from its introduction. The broadening of who was able to obtain protection under this act and providing the protected person with the ability to invoke the non-contact provisions were important changes. For Police officers, the Act also made it clear whether or not orders were still valid.

While the Police are yet to formally review Police practice relating to the Domestic Violence Act, there are some issues relating to reported breaches of protection orders. There are reports of offenders who commit breaches of these protection orders NOT always being arrested, because of the caution that Section 50 of the Act places on any Constable contemplating making an arrest.

Section 50 says that in considering whether or not to arrest, the member of Police must take the following into account:

- a the risk to the safety of any protected person if the arrest is not made,
- b the seriousness of the alleged breach of the protection order,
- c the length since the alleged breach occurred, and
- d the restraining effect on the person liable to be arrested of other persons or circumstances.

The Police position on section 50 is that if the Constable cannot guarantee the safety of the victim (protected person) then the offender (the respondent) should be arrested and held in custody until the next court hearing, or as provided in the legislation (for 24 hours).

The Police believe that their staff are taking family violence and this Act seriously, as evidenced by the increasing numbers of offences being reported against the Domestic Violence Act. This Domestic Violence Act came into effect on 1st July 1996, and 1,041 offences were subsequently recorded for the last 6 months of that year. In 1997 there were 2,858 offences reported. That increased by just over 28% in 1998 to 3,669 offences.

And there is some evidence that offenders who are being arrested for breaches of protection orders are not always being convicted of these offences. Further work is yet to be actioned by the Police on this issue.

Under the Domestic Violence Act, the Police are responsible for checking to see if protection order respondents hold a firearms licence or have access to any weapon (including firearms). This will help to determine whether or not the Police need to accompany the process server, and whether or not to revoke the respondent's firearms licence.

From a check on Police records late in 1996, on average only one in every eight respondents (around 12½%) had a firearms licence. It is Police practice to record details of protection orders and any weapons or firearms licences being surrendered by respondents.

Members of Police who commit family violence offences or become respondents to protection orders are treated exactly the same as any other person.

Any alleged family violence offences will be investigated by a senior police officer, and if there is sufficient evidence the member of police will be arrested and face charges laid in the open criminal court.

If they become a respondent to protection order the member of Police cannot have possession or control of any firearm (including a Police issue handgun!!), without breaching that protection order, unless that condition is modified by a Family Court Judge.

That could cause major operational difficulties for both that member and the Police, for example if he/she was the sole charge constable in a remote rural location or was the supervisor in a large station and was responsible for issuing Police firearms in an emergency.

The New Zealand Police cannot knowingly cause members of Police to breach any protection order. The Police have developed a suitable policy, following consultation, to deal with any such situations.

Police cannot enquire into the circumstances leading to the issuing of the protection order, because such orders are issued in the Family Court and those proceedings are confidential between the parties and the Court. Instead the Police must ensure that there is no conflict between the order and the assigned duties of the member who is a respondent to the protection order.

NEXT FOCUS FOR FAMILY VIOLENCE PROJECT

With many of the issues around partner violence having been addressed, attention has been turned towards *repeat family violence victimisation* and *children and young persons who are witnessing family violence*.

REPEAT FAMILY VIOLENCE VICTIMISATION

The *New Zealand National Survey of Crime Victims 1996* and the associated *Women's Safety Survey 1996* showed that 6% of victims of violent and sexual offences accounted for 68% of such offending (the average number of such offences was 12). With such a high percentage of repeat victimisation it is clear that the Police must target their efforts to reduce repeat victimisation.

A joint project is being planned to focus on repeat family violence victimisation. The assistance of other Government Departments such as the Crime Prevention Unit and Ministry of Justice will be sought, particularly to arrange the pilot evaluation process.

It is proposed that a range of options will be offered to Police District Managers, allowing them to choose the one that best suits their district. Options will include the use of cameras to record evidence of injuries etc, panic alarms for victims, and developing a graduated response.

Work is currently underway to review the preliminary findings of the (UK) West Yorkshire's Killingbeck project, in order to operate a similar model in New Zealand. The Killingbeck project was a graduated response to family violence involving the Police and local community and government agencies. A strengthened response was provided for repeat calls to both the victim and the offender, with the graduated response being firmer at each step.

Subject to the necessary arrangements being put in place, especially in relation to evaluation, it is proposed to set-up several pilots in New Zealand based on the Killingbeck model. While other areas may choose another option in order to respond to repeat family violence victimisation.

REDUCING THE IMPACT ON CHILDREN AND YOUNG PERSONS WHO ARE WITNESSING FAMILY VIOLENCE

Family violence and child abuse have emerged as social issues at different times and for different reasons. Research clearly shows that partner violence and child abuse are closely linked¹. Research also shows that there is a significant impact on children and young persons, who witness family violence, especially repeat violence.

In many communities around New Zealand, there are still few, if any, service providers for children who are involved in family violence or subject to care and protection issues, outside of those government agencies with

¹ There is a clear link between family violence involving partners and the abuse of children and young persons. The following research clearly shows that witnessing family violence, including physical, emotional, psychological and sexual abuse impacts on and is harmful to both children and young persons.

- In the New Zealand study Pocock 1994 of children resident in women's refuges, 75% of the children who had witnessed the abuse of their mother showed behavioural problems (hyperactivity, anxiety, aggression) severe enough to fall within clinical range.
- A 1990 National Collective of Women's Refuges study of children in refuges found that 50% had been physically abused by the violent parent and a further 12% had been sexually abused. 90% of the children had been witnesses to the abuse of their mothers on at least one occasion.
- American hospital-based studies have found between 45 and 60% of abused children had mothers who had been battered.
- Researchers found in a national survey of over 6,000 American families that 50% of men who frequently assault their wives also frequently abuse their children.
- They also found that the rate of child abuse by those mothers who had been beaten is at least double that of those mothers whose husbands did not assault them.

A 1997 Children, Young Persons & their Families Agency publication called *Patterns & Reflections*, compiled by Liz Kinley in collaboration with Mike Doolan, looked at the findings of 12 case reviews relating to children and young persons who died during 1994 and 1995. When a child or young person with whom CYPFA has been involved, dies, the Agency conducts a formal review to examine the CYPFA actions in order to identify ways to reduce such occurrences in the future.

The McKinley/Doolan study found that:

- Five of the 12 children (aged 0 to 13 years) died as a result of non-accidental injury;
- Each of these five children were injured by a male adult in their household;
- Four of the five adult men had a history of physical violence towards women and children within their families; and
- Three of them were known to have previously injured the children whose deaths they caused.

In an unreported piece of research conducted in 1997/98 by CYPFA & Police looking at 166 reported cases of family violence where children or young persons were shown as usually residing with the victim, some of the preliminary findings are:

- In nearly half (45.2%) of all family violence incidents and offences the Police attended, they had been there previously; and with 1 in 5 attended, they have been there previously 3 to 5 times or more for family violence;
- Nearly one in every three male adult alleged offenders had a domestic protection order against them;
- Nearly half of the adult victim and offenders (46.4%) had one or more previous court conviction, with one in every five having a conviction for **both** a violent and a dishonesty offence;
- Just over a quarter (28%) of all the victims and offenders had a police record for **both** a previous family violence incident or offence **and** a previous conviction,
- There were on average two children present at each family violence incident or offence the Police attend (and they are likely to be aged under 10 years); and
- Half of all the children or young persons at each family violence incident or offence the Police attend are *already known* to Children, Young Person & their Families Agency.

responsibility for child protection (e.g. CYPFA and Police). Inevitably, those that are providing such service to children are not coordinated.

A joint project began in 1997 first involving Police and the Children, Young Persons and their Families Agency (CYPFA) and then in 1998 they were joined by Women's Refuge. The focus of the project is to reduce the impact on children and young persons from witnessing repeat family violence. Under the reporting of child abuse provisions of the Children, Young Persons and their Families Act 1989, both a member of police and a social worker, (as employed by the Children, Young Persons and their Families Service) have the same responsibility.

The CYPF Act clearly intends for **each** agency (Police and CYPFA) to **each** separately have the responsibility for undertaking or arranging for an investigation to be conducted into that reported child abuse, having received such a report from someone about a child or young person. Note that the definition of 'child abuse' under this act does not greatly differ from the definition of 'domestic violence' under the Domestic Violence Act 1995.

Consequently the following is *argued*:

- that because the Police (and others) are now aware that research results show that witnessing family violence is harmful and has an impact on children and young persons,
- that when a member of Police attends a family violence offence or incident where there are children or young persons usually residing with the victim,
- this could constitute a notification under section 15 of the Children, Young Persons, and their Families Act 1989, and
- that therefore that member of Police should, as soon as practicable, ***undertake or arrange for*** an investigation.

This will require an additional step in Police Family Violence practice. This practice modification is seen as part of the continuing evolution of family violence policy and practice.

This new approach will involve each member of Police, when they attend a family violence event where there are children or young persons either present or usually residing with the victim to undertake an interim assessment.

This assessment will be on the safety of each child or young person who is present or who usually resides with the victim. The member of Police will then use this assessment to make the appropriate referral to either the CYPFA or to a locally agreed child focused agency for follow-up/support for the child or young person.

This new approach will:

- build on the care and protection aspects of the Children, Young Persons and their Families Act,
- maximise the safety of children and young persons,
- ensure that the Police meet their statutory obligations with regard to investigating abuse and safety issues for children and young person,

- provide a consistent approach by frontline Police with that taken by Youth Aid and other staff who work with children and young persons who maybe in need of care and/or protection,
- ensure that a consistent and effective inter-agency response to family violence is provided that addresses the needs of children and young persons, and
- establish processes for clear and effective communications between Police, CYPFA, Women's Refuge and other partners in local family violence networks.

This approach supports, for instance, the approach taken in the Domestic Violence Act 1995, which has an extended the definition of *violence* to include allowing a child (or young person) to witness (see or hear) the family violence (physical, sexual or psychological abuse) of the person the child is in a family relationship with.

It was decided that a Safety Assessment tool should be developed and introduced for use by the Police first, and later by other agencies such as Education (schools) and Health (local medical practices/GPs).

Considerable work has been done by the project team, in consultation with the CYPFA's Risk Estimation Team and Police Family Violence Coordinators, to produce a draft Safety Assessment form for trial.

This form will allow attending members of Police to easily gather all the information they will need to make an assessment on the child or young person. Most of the information needed to complete the form should be obvious when the member of Police attends a family violence offence or incident. Most of the information will be simply recorded by ticking boxes.

The second part of this new Safety Assessment form will allow the member of Police to then make an accurate assessment on safety of the child or young person, and be confident about what action needs to be taken next; from immediate action/CYPFA referral to a noting for the future.

Further work is currently underway researching best practice models with a view of introducing a child advocacy service at the local level across New Zealand, in order to better met the needs of children and young persons who are witnessing family violence. The cycle of violence must be broken.

Six pilots commenced in June 1999 to trial this new approach. These will be evaluated early in 2000, before commencing to introduce nation-wide both the form and the process.

The project firmly believes that the introduction of this new step will reduce the impact on children and young persons from witnessing repeat family violence.

Conclusion

The Police believe that the results of their public awareness campaign to date have shown a marked change in attitudes, away from "It's Just a Domestic".

The level of awareness of the family violence campaign was over 90%, when it was last measured. Over two thirds of those interviewed reported that they had changed.

There is a change in attitude by Police officers towards dealing firmly with family violence offenders. There is a greater willingness and confidence by the public to reports incidents to the Police. There is also a greater willingness by officials and community groups to co-operate together and tackle issues of family violence. Organisations like Women's Refuge are reporting less women and children needing emergency accommodation, perhaps because of the Police pro-arrest (of offenders) policy.

The winning of awards such as the Supreme award at the 1995 Television New Zealand marketing awards and the Gold Medal in the Public Service Category of the 1996 Advertising/Marketing Effectiveness International Awards run by the New York Festivals were significant.

Over the last 4 years, the average of women being killed by their partners or ex-partners has dropped from 14 to 8.25 per year. This significant reduction should be seen as an indicator of the success of the campaign.

The change in focus to reduce the number of repeat victims and the focus on reducing the impact of witnessing family violence on children and young persons will continue the changes already achieved to date.

The Police believe that all of this shows that the message is getting home to victims and offenders that **FAMILY VIOLENCE IS A CRIME – CALL FOR HELP.**

For further information contact: Sergeant JJ (Jeff) Taylor
 Community Services
 National Operations Group
 POLICE NATIONAL HEADQUARTERS
 P O Box 3017
 WELLINGTON
 Phone: (04) 495-1312 DDI
 Fax: (04) 474-9417

APPENDIX**FAMILY VIOLENCE POLICY****July 1996**

The family violence policy outlines the principles, policy and procedures for best practice when members of police deal with family violence within their community. This policy should be read in conjunction with *The New Zealand Government Statement of Policy on Family Violence* (and associated 'Good Practice Guidelines') and the Domestic Violence Act 1995. Copies of these documents are available from your family violence co-ordinator.

The policy has been divided as follows:

Part I outlines the broad range of Family Violence issues including protocol development, investigation and arrest, bail, firearms, support for victims, and reporting practices.

Part II outlines procedures and practices associated with the Domestic Violence Act 1995 and the enforcement of protection orders.

PART I
Family Violence Issues

- Introduction**
1. In 1987 the New Zealand Police adopted a more positive approach when dealing with violence arising out of domestic incidents - victims of violence were provided with appropriate and timely support and offenders were arrested. Prior to this policy change, the Police endeavoured to mediate the parties and reconcile interests. This latter approach was short-term and did not challenge the underlying causes of family violence.
 2. The term 'family violence' includes violence, which is physical, emotional, psychological and sexual abuse, and includes intimidation or threats of violence. The term 'family' includes such persons as parents, children, extended family members and whanau, or any other

persons involved in relationships. Examples of such relationships include partners, caregivers, boarders, flatmates, and persons in same-sex relationships, but does not include neighbours. This definition has the same meaning as sections 3 and 4 of the Domestic Violence Act 1995 relating to the meaning of 'domestic violence' and 'domestic relationships'.

3. This policy promotes and acknowledges that the protection of the victim is paramount. Victim protection is best attained by stopping the violence, and implementing a process that brings the offender into the criminal justice system.
4. The policy recognises developments in family violence policy and practices, and the benefits of positive intervention. Policy and practice are based upon three core principles:
 - I. Protection of victims (which includes children who witness family violence) ;
 - II. Holding assailants accountable; and
 - III. Consistent practices across agencies and groups.
- An inter-agency approach** 5. Successful models for responding to family violence suggest the implementation of a co-ordinated and inter-agency approach within a framework of locally developed protocols. The principles of 'consistent messages' and 'no gaps in services' should underpin local responses. Protocols must include reference for appropriate support and protection for victims, suitable programmes to rehabilitate offenders, and procedures for local monitoring and evaluation of services. 'Fast-track' options for court hearings are an option.
6. Where resources are available within local communities, an inter-agency network should include representation from the following:
 - Women's Refuge
 - Victim Support
 - Perpetrator 'stopping violence' programmes
 - Children, Young Persons & Their Families Service
 - Community Corrections
 - Family Court
 - District Court
 - Maori/iwi family violence service providers
 - Safer Communities Councils
 - Groups to provide child advocacy services

- Police

7. The above list is not exclusive and the composition of any inter-agency network must also recognise the demographics, cultural and ethnic populations within different communities.
8. Where no existing inter-agency networks have been established, and where Safer Community Councils are unable to facilitate such networks, Police must take action to initiate discussions and the development of local protocols and networking arrangements.

Children & Effects of Family Violence

9. Research suggests that in about 70% of reported family violence cases, children or young persons have been present or have witnessed the incident. Children and young persons are often victims of family violence-related assaults, or can suffer trauma from witnessing family violence. (For the purposes of paragraphs 9 - 15, the term 'child' will include young persons as defined by the Children and Young Persons and Their Families Act 1989.)
10. As a matter of best practice, attending police officers must ascertain whether children are involved as victims or have witnessed the incident under investigation. In the interests of child safety, it may be necessary to speak to the children directly.
11. When support agencies receive requests for crisis intervention from attending police officers, they must pay full cognisance to the safety and protection of any children present.
12. In most instances, the interests of the children are best met by a child advocacy service or agency. Such service or agency as a matter of good practice, is required to liaise with the Police, Children, Young Persons & Their Families Service, and other family violence service providers.
13. The child advocacy service is responsible for ensuring full consideration of the child's interests and that appropriate interventions are established to afford maximum protection. Such considerations must reflect the principles of the Children and Young Persons and Their Families Act 1989.
14. Where the immediate safety of the child is considered to be at risk, attending police should liaise directly with the Children, Young Persons & Their Families Service for

appropriate action to be undertaken in accordance with existing child abuse protocols.

15. Where required, details of the child's involvement should be made available to the Children, Young Persons & Their Families Service, support agencies or child advocates, as agreed by local protocols.

Investigation Practices

16. Family violence offences and incidents have the potential to include a wide range of crimes. These range from homicide, sexual offences, assaults, threatening behaviour, wilful damage, trespass, and burglary to incidences where no criminal offence has been committed, but still require some Police involvement.

17. Police called to attend situations involving family violence as outlined in Appendix One must treat such situations seriously and action taken must focus on:
- Protection for victims (which includes children who may have witnessed the violence);
 - Identifying and investigating offences; and
 - Arresting offenders.

18. Sound response and investigation techniques must be followed, including:
- querying the family violence database to obtain information relating to previous complaints, the existence of orders, and any access to firearms - a staff safety imperative;
 - asking the direct question, "Are there any firearms or weapons in the home? Does the offender have access to firearms or weapons?"
 - having the victim identify the offender and the nature of their relationship;
 - having the victim outline the complaint in front of the offender;
 - noting the offender's responses;
 - establishing the identity of all parties present during the offence or incident and interviewing those persons;
 - noting injuries to the victim or damage to property, and
 - photographing the victim and requesting the victim undertake a medical examination, if required.

- Arrest** 19. Given sufficient evidence, offenders who are responsible for family violence offences shall, except in

exceptional circumstances, be arrested. In the rare case where action other than arrest is contemplated, the member's supervisor must be consulted.

Police Bail & Custody

20. Where an arrest has been made, the offender should be kept in custody until the next available Court hearing.
21. If circumstances indicate that it may be appropriate to bail the offender, full consideration must be given to all of the issues, including the safety of the victim, together with provisions of the Bill of Rights Act 1990.
22. The authority of an NCO must be obtained before an offender is to be released from Police custody. Before the offender is released, Police must ensure that the victim is informed of the intention to release and is afforded appropriate protection and/or support.
23. Conditions of bail, including the imposition of non-association clauses, residency clauses and curfews, may be applied, pursuant to amendments to the Summary Proceedings Act 1957. The victim should be given an opportunity to discuss any conditions that may be imposed.
24. Care must be taken when imposing bail conditions. Conditions must be practical and where possible, must not interfere with the offender's ability to remain in employment.
25. Victims must be advised of any conditions of bail pertaining to the offender. This can be achieved by providing victims with a copy of the bail bond.
26. Breaches of bail are to be regarded as serious. Offenders who breach their conditions of bail shall be arrested and kept in custody until the next available Court hearing.

Support & Information for Victims

27. Police believe that all victims of family violence must have access to appropriate and timely support and information about services and remedies.
28. All agencies responsible for the delivery of local community family violence services must negotiate protocols establishing responsibilities, expectations and boundaries for service delivery.
29. District commanders must ensure that appropriate responses to family violence cover the entire district

and are not limited to urban areas. Gaps in support services or resources should be identified and strategies developed among agencies to provide appropriate and timely support for victims.

30. District commanders must ensure that local protocols identify how appropriate support agencies can be readily contacted.

31. The Women's Refuge is the primary agency delivering support for victims of family violence. In Districts where other agencies deliver victim support, Police shall ensure local protocols and agreements between support agencies are in place.

Privacy 32. Unless the victim has already indicated that he or she does not require support, attending Police shall take action to ensure immediate notification of the relevant support agency, in accordance with locally agreed protocols. In developing local protocols, attention must be given to the Privacy Act, Victims of Offences Act and General Instructions: Victims of Crime.

33. Support agencies must operate within the framework of 'one victim - one referral' with referral meaning 'actual contact with the victim'. Disclosure of victim information to a second or subsequent support agency is permitted in certain circumstances. e.g. the agency giving initial support has reasonable grounds to believe that such further disclosure is necessary to ensure the victim receives the highest level of support.

Firearms - Standard Action 34. When attending situations involving family violence, members of Police shall always consider firearms may be involved. Attending members of Police shall always endeavour to establish if the offender has access to firearms.

35. In all cases involving family violence, and where there are grounds under the Domestic Violence Act 1995 for the making of an application for a protection order against the offender, Police shall consider the seizing of all firearms, ammunition, or explosives, in the possession or control of the offender pursuant to section 60A (b)(i) of the Arms Act 1983. (Refer Appendix Two)

36. When members of Police exercise powers of seizure pursuant to section 60A (b)(i) of the Arms Act 1983, section 60(3) requires a report to be submitted to the

Commissioner within 3 days by sending a *FIRE message.

37. Following seizure of firearms, enquiries including the views of the victim, shall be completed to determine whether any licenced firearms holder is considered to be a 'fit and proper' person to hold a firearms licence. In appropriate cases revocation action pursuant to section 27 and 27A of the Arms Act 1983 should be taken.
- Family Violence Co-ordinators**
38. District commanders shall ensure a person with suitable communication skills and family violence training is appointed to the position of district or area family violence co-ordinator.
39. Family violence co-ordinators have responsibilities for local inter-agency liaison, problem resolution, monitoring staff compliance with local protocols, and family violence-related training.
40. Although the position of family violence co-ordinator may not be full-time, district commanders shall ensure that family violence co-ordinators are available to respond promptly to requests from local agencies at appropriate times.
41. Due to geographical factors, it may be necessary to appoint several members of Police to take responsibility for co-ordination or monitoring functions within a District. For administrative purposes, one person will take overall responsibility for family violence issues.
- Reporting Family Violence Offences**
42. All family violence offences, incidents, and breaches of protection orders (including existing non-molestation and non-violence orders) will be reported using the 'Family Violence Report' (Pol 400). This form is the basis of the 'Family Violence Database' which is the subject of a separate policy guideline (Refer Ten One 1994/01).
43. District commanders must develop procedures to ensure in all cases of family violence, a Family Violence Report is submitted whether or not an arrest is made. Family violence cases must only be resulted as K5, K6 or K9. The Family Violence Report replaces the Offence Report or Short Report (101) as the originating file document.
44. The original copy of the Family Violence Report should be forwarded to the district or area family violence co-

ordinator. One copy should be made available to an agreed victim support agency and one copy retained on file.

**Recording
Protection Orders**

45. Each District must enter details of persons who have protection orders (or non-violence or non-molestation orders) against them on the Persons of Interest Sub System, as a “Prohibition” (record type “P”). Police must receive written confirmation from the Department of Courts relating to the status of protection orders before any amendments are made to the Person of Interest records.
46. Police must ensure that Courts provide relevant details for applicants and respondents on protection orders. These details must include name and date of birth. In the case of respondents, occupation must be included.

Case Disposition

47. Charges must accurately reflect the seriousness of the offence. Such charges may include sexual offences, assaults, threatening behaviour, wilful damage, trespass, or burglary. The specific offence “Male Assaults Female” will be used in most circumstances.
48. When a breach of a protection order (or a non-molestation or non-violence order) has occurred, and an assault is also detected, offenders are to be charged with the assault and the breach of the order.
49. Prosecutors must ensure that bail conditions set, or sought, are adequate to ensure protection of victims. In general, the views of the victim shall be obtained in relation to any conditions of bail. Non-association conditions should be standard where the parties do not reside together.
50. Victim impact statements form an important part of any decision made by the Court. Staff must ensure accurate and current reports are available. Victim impact statements must be prepared as part of the prosecution file when first submitted. If necessary, Victim Impact Statements shall be updated after 21 days of being made. Women’s Refuge, Victim Support or representatives of other agencies providing initial support to victims may be able to assist.
51. An essential element of the prosecution, consistent with the Victims of Offences Act 1987, will be the need to keep victims informed of the progress of Court cases. They must also be given suitable advice for

their protection, including access to Court orders.

52. The majority of offenders in family violence cases will appear before the Court. There may be rare cases when diversion might be considered, providing it is not seen as the 'easy option'. In such cases, the Police diversion policy (27 September 1994) must be followed. Commissioned officers authorising diversions must be satisfied there are suitable local programmes in place offering a 'stopping violence course' with a code of practice and an appropriate monitoring mechanism.

**Monitoring &
Evaluation**

53. To achieve and maintain an effective and appropriate response to family violence, local services and protocols will need to be monitored, evaluated and, where necessary, modified. Monitoring of compliance with protocols and policies must include standardised internal Police performance measures (which may involve victim surveys). External monitoring within the framework of an inter-agency approach could be offered.

**PART II
Protection Orders**

- General** 54. For the purposes of this policy, the terms 'protection order' (section 2), 'domestic violence' (section 3) and 'domestic relationship' (section 4) have the same meaning as defined in the Domestic Violence Act 1995.
55. The Domestic Violence Act 1995 provides for one protection order to cover a wide range of situations for an extended group of applicants (sections 7 - 18).
56. Protection will be afforded to "specified persons" who may include children of the applicant. The order may also be stated to specifically provide protection to a particular person with whom the applicant has a domestic relationship.
57. Non-molestation orders and non-violence orders existing at the time the Domestic Violence Act came into force, will be treated as though they were a protection order under the new Act. The exception is that they will not contain conditions pertaining to weapons. Breaches of orders taken out under the Domestic Protection Act 1982 will be prosecuted under the appropriate provisions of the Domestic Violence

Act 1995. Police must ensure that non-molestation orders prosecuted after the introduction of the Domestic Violence Act were still valid at the time the Act came into effect. (Section 133).

58. Protection orders can only be discharged by the Court (section 45).

59. Parents cannot take out a protection order against a child or young person. Violent children or young persons should be dealt with under the provisions of the Children and Young Persons and Their Families Act 1989.

**Powers of Arrest,
Detention & Bail**

60. Offences involving breaches of protection orders are detailed in section 49 of the Domestic Violence Act 1995.

61. Section 50 states that where a protection order is in force, Police may arrest without warrant, any person whom the member of Police has good cause to suspect has committed a breach of the order. In considering whether or not to arrest, the member of Police must take the following matters into account:

- (a) the risk to the safety of any protected person if the arrest is not made;
- (b) the seriousness of the alleged breach of the protection order;
- (c) the length of time since the alleged breach occurred;
- (d) the restraining effect on the person liable to be arrested of other persons or circumstances.

62. Given the provisions of section 50, offenders responsible for breaches of protection orders shall, except in exceptional circumstances, be arrested. In rare cases where action other than arrest is contemplated, factors raised in paragraph 61 must be considered and the member must consult their supervisor.

63. Where a person is arrested for breach of a protection order, that person must not be released on bail during the 24 hours immediately following the arrest. However, the Police are still required to bring that person before a Court as soon as possible. The Court may bail that person notwithstanding this occurring within 24 hours of the arrest.

64. In circumstances where the arrested person is not

brought before the Court within 24 hours immediately following the arrest, the person may, at the expiry of the period, be released on Police bail.

**Protection Orders
& Weapons**

65. 'Weapon' means any firearm, airgun, pistol, restricted weapon, ammunition or explosive, as defined in the Arms Act 1983. Sections 21 - 26 of the Domestic Violence Act 1995 set out the standard conditions relating to weapons.
66. Pursuant to (s.21)(1) of the Domestic Violence Act 1995, it will be a condition of every protection order -
- (a) that the respondent must not possess, or have under his or her control, any weapon; and
 - (b) that the respondent must not hold a firearms licence; and
 - (c) that the respondent must, -
 - (i) as soon as practicable after the service on him or her of a copy of the protection order, but in any case no later than 24 hours after such service; and
 - (ii) on demand made, at any time, by any member of the Police,
- surrender to a member of the Police, -
- (a) any weapon in the respondent's possession or under the respondent's control, whether or not any such weapon is lawfully in the respondent's possession or control; and
 - (b) any firearms licence held by the respondent.
67. Where a temporary protection order is issued any firearms licence held by the respondent is deemed to be suspended. Where the protection order becomes a final order, any firearms licence held by the respondent is deemed to be revoked (section 21(2) and section 22).
68. Police must retain the weapon for the period of the suspension and, except in circumstances where the weapon may be lawfully retained, must return the weapon to the person as soon as practicable after the suspension ceases to be in force (section 25).
69. Police will provide suitable storage for all weapons that have been seized pursuant to the Domestic Violence Act 1995 or Arms Act 1983 for the period of the suspension of the firearms licence.
70. In instances where a final order is made, firearms will be disposed of in accordance with section 28 of the

Arms Act 1983

**Protection Orders
& Arms Act
Responsibilities**

71. Police powers to independently consider whether or not any person is deemed to be 'fit and proper' to hold a firearms licence remain unchanged.
72. When Police receive a copy of a temporary protection order where the respondent or associated person holds a firearms licence, then the officer in charge of the police station must arrange for a commissioned officer of Police to consider immediately whether or not the powers conferred under sections 27(1) and 27A of the Arms Act 1983 (which relate to revocation of a firearms licence) should be invoked.
73. The officer in charge of the police station must also arrange for an appropriate person to consider immediately whether or not the powers conferred under sections 60A of the Arms Act 1983 (which relate to the seizure of firearms in cases of domestic violence) should be exercised in that case. (When Police exercise powers pursuant to section 60A of the Arms Act 1983, section 60(3) requires a report to be submitted to the Commissioner within 3 days by sending a *FIRE message.)
74. Police will be responsible for taking appropriate action when they receive information that may disclose unlawful possession of a firearm by the respondent or any associated person.
75. Under no circumstances should Police approve the issue of a firearms licence while there is a protection order or a non-violence or non-molestation order applying to the applicant for such a licence.

**Service of
Protection Orders**

76. When a protection order is issued by the Family Court, the Registrar of the Court in which the order is made will ensure that a copy of the order is made available, without delay, to the district commander at the nearest Police District Headquarters. Copies of orders received at any District Headquarters should be forwarded to the appropriate local station. Local protocols, between Police and the Family Court, will be required to outline procedures to establish whether or not the respondent holds a firearms licence (section 90) or has control or possession of weapons (refer Appendix Four). It is recommended that details of the protection order should be entered and relevant

firearms checks be made simultaneously. Safety of applicants (and staff) must not be compromised by undue delay.

77. The district commander (or persons identified in the local protocols mentioned in paragraph 76) will forward copies of the order without delay to the officer in charge of the police station :
- nearest to where the protected person(s) resides.
 - nearest to where the respondent resides.
78. Where a copy of a temporary protection order is received at the police station nearest to where the respondent resides, the officer in charge of the station shall assess all relevant information, and where the respondent holds a firearms licence, consideration must be given to invoking the provisions of sections 27 and 27A of the Arms Act 1983 (revocation of licences) and section 60A of the Arm Act 1983 (seizure of firearms).
79. Where the respondent does not hold a firearms licence, the officer in charge of the police station must consider whether or not to search the respondent's address pursuant to section 60A of the Arms Act 1983.
80. When a district commander receives a copy of an order where the respondent is a member of Police, a copy of the order will be sent to the district commander in whose district the member of Police is stationed, for appropriate action to be taken (refer paragraphs 85 - 87.). Where the respondent is a member of Police, of or above the rank of superintendent, a copy of the order will be sent to the Assistant Commissioner: Human Resources.
81. Police will serve, or accompany authorised persons to serve protection orders where the respondent holds a firearms licence or is believed to be in possession of any weapon (as defined by the Domestic Violence Act 1995), whether or not the respondent has a licence for such a weapon. At the time of service, Police will demand surrender of all firearms and the firearms licence (section 21). Respondents who fail to surrender on demand all firearms in their possession, or their firearms licence, may be arrested for breach of the protection order. (Where the respondent is not a licenced firearms holder, the Registrar of the Court will be responsible for service of copies of protection orders).

82. Staff safety is of paramount importance when determining appropriate methods to seize firearms or firearms licences.
83. To ensure safety of victims and members of Police, service of protection orders must be afforded priority and carried out without delay.
84. The process for dealing with firearms and protection orders is summarised in the flow chart at Appendix Three.
85. Under provisions of section 21(1)(a) of the Domestic Violence Act 1995, it will be a breach of a condition of the protection order for members of Police, who are respondents, to have in their possession or under their control, any firearm. District commanders must ensure that members of Police do not have possession or control of firearms in circumstances that would constitute a breach of a protection order.
86. The Court has power to dispense with, modify, discharge or reimpose conditions relating to firearms. Before amending the protection order, the Court has to be satisfied that the safety of the applicant will not be compromised.
87. Attention of members of Police who are respondents of protection orders is to be drawn to General Instruction C145 which relates to "Court Action By or Against Members". Where any member becomes a party to such civil litigation, they must immediately report the fact to their supervisor.

**Firearms &
Members of Police
as Respondents**

R N Macdonald