

## Victoria Police Manual 1980 – 2015 (Chronology)

### Current

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#### **VPMG Sexual offence investigation**

- DHS notifications  
Notify DHS if mandatory reporting criteria are met (refers members to **VPMP Protecting children**)
- Facilitating medical care when abuse is reported  
Contact the appropriate paediatric forensic medical service ASAP  
Liaise with DHS in accordance with **VPMP Protecting children**

#### **VPMP Interviews and statements**

- VARE interviews

#### **VPMG Interviews with vulnerable people**

- Rules/legislation for interviewing children for an indictable offence
- Identifying DHS clients  
If the child is known/suspected of being subject to a guardianship order DHS must be contacted
- Process for identifying a third party to attend the interview with the child – both when the child is a victim and the accused  
Independent person must be obtained if:  
the parent/guardian cannot attend and does not nominate another person  
the parent/guardian cannot be located  
it is undesirable for a parent/guardian to be present  
The presence of the parent/guardian/independent person is required to:  
provide emotional support  
ensure the evidence is accurately recorded  
be able to provide an independent account of the interview at a court proceeding
- Interviewing students at schools  
Interviews at schools should only take place as a matter of absolute necessity  
A request must be made to the principal or person in charge with advice of the reason for the interview  
The interview can only be conducted in the parent/guardian/third person is present unless the principal believes the interview may assist with avoiding physical injury or further property damage

- Refers employees to the *Protecting Children: Protocol between DHS – Child Protection and Victoria Police* (public document) and Protocol between Department of Education and Early Childhood Development (DEECD) and Victoria Police – **1, 2, 3**
- Referrals to the Child Witness Service (CWS)  
A service that supports children who are witnesses and victims in criminal proceedings involving sexual assault and serious violence  
The child and principal carer should be informed of the services offered by CWS

#### **VPMG Visual audio recorded evidence**

- When to use a Visual Audio Recorded Evidence (VARE) interview  
A child is a witness in a sexual or physical offence

#### **VPMP Persons in police care or custody**

- Runaway children may need to be taken into protective care

#### **VPMG Safe management of persons in police care or custody**

- Children on remand – DHS must be contacted
- Children must be kept separate from adults and detained person of the opposite sex
- DHS must be contacted if:
  - The child is female and there isn't a female officer available
  - If the child is being detained for 12 or more hours
  - A remand applications is to be made for the child
- DHS will, through consultation with the child and police do the following:
  - Determine the child's needs in relation to emotional support
  - Assist with contacting friends and relatives
  - Provide recreational equipment and reading material
  - Cooperate with any health or security procedures in the place at the police gaol

#### **VPMG Escapees and absconders**

- Police have powers that allow them to apprehend a person who has escaped or is absent from a remand centre or youth justice centre
- Upon apprehension the child should be placed in a DHS facility, or if not possible in a prison or police gaol – **1, 2, 3**
- Upon apprehension of Youth Justice Centre absconders, police must advise the admitting office at the Melbourne Juvenile Justice Centre who will notify the appropriate facility

- A child who is a Ward of the State who is not undergoing a sentence and absconds from the care of DHS:
  - Cannot be charged with escape

#### **VPMG Court processes**

- Child witness service referrals – DOJ provide support to child witnesses in criminal proceedings involving sexual assault and serious violence

#### **VPMP Community policing**

- Explains the youth affairs and programmes – refers to the Victoria Police Child and Youth Strategy 2009-2013 which provides Victoria Police with the framework to enhance organisational understanding of issues impacting on youth and the Child and Youth Policy 2008 which provides a basis for Victoria Police's engagement with children and youth

#### **VPMP Protecting children**

- **Mandatory reporting**  
requires members to report to DHS when they form the belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of – physical injury and/or sexual abuse  
members must report concerns to DHS on every occasion that they believe a child is at harm
- **Police as Protective Interveners**  
information concerning a child in need of protection must not be disclosed to any person other than another police member or DHS worker who is investigating the report  
members must direct a person making a report of a child in need of protection to DHS and advise them that police will also make a report
- **Critical protective cases**  
police are legally authorised to issue a protection application and take a child into safe custody  
this must only be done when there is an emergency response required or the child is at imminent risk of significant harm  
DHS must be informed immediately and consulted about the protection application - **3**
- **Allegations of child abuse – a collaborative approach between police and DHS; to ensure the best outcomes there is regular exchange between the agencies - 3**

#### **VPMG Protecting children**

- The collaborative approach requires:
  - Concerns for the child's safety or wellbeing are reported to DHS
  - DHS and police plan any joint investigative response together
  - The response considers the balance between safety, wellbeing and justice - **3**

- DHS will notify police of any reports they receive where a child has experienced sexual or physical abuse or serious neglect
- The following must be considered when exchanging information between Victoria Police and DHS:
  - The best interests of the child
  - Confidentiality of clients
  - Security issues regarding the faxing of confidential documents
  - Each agency must keep each other informed regarding future action in relation to the protection of the child and investigation of crime
  - If the perpetrator is on bail police must inform DHS of their compliance
- Where a DHS employee is the alleged offender senior police notify the manager, Child Protection of the relevant region - **3**
- Report of abuse on children who are in out of home care:
  - When a 'quality of care concern' is raised the Community Service Organisation management and staff, carers, police and DHS must work together to ensure that the interests and safety of the child are paramount
  - Quality of care coordinators are employed in each of the 8 DHS regions to coordinate a timely and effective response to allegations of possible abuse or neglect - **3**

## Operating Procedures (VPM) 1997-1998

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### Children – section 1.3.4

- Members are legislatively required to report any case of suspected child abuse to the Department of Health & Community Services
- A report must also be made on any subsequent occasion it is believed the child is in need of protection
- Members are authorised to apprehend a child if their wellbeing is under immediate and serious threat

## Operating Procedures (VPM) – 1994-1995

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### Special Requirements In Obtaining Statement – section 4.5.4

- A parent, guardian or independent person must be present if a child is being interviewed as a witness

- Interviews at schools should only take place as a matter of absolute necessity
- In the instances of child maltreatment, interviews should be conducted in consultation with Community Services
- When a case of suspected maltreatment has been brought to police attention, an interview may be sought with the child concerned under the following conditions:
  - If the alleged maltreater has care of the child police may interview the child without informing the parents/guardians or obtaining their consent
  - If the alleged maltreater does not have care of the child consent from parents/guardians is required, unless to do so would jeopardise the welfare of the child or lead to destruction of evidence

## Operating Procedures (VPM) – 1993

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### Children – section 1.3.4

- Mandatory Reporting:
  - Members and specific professional groups are legislatively required by s.64(1), *Children & Young Persons Act 1989* to report any case of suspected child abuse. Penalties apply for non-compliance.
  - Any member who forms the belief on reasonable grounds, that a child has suffered or is likely to suffer significant harm as a result of physical or sexual abuse and the parents have not or are unlikely to protect the child from harm of that type, must report the matter to Department of Health & Community Services
  - This requirement applies regardless of whether a Protection Application is proposed
  - Members must notify their local Community Services and CPS office
- Protective Applications:
  - If members receive a direct referral of a child/young person considered in need of protection must direct the person to Department of Health & Community Services, Child Protection
  - If members receive a referral of child abuse where a criminal offence may also have occurred, they must notify the Department of Health and Community Services, Child Protection, of the referral immediately so that both agencies can plan their investigations. Planning should include clarifying relative priorities and need for information sharing
- Child Maltreatment:

- A central register of details concerning children in need of protection and maltreaters is maintained by Department of Health and Community Services
- Where a runaway child comes into police custody, details must be entered in the Attendance Register and the LEAP Attendance Register facility

### **Sexual Offences – section 5.1.13**

- Members have three main functions in sexual assault cases:
  - Protect and support victims
  - Establish that a crime has been committed by gathering evidence. This includes interviewing the victim and arranging an immediate medical examination where necessary
  - Identify, apprehend and prosecute the offender(s)
- If a member is concerned about the performance of workers or procedures adopted in a Centre for Sexual Assault (CASA) or Hospital Crisis Care Unit (HCCU), contact the local Community Policing Squad who will initiate follow-up action with the Centre's Co-ordinator to address these concerns. A similar procedure applies where a CASA or HCCU wishes to raise concerns about police involvement
- Child Exploitation
  - The Child Exploitation Squad investigates allegations of child sexual exploitation. They also maintain a database of suspects/offenders and can provide operational support to members on request
  - A protocol exists between the Office of Pre-School and Child Care and Victoria Police regarding the investigation of allegations of abuse of children attending children's services. Members who become aware of a child suffering some form of abuse while attending a children's service are to comply with the guidelines as stated in the protocol - 3

## **VPM – 1981 – 1986**

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### **Sexual Offences Squad – sections 43.7-11**

- Squad members' duties include:
  - Interviewing, counselling and supporting women and children who are victims of serious sexual offences
  - Assisting victims during Court hearings and trials
  - Liaising with Police surgeons and the staff of sexual assault clinics, hospital facilities and other specialist community support services assisting women and children who are victims of sexual offences

It is of paramount concern that women and children who report sexual offences are treated as sensitively and professionally as possible, consistent with the Police responsibilities to properly investigate crime and to ensure that the best evidence is presented to the Court

## **Children**

### **General – section 5.1**

- For police purposes, the Department of Community Services is mainly concerned with children and young persons admitted to the care of the Department, as being in need of care or protection, and Reception Centres where children are held pending the hearing of protection applications and where they are received following admission to the care of the Department

### **Care Applications – section 5.4**

- Where police find a child or young person in any of the circumstances described in Section 31 of the *Community Welfare Service Act 1970*, they may apprehend without warrant with the authority of an Officer and make a “Care Application” to a Children’s Court
- Any child found without means of support shall be dealt with under Section 31 of the *Community Welfare Services Act 1970*
- Section 32 of the *Community Welfare Services Act 1970* provides for the issue of a warrant to enter any premises where it is believed on reasonable grounds that there is any child who is in need of care or protection, for the purpose of apprehending such child. Such a warrant must be executed by a member of the Force of or above the rank of Sergeant

### **III-Treatment Of Children – section 5.5**

- Where a child is not provided with adequate and proper food, nursing, clothing, medical aid or lodging, or is ill-treated or exposed by any person having the care and custody of the child, proceedings may be taken against the offender. Proceedings shall not be taken without prior consultation by the informant with the Director-General or his lawful delegate
- The Community Policing Squad Co-ordinator, Operations Department, is to ensure that records are maintained of all complaints received and investigated by police throughout the State in case of child maltreatment
- Maltreatment is defined as a situation where a child’s care givers endanger the child’s physical and emotional health or development. This may come about through physical injury, sexual exploitation, emotional abuse or a failure to effectively nurture and protect the child from harm
- Upon completion of every such investigation, the investigating officer must forward a report (Child Maltreatment Report) to the Community Policing Squad Co-ordinator, Operations Department, setting out the origin of the complaint, nature of complaint, date received, action taken, and the results of investigations made, including any charges or applications made or proposed

**Escapes from Remand or Youth Training Centres, &c. – section 5.9**

- Any person who is detained in any remand or Youth Training Centre and who escapes may be arrested and placed in a gaol or Watch-house until he is removed to a Remand or Youth Training Centre
- Where such a child or young person is a ward of the state, proceedings shall not be commenced without prior consultation with the Department of Community Services (Victoria)



CCI NAME	YEAR OF ISSUE	SUMMARY	REPLACED BY
<b>Protecting Children</b>	2007	<ul style="list-style-type: none"> <li>• Police members can make a report or referral to DHS if they have a significant concern about the welfare of a child</li> <li>• A police officer is a Protective Intervener – if they receive a report that a child needs protection the police must investigate or cause DHS to investigate the report</li> <li>• Police are subject to mandatory reporting</li> <li>• Provision for Temporary Assessment Orders – applications are made to DHS</li> </ul>	VPMG Protecting children (22/02/10)
<b>Remand of Children in Police Gaols</b>	1996	Unable to locate	Section 7.5.3, Operating Procedures

EXECUTIVE INSTRUCTION NAME	DATE OF ISSUE	SUMMARY
<b>Community Policing Squads</b>	03/04/1998	<ul style="list-style-type: none"> <li>• The principle role of Community Policing Squads is to provide general duties support to their district including: <ul style="list-style-type: none"> <li>- Providing an initial response to all victims of sexual assault and physical assault on children and females by – <ul style="list-style-type: none"> <li>▪ Attending to the welfare of the victim</li> <li>▪ Obtaining a statement from a victim/witness for evidentiary purposes</li> <li>▪ Completing and submitting the relevant reports</li> </ul> </li> <li>- Interviewing offenders for minor sexual and physical assaults after consultation and in liaison with the relevant CIB</li> <li>- Working jointly with: <ul style="list-style-type: none"> <li>▪ The CIB in responding to complaints of sexual and physical assaults</li> <li>▪ Department of Human Services in responding to sexual and physical assault and assist them to carry out their lawful duties</li> <li>▪ Centre Against Sexual Assault (CASA) in responding to complaints of sexual assaults</li> </ul> </li> </ul> </li> </ul>
<b>Child Exploitation Unit</b>	01/07/1992	<ul style="list-style-type: none"> <li>• The role of the Child Exploitation Unit is the investigation of organised groups and serial offenders responsible for the sexual abuse of children and to increase the public awareness of the problem of child sexual abuse</li> </ul>

EXECUTIVE INSTRUCTION NAME	DATE OF ISSUE	SUMMARY
<b>Community Policing Squads</b>	Unknown	<ul style="list-style-type: none"> <li>The principal duties of Community Policing Squads are the same as those set out in Executive Instruction issued on the 03/04/1998, plus: <ul style="list-style-type: none"> <li>Refer victims and other people to organisations who can provide specialist assistance</li> <li>assist Community Services and other agencies authorised under the <i>Children and Young Persons Act</i> to carry out their lawful duties</li> </ul> </li> </ul>

FORCE CIRCULAR MEMO NAME	DATE OF ISSUE	SUMMARY
<b>Child Ward Absconders</b>	18/02/1982	<ul style="list-style-type: none"> <li>Legal advice indicated that in relation to absconding children who are wards of the State: <ul style="list-style-type: none"> <li>Police have no power to force entry into premises in search of child; and</li> <li>Police have not specific power to apprehend a child ward who has absconded unless: <ol style="list-style-type: none"> <li>he has committed an offence for which an arrest power exists,</li> <li>he comes within the scope of the care provisions of Section 31 of the Community Welfare Services Act, or</li> <li>he has escaped from a Youth Training Centre or a Remand Centre</li> </ol> </li> </ul> </li> <li>Amendments to legislation to remedy this deficiency have been sought with Government. In the meantime members should exercise considerable caution in returning child wards to the care of the Community Welfare Services Department</li> </ul>
<b>Wards of the State: Returned to Community Welfare Services Department</b>	23/06/1982	<ul style="list-style-type: none"> <li>On occasion the Community Welfare Services Department (CWSD) may request police assistance to return Wards of the State who have been fostered out to private homes. Police should only assist if there is a suggestion of violence</li> <li>All decisions for police involvement will be made by the Staff Officer to the Chief Commissioner or one of the Deputy Commissioners</li> <li>Any police assistance will be limited to providing an escort to the local office of CWSD</li> </ul>
<b>Transport of Children and Young Persons at the Request of the Community Welfare Services Department</b>	17/08/1982	<ul style="list-style-type: none"> <li>As per FCO issued on the 23/06/1982 other than: <ul style="list-style-type: none"> <li>The transport request may also include conveying people in the custody of CWSD to destinations other than courts</li> <li>Police assistance will <i>normally</i> be limited to providing an escort to the local office of the CWSD. Escorts from CWSD premises (other than escorts to courts)</li> </ul> </li> </ul>

FORCE CIRCULAR MEMO NAME	DATE OF ISSUE	SUMMARY
		will seldom, if ever, be authorised
<b>Children, Young Person Escapees from Remand Centres and Youth Training Centres</b>  <b>Transport of Children and Young Person at the Request of the Community Welfare Services Department</b>	27/02/1984	<ul style="list-style-type: none"> <li>•</li> <li>• As per FCO issued on the 14/08/1982</li> <li>• As per FCO issued on the 17/08/1982 other than: <ul style="list-style-type: none"> <li>- No mention is made regarding escorts seldom being authorised</li> </ul> </li> </ul>
<b>Child Maltreatment – Recording Systems – Children at Risk Register (CARR)</b>	30/04/1990	<ul style="list-style-type: none"> <li>•</li> <li>• Central register of abused children and their maltreaters developed by Victoria Police and Community Services Victoria (CSV). System known as the Children at Risk Register (CARR). The system records details where: <ul style="list-style-type: none"> <li>- A child has suffered or is likely to suffer harm; and</li> <li>- The child’s parents have not protected or are unlikely to protect the child from such harm; and</li> <li>- Protective intervention is required to ensure the child is not at significant risk</li> </ul> </li> <li>• Information is held in the system for one or more years depending on the risk level</li> <li>• A Child Maltreatment Database (CMD) has been established at the Missing Person Bureau – a permanent record of children who have been subjected to maltreatment in the past but are no longer at risk, and of those responsible for the maltreatment</li> <li>• The Register and Database are separate systems with the common purpose of monitoring the history and welfare of children who are, or once were at risk, and the person/s responsible</li> </ul>
<b>Child Exploitation Unit</b>	17/12/1991	<ul style="list-style-type: none"> <li>• The Child Exploitation Unit (CEU) maintains a database of suspects/offenders responsible for the sexual abuse of children</li> <li>• Members should consult the CEU where: <ul style="list-style-type: none"> <li>- The suspect is a person having care, custody or control of the victim in a</li> </ul> </li> </ul>

FORCE CIRCULAR MEMO NAME	DATE OF ISSUE	SUMMARY
		<p>professional capacity</p> <ul style="list-style-type: none"> <li>- The suspect is associated or affiliated with a paedophile group</li> <li>- Commercially made pornographic films, items or publications depicting children are suspected or located</li> <li>- On the apprehension of any person for a sexual offence against person under 17 years or when a suspect has been nominated for a sexual offence</li> </ul>
<p><b>Protocol for Investigation of Child Abuse and Related Criminal Offences</b></p>	<p>23/03/1992</p>	<ul style="list-style-type: none"> <li>• From 18 March 1992 a statewide “single track” system commenced whereby Community Services Victoria (CSV) assumed the role of lead agency for child protection – <b>1, 2, 3</b></li> <li>• Police are still legislatively empowered to initiate Protection Applications and so have a responsibility to act in urgent cases. However, Protection Applications should not normally be taken out except in consultation with CSV</li> <li>• Members who become aware of a child in need of protection or that possible criminal offences have occurred which would render the child in need of protection are to follow the guidelines in the protocol (Protocol between CSV and Victoria Police in Regard to Protective Services for Child and Young People)</li> <li>• Protective Intervention. The legislation directs that: <ul style="list-style-type: none"> <li>- “intervention into family life should be to the minimum extent that is necessary to secure the protection of the child”, and</li> <li>- “all reasonable steps (must be) taken by the Director-General to provide the services necessary to enable the child to remain in the custody of his/her parents”</li> <li>- It is only when, despite the above, the child continues to be at a “significant risk of harm” that protective intervention through the Children’s Court is warranted. Such intervention is an option of last resort</li> </ul> </li> </ul>