



VICTORIA POLICE

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Chief Commissioner of Police

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Judge Liberty Sanger
State Coroner
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006
By email: cpuresponses@coronerscourt.vic.gov.au

Subject: [REDACTED] - Finding into death without inquest
Court Reference: COR 2021 006564
Date of Recommendations: 9 May 2025

Dear Judge Sanger,

Victoria Police response to recommendation arising from the Finding into the death of [REDACTED]

This letter provides a response to the recommendation of the former State Coroner Judge John Cain directed to Victoria Police arising from the Finding into the death of [REDACTED] delivered on 9 May 2025.

RECOMMENDATION

That Victoria Police update its bail decision making policies/guidelines to note that the presence of an intervention order is not automatically considered a mitigating factor when deciding to bail an offender, particularly when there is a history of breaching intervention orders, bail and/or court orders. The decision-maker should consider the party's history of compliance with the order and/or bail as part of the decision-making process.

This recommendation is accepted and has been implemented.

Victoria Police considers that this recommendation has been acquitted. Since [REDACTED] death in December 2021, there have been eight updates and amendments to the Victoria Police Manual - Bail and Remand (VPM). Most recently, the VPM was updated following the amendments to the *Bail Act 1977* (the **Act**) which are now in force.

The VPM provides guidance to members regarding their legislative obligations under the Act. The VPM contains appropriate guidelines that require a police bail decision maker (a **decision maker**) to consider relevant factors such as family violence intervention orders (**FVIO**) and a party's history of compliance with previous bail conditions.

Victoria Police does not consider the VPM authorises treating the existence of a FVIO as an automatic mitigating factor in bail decisions. Rather, the VPM emphasises that each matter must be considered on a case-by-case basis and assessed on its individual merits, with careful consideration of the nature and context of any family violence concerns.

Relevantly, the VPM states that a decision maker:

- a. when considering the release on bail of an accused charged with a family violence offence, must consider whether the accused poses a risk of committing family violence and whether that risk could be reduced by the imposition of conditions or making of a FVIO;
- b. must have all relevant information to enable them to consider the surrounding circumstances of the person, their offending and the nature of the associated risks should the person be released on bail;
- c. in assessing the appropriateness of a grant of bail, is responsible for (amongst other matters):
 - i. determining whether the person is the subject of a current FVIO, family violence safety notice (**FVSN**) or recognised domestic violence order;
 - ii. determining the person's bail history, including their compliance with conditions imposed under previous grants of bail; and
 - iii. identifying evidence which shows that there is a risk that the person may subject another person to family violence;
- d. must take into account the surrounding circumstances, as defined at s.3AAA of the Act, which includes whether there is a FVIO made against the person, a FVSN issued against the person or a recognised domestic violence order made against the person;
- e. must refuse bail if they are satisfied that there is an unacceptable risk that the person, if released on bail, would commit a family violence offence; and
- f. must seek remand in relation to an application for bail, if appropriate in all the circumstances, where the alleged offending involves high risk or high harm conduct, which includes committing a family violence offence.

Having regard to the eight updates and amendments to the VPM, Victoria Police considers that the recommendation has been fully implemented.

Yours sincerely,



Mike Bush CNZM
Chief Commissioner

1/10/25.