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What Happens After an Allegation of Violence Is Made

Our Friends · Saturday, January 31st, 2026

An allegation of violence can change your life in an instant. One phone call to the police, and suddenly you're facing a process that feels overwhelming and completely unfamiliar. The legal system often moves faster here than you think. The more you know how it works, the better you can prepare for what comes next.

Assault allegations are a serious matter in Victoria. Whether the complaint involves a stranger, a colleague, or a family member, police have established procedures they follow consistently. Knowing these, along with your rights, helps you make your case better. An experienced **assault lawyer in Melbourne** can guide you through each stage, but here's what typically unfolds after someone makes an allegation against you.

Police Response and Initial Contact

After the complaint is made, the police start by assessing the allegation. They will usually contact you after investigating first, but in family violence matters, they attend immediately. Either way, their response will include a recorded interrogation. This is a critical step. Anything you say becomes evidence. Since Victorian law gives you the right to remain silent, exercise it. Don't say anything unless you've spoken to a lawyer. In most cases, people try to speak up in their defence, and unknowingly make matters worse for themselves.

Intervention Orders

In family violence situations, police will almost certainly apply for a Family Violence Intervention Order. This can happen the same day as the alleged incident. The order restricts your contact with the complainant and may exclude you from your own home. Breaching an intervention order is a separate criminal offence with serious consequences. Even if you disagree with the order, comply with it while you seek legal advice about contesting it properly.

Arrest or Summons

A key decision after the allegation is whether to arrest or summon. The police can either arrest you once they've assessed the allegation, or send you a court summons.

This generally depends on the nature of the allegation. Serious ones warrant an arrest. In other cases, you'll get a court summons to appear at the Magistrate's Court on a pre-decided date. There will be formal charges either way, which will start off your court proceedings.

Bail Considerations

The question of bail arises almost immediately after your arrest. Now, the police can grant bail at the station or after you've applied to a court. Bail conditions don't typically require contacting the complainant, attending somewhere, or reporting to the police station regularly. But for serious offences under Victorian law, particularly **family violence** ones, getting bail can be much harder.

The Brief of Evidence

After charges are laid, police compile a brief of evidence containing everything they intend to use at trial. This includes witness statements, your recorded interview if you gave one, medical reports documenting injuries, photographs, CCTV footage, and any other relevant material.

Once you engage a lawyer, it becomes their job to get this brief. They'll analyse it thoroughly, searching for inconsistencies and weaknesses to strengthen your defence.

Court Appearances

The Magistrates' Court handles these cases. Your first appearance is usually a mention, where the court will confirm your plea and set future dates. If you plead not guilty, a contested hearing will be conducted. And if the allegations are severe, the court can move your case to the County Court once your committal proceedings wrap up.

Whatever happens, it's important to know that these things take time. Allegation cases tend to last months.

Possible Defences

You can face allegations, but they don't necessarily mean you're getting convicted. Once an allegation is made, your lawyer will use possible defences to make your case. Think self-defence, defence from the other person, or even mistaken identity. And if they contest for self-defence, evidence must show that force was necessary. To establish that your response to the threat was appropriate.

Potential Outcomes

Outcomes for violence allegations will generally depend on how severe they are. The evidence presented, as well as your circumstances at the time. Prosecution can withdraw its charges if it can't make a strong case against you. If there's no evidence to prove guilt, you could be moving to an acquittal at trial.

While convictions aren't mandatory, if you do face one, the court will decide penalties based on the offences. Anything from diversion programs for less severe offences to significant prison sentences for more severe ones.

Conclusion

The days and weeks after an allegation feel chaotic. It's a lot to process at once as you deal with police, courts, and intervention orders. But when you have an idea of how your case can proceed, staying calm is easier. Early legal advice also helps you know what to expect and how to participate in your defence.

Photo: fabrikasimf via their website.

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