

Our ref: CrimDHrg1587659

2 October 2018

Commissioner Michael Fuller APM Commissioner of Police NSW Police Force Locked Bag 5102 Parramatta NSW 2124

Dear Commissioner.

Apprehended Domestic Violence Orders compliance checks

I write to you in relation to the attached flyer, which we understand is being provided by police to Aboriginal Client and Community Support Officers for distribution to domestic violence defendants.

The flyer states that police will be checking that the conditions of Apprehended Domestic Violence Orders (ADVO) are complied with, and that this could involve police attending the defendant's or person in need of protection's (PINOP) home to make sure there are no breaches of the ADVO.

We acknowledge the work police are doing to reduce the rate of domestic violence in the community. It is our understanding that there is a divergence of approaches between Police Area Commands in this regard.

We understand that the ADVO compliance check initiative commenced on 1 May 2017. The initiative raises concerns in relation to the presumption of innocence (particularly where no charge has been laid), and the legality of compliance checks on ADVOs.

We would appreciate receiving further information regarding the compliance checks and the attached flyer, including:

- the policy behind the initiative;
- whether all Police Area Commands are required to undertake the compliance checks;
- how it is determined which defendants and/or PINOPs are to be given the flyer, and
- the legislative or common law power that permits the police to undertake ADVO compliance checks.

We would be happy to discuss this matter further.



The contact person for this matter is Ms Rachel Geare, Senior Policy Lawyer, who can be or at rachel.geare@lawsociety.com.au. contacted on

Yours sincerely,

Doug Humphreys OAM **President**

Encl.

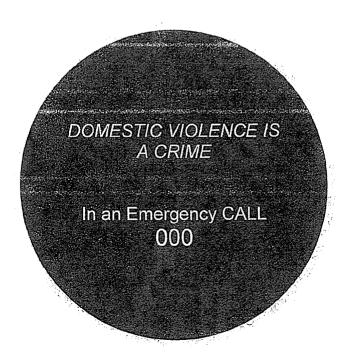
CC Mr Andrew Cappie-Wood

PLEASE READ



The New South Wales Police Force takes <u>Domestic and Family Violence</u> seriously. Whether you have been served an Apprehended Domestic Violence Order as a defendant or you are a person in need of protection you should be made aware of the following;

- 1. Police will be checking that the conditions of Apprehended Domestic Order's are complied with.
- 2. This could involve police attending your home to make sure there are no breaches of the Apprehended Domestic Violence Oder.
- 3. If breaches are detected the offender will be charged.
- 4. This action is an initiative of the NSW Police Force.



New South Wales Police