SAFE+EQUAL

Standing strong against family violence

WORKING WITH MISIDENTIFIED VICTIM SURVIVORS

A practice resource for family violence practitioners

Safe and Equal acknowledges Aboriginal and Torres Strait Islander peoples as the traditional and ongoing custodians of the lands on which we live and work. We pay respects to Elders past and present. Sovereignty has never been ceded.

PURPOSE OF THIS DOCUMENT

This resource is intended for specialist family violence practitioners working with victim survivors who have been misidentified as the predominant aggressor.

This resource supports practitioners to:

- Deepen their understanding of misidentification and its impacts
- Strengthen their capacity to provide effective advocacy and support to misidentified victim survivors
- Address and mitigate the impacts of misidentification on victim survivors and their families

It should be used alongside guidance contained in **Adults Using Family Violence MARAM Responsibilities 7 and 8** and content from training in Predominant Aggressor Identification and Responding to Misidentification.

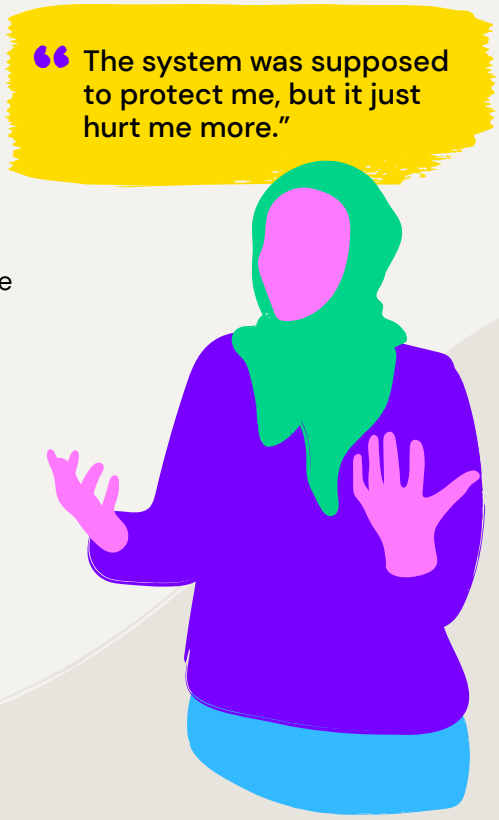
This resource combines insights from dedicated workshops with lived experience advocates who had been misidentified as predominant aggressors, with current research on family violence, systems abuse, and misidentification. These advocates generously shared their experiences of misidentification, its impacts, and their expert guidance on effective advocacy and support, providing insights that research alone cannot capture. We thank them for their expertise, courage, and commitment to improving responses for other victim survivors.

Throughout this document, quotes from survivor advocates are drawn directly from these workshops.

What is misidentification?

Misidentification occurs when a person experiencing family violence is wrongly named or categorised as an adult using family violence (or respondent in legal proceedings). This most often arises during police responses to family violence incidents or through decisions made in the legal system, such as in applications for Family Violence Intervention Orders.[1]

For those who experience misidentification, the consequences are devastating and enduring. Instead of receiving the support and resources they need, victim survivors are subjected to degrading legal interventions and service responses that mirror the very dynamics of control, surveillance, and punishment they have already endured at the hands of their abuser.[2]



1 Family Violence Reform Implementation Monitor. (2021). *Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor*. State of Victoria. https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor

2 Reeves, E. (2021). 'I'm not at all protected and I think other women should know that, that they're not protected either': Victim-survivors' experiences of 'misidentification' in Victoria's family violence system. *International Journal for Crime, Justice and Social Democracy, 10*(4), 39–51. https://doi.org/10.5204/ijcjsd.1992

How misidentification occurs

Many factors contribute to misidentification occurring. Survivor advocates who informed this resource emphasised the following key factors:

1 The role of systems abuse

Survivor advocates described how adults using family violence weaponised the very systems intended to provide protection, manipulating legal processes and professional relationships as tools of ongoing control. They stressed that this manipulation was not incidental but deliberate, calculated, and deeply harmful.

This form of family violence, known as systems abuse, occurs when a person using violence deliberately manipulates professionals or institutions to further coerce, silence, or punish a victim survivor. Tactics may include vexatious court applications, particularly within family law proceedings, or malicious reports to statutory bodies such as Police and Child Protection. When police, courts, or services fail to recognise these patterns, they can inadvertently legitimise the abuse, reinforcing the power of the adult using violence. In these circumstances, systems themselves become instruments of harm, compounding the trauma instead of disrupting it.

Survivor advocates are clear that misidentification is not always an accidental by-product of systems abuse - it is a deliberate strategy.

2 The expectation of the 'Perfect Victim'

Survivor advocates described facing impossible standards about how 'real' victims should behave. They are expected to be calm, emotionally regulated, articulate, cooperative and compliant. Victim survivors who appear distressed or agitated, or don't conform to these narrow expectations are often disbelieved and blamed.[3] Victim survivors who use force in self-defence or resistance are particularly vulnerable to misidentification, as their protective actions are often misinterpreted as evidence of aggression rather than survival. Meanwhile, adults using family violence often excel at presenting themselves as respectable, charming, upstanding citizens. Survivor advocates described how adults using family violence are often highly calculated in crafting a positive public image to mask their abusive behaviour, making it even harder for victims to be believed.

> "The 'perfect victim' mentality – that you should be compliant, attending all your appointments, behaving a particular way. It's just impossible to live up to."

3 Ferguson, H. (2024, January 28). Unbelievable: Dismantling the narrative of the 'perfect victim' within the criminal justice system. *Victorian Women's Trust*. https://www.vwt.org.au/unbelievable-dismantling-the-narrative-of-the-perfect-victim-within-the-criminal-justice-system/

Who is most at risk of misidentification?

Misidentification does not affect all communities equally. It is shaped by structural oppression and systemic bias.[4] Gender inequity is a key driver of family violence, but other forms of structural oppression also increase the risk of misidentification. These include racism, ableism, ageism, biphobia, homophobia, transphobia, and inequities related to wealth and health.[5] Research shows that certain groups face heightened risk due to intersecting systemic barriers and societal stereotypes.

- **Aboriginal women** are at significantly higher risk of misidentification due to the intersecting impacts of racism, discrimination, and over-policing. False assumptions about Aboriginal people's relationships and the prevalence of violence, along with police stereotyping, contribute to this risk. Research highlights that "Aboriginal women are more likely to be misidentified simply because they are Aboriginal".[6] In 2023 a case review undertaken by Djirra found that at least 24% of Aboriginal women they worked with had been misidentified as the perpetrator.[7] Most alarmingly, recent research found that almost a third of First Nations women killed in domestic violence homicides had been previously identified by police as domestic violence perpetrators.[8]

- **Women from migrant and refugee backgrounds** face heightened risk of misidentification due to intersecting systemic barriers, including language difficulties, cultural misunderstandings, and fear of authorities shaped by past experiences of racism. These factors can create mistrust of services and affect how women are perceived by police and other agencies. Adults using family violence may exploit these barriers to enact systems abuse, for example through threats related to immigration status, visa conditions, or deportation, and by leveraging financial dependence due to restricted work rights or language isolation.[9] As a result, migrant and refugee women are frequently misidentified as the predominant aggressor. InTouch estimates that one-third of their clients from these communities have experienced misidentification by police or the judicial system.[10]

> "My community at all costs tries to make police absolutely the last resort."

- **LGBTIQA+ people** face distinct risks of misidentification due to gendered assumptions that don't account for same-gender relationships or diverse gender identities. A recent Monash University study found that half of LGBTIQA+ victim survivors had been wrongly listed as 'respondents' despite identifying as victims. When the system attempts to fit LGBTIQA+ experiences into frameworks designed for heterosexual, cisgender relationships, it increases the risk of misidentification. In same-gender relationships in particular, police are more likely to assume "mutual violence" rather than recognising patterns of coercive control or the use of resistive force.[11]

4 Nancarrow, H., Thomas, K., Ringland, V., & Modini, T. (2020). *Accurately identifying the "person most in need of protection" in domestic and family violence law*. ANROWS. https://anrows.intersearch.com.au/anrowsjspui/handle/1/18570

5 Family Violence Reform Implementation Monitor. (2021). *Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor*. State of Victoria. https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor

6 VALS Position Paper (2022). *Addressing Coercive Control without Criminalisation: Avoiding Blunt Tools that Fail Victim-Survivors*. https://www.vals.org.au/wp-content/uploads/2022/01/Addressing-Coercive-Control-Without-Criminalisation-Avoiding-Blunt-Tools-that-Fail-Victim-Survivors.pdf

7 Gentile, A. (2024). *Evidence to Yoorrook Justice Commission Social Justice Hearing [Testimony]*. Djirra. https://djirra.org.au/yoorrook-justice-commission-14-june-2024/

8 Buxton-Namisnyk. (2022). *Domestic Violence Policing of First Nations Women in Australia: 'Settler' Frameworks, Consequential Harms and the Promise of Meaningful Self-Determination*. The British Journal of Criminology. https://doi.org/10.1093/bjc/azab103

9 Safe and Equal. (2022). Supporting people from migrant and refugee communities. https://safeandequal.org.au/working-in-family-violence/tailored-inclusive-support/migrant-refugee-communities/

10 inTouch Multicultural Centre Against Family Violence. (2022). *The causes and consequences of misidentification on women from migrant and refugee communities experiencing family violence: Position paper*. https://intouch.org.au/wp-content/uploads/2023/10/inTouch-Position-Paper-Misidentification-February-2022.pdf

11 Reeves, E., & Scott, B. (2022). *'Can't you girls work this out?': LGBTQ+ victim-survivors' experiences of Victoria's family violence intervention order system*. Monash Gender and Family Violence Prevention Centre. https://doi.org/10.26180/21530898

- **Victim survivors with disabilities** are particularly at risk due to ableist assumptions by systems and exploitation of care relationships by those using family violence. Invisible disabilities (such as acquired brain injury or psychosocial impairments) and behaviours related to disability may be misinterpreted as aggression. Limited awareness among responders, combined with unrealistic "perfect victim" expectations, increases the likelihood of misidentification.[12] Cognitive, psychosocial, intellectual, or communication differences can lead to reports of violence being disbelieved or misattributed to disability, especially when perpetrators deliberately manipulate these barriers or when disability-related needs are not recognised or supported during police contact.[13]

- **People experiencing mental health issues or substance use** are at heightened risk of systems abuse and misidentification. Victim survivors may be stereotyped as unstable, aggressive, or unreliable, which can lead professionals to misinterpret their behaviours.[14] Adults using family violence may exploit these vulnerabilities, for example, by encouraging substance use or referencing mental health histories to discredit the victim survivor. Trauma responses, memory difficulties, or emotional distress may be misread as aggressive or problematic behaviour, further increasing the risk of misidentification.[15]

- **Women with histories of criminalisation** face higher misidentification risk, as minor legal issues may be prioritised over family violence risk factors. This contributes to systemic inequities and undermines safety for victim survivors with complex histories.[16]

- **Victim survivors may face increased risk when the adult using family violence wields systemic power or privilege.** Survivor advocates who informed this resource emphasised that adults using family violence who are current or former police officers, corrections staff, lawyers, or have close ties to these professions often have deeper understanding of legal processes and how family violence is assessed. They may exploit this knowledge to manipulate outcomes, making complaints first, presenting as calm and credible, or using their professional status to discredit the victim survivor. This power imbalance can significantly increase the risk of misidentification, a finding supported by emerging research.[17]

> "The system became my abuser. I was treated like a criminal, and it took years to clear my name."

12 Australian Human Rights Commission (AHRC). (2014). *Equal before the law: Towards disability justice strategies*. https://humanrights.gov.au/our-work/publications/equal-law-towards-disability-justice-strategies-2014

13 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (RCVD). (2022). *Criminal justice system issues paper and final reports*. https://disability.royalcommission.gov.au/

14 Hooker, L., Taft, A., Kunde, L., Youssef, G., Fordham, R., McLindon, E., ... & Hegarty, K. (2024). *Police-reported family violence victimisation or perpetration and mental health-related emergency department presentations: An Australian data-linkage study.* BMC Public Health. https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-023-17570-y

15 Engender Equality. (2023). *Misidentification of the Predominant Aggressor: Research Discussion Paper.* https://engenderequality.org.au/wp-content/uploads/2023/07/Engender-Equality-Misidentification-of-the-Predominant-Aggression-Research-Discussion-Paper-2023.pdf

16 No to Violence (2019). *NTV Discussion Paper: Predominant Aggressor and Victim Misidentification.* https://ntv.org.au/wp-content/uploads/2024/03/NTV-Discussion-Paper_Predominant-Aggressor-Identification-And-Victim-Misidentification.pdf

17 Anderson, B., Farmer, C., & Tyson, D. (2024). *Police-perpetrated domestic and family violence: A scoping review of Australian and international scholarship.* International Journal for Crime, Justice and Social Democracy. https://doi.org/10.5204/ijcjsd.3582

HIDDEN HARMS: THE DATA DISTORTION EFFECT

The Legislative Assembly Legal and Social Issues Committee's Inquiry into capturing data on family violence perpetrators in Victoria, tabled in April 2025, highlights the significant impact of misidentification on data collection. The report identifies misidentification as a major concern, noting that it distorts data and hinders the development of effective interventions. As a result, the true scale and severity of harms experienced by victim survivors are underestimated and not fully understood.

This distortion creates a vicious cycle: inaccurate identification produces flawed data, which in turn informs inadequate policies and resource allocation. When victim survivors are wrongly categorised as adults using family violence, they are denied appropriate support, and the systems designed to protect all victim survivors become less effective.

The impacts of misidentification

Survivor advocates emphasised that the impacts of being misidentified are profound, broad and long-lasting. They spoke about the extraordinary resilience required to survive this experience and rebuild safety in the face of both interpersonal and institutional abuse. The following impacts were highlighted by both survivor advocates and research evidence:

> "Sometimes the experience is so profound... and intersecting with homelessness, criminalisation, and child removal - you're absolutely not going to ask for help again."

- **Legal and criminal consequences:** Being misidentified often leads to immediate and serious legal consequences, such as intervention orders and criminal charges. These outcomes damage reputations, restrict access to services, and leave a lasting digital footprint that influences future interactions with justice, housing, employment, child protection, and other systems.
- **Further systems abuse and criminalisation:** Misidentification creates opportunities for ongoing systems abuse. Victim survivors who inadvertently breach intervention orders may face additional charges, creating a record that follows them indefinitely. Adults using family violence may deliberately exploit this by making contact, knowing the victim will be blamed for the breach. Legal proceedings resulting from misidentification can be protracted and traumatic, with survivors reporting that court processes feel "never-ending."
- **Financial devastation:** Misidentification creates devastating financial burdens as victim survivors are forced to hire lawyers with limited resources to defend themselves against wrongful charges and navigate complex legal processes, often while already facing financial instability from the impact of family violence. This financial strain further limits their ability to rebuild safety and independence.
- **Employment and opportunity restrictions:** Having misidentification recorded in systems severely restricts opportunities and freedom, causing lasting damage to reputation and affecting how victim survivors are treated across services and institutions. Employment barriers are particularly severe for roles requiring Working With Children Checks or other clearances, as misidentification records can prevent access to employment in education, healthcare, and social services - sectors where many survivors seek meaningful work. Housing, financial security, and pathways to education or recovery can all be disrupted. For women on temporary visas, legal intervention can threaten visa status and sever access to vital community networks and supports.

- **Erosion of trust and help-seeking:** The fear of not being believed by police, legal professionals, and support services erodes victim survivors' confidence and access to safety, with many coming to see the legal system not as a source of protection but as an extension of violence. For Aboriginal and Torres Strait Islander women in particular, this fear is deeply rooted in lived experiences of systemic neglect and a long history of injustices. Perhaps most alarmingly, misidentification can prevent future help-seeking behaviour, with some victim survivors never feeling safe to report violence again - a response that can have fatal consequences when they remain trapped with their abuser.

- **Psychological trauma and health impacts**: The psychological impacts of misidentification are devastating. Those misidentified report heightened anxiety, depression, and profound shame, with deeply felt impacts on their self-worth and social connections. Survivor advocates described how trauma responses like substance use or mental health struggles - often survival mechanisms for coping with ongoing violence - are frequently used as evidence against them in future interactions with systems, creating a vicious cycle of blame and harm.[18]

> "It's the loss of self-esteem, your role in the community – that's its own sort of impact."

- **Impact on children:** Misidentification profoundly affects children in survivors' care. When a protective parent is misidentified as a person using family violence, children endure additional trauma beyond the violence itself. They witness the criminalisation of the person keeping them safe, creating confusion about safety, trust and authority, which can undermine their long-term trust in police and other institutions.

- **Child separation:** Misidentification can result in children being unnecessarily separated from their protective parent. When Child Protection assesses that a child needs protection, the Children's Court may remove the child from the care of the parent labelled as the adult using violence, and in some cases place them with the actual adult using family violence,[19] potentially increasing risk and disrupting crucial attachment relationships at a time when stability is most needed.

Survivor advocates emphasise that these impacts are often orchestrated by adults using family violence. They are not accidental, but the deliberate and intended outcome of systems abuse, used to extend control and continue the violence through powerful legal and service systems.

> "The court process felt like it was never-ending, and I was just a pawn in his game"

18 Family Violence Reform Implementation Monitor. (2021). *Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor.* State of Victoria. https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor.

19 Family Violence Reform Implementation Monitor. (2021). *Misidentification is a significant issue that has enormous consequences for the victim survivor.* State of Victoria. https://www.fvrim.vic.gov.au/monitoring-victorias-family-violence-reforms-accurate-identification-predominant-aggressor/misidentification-significant-issue-enormous-consequences-victim-survivor

KEY PRINCIPLES FOR PRACTICE WITH MISIDENTIFIED VICTIM SURVIVORS

Survivor advocates consistently emphasised the vital role family violence workers play when working with misidentified victim survivors. This goes beyond offering emotional support to providing practical assistance that can be life-changing. Sharing the burden of navigating legal systems, accessing safe housing, or connecting to culturally safe supports helps restore agency to those who have been failed by multiple systems.

As family violence practitioners, we operate within systems that may unintentionally perpetuate harm. It is our responsibility to recognise and challenge misidentification when we see it.

The principles that follow are designed to support practitioners to respond effectively, centring the dignity, autonomy, and safety of victim survivors who have experienced misidentification. These principles draw directly from workshops with lived experience advocates and are informed by evidence-based practice, reflecting both survivor expertise and research on effective collaboration, advocacy and support.

Believe victim survivors' stories

Survivor advocates emphasised that the power of being believed cannot be underestimated, particularly after experiencing a system that treated them with prejudice and scepticism. They highlighted that being believed is fundamental to recovery and to feeling safe enough to engage with services.

In practice, this means:

- Believe victim survivors when they share their experience of family violence
- Acknowledge the profound impact of being misidentified – they have experienced harmful systems abuse
- Recognise they may be terrified to seek help again after being blamed by systems
- Validate that questioning their own reality or feeling responsible is a normal response to this betrayal
- Be understanding of any distrust or scepticism of service systems, and work to rebuild safety and connection through transparent, respectful, and non-judgmental engagement
- Respond in a strengths-based way by recognising and building on the strategies victim survivors are already using, and partnering with them to explore additional options for addressing the impacts and consequences of misidentification

Understand how multiple oppressions compound their experience

Survivor advocates emphasised how multiple forms of discrimination compounded their experiences of misidentification, with many facing additional barriers due to racism, ableism, history of criminalisation and other forms of structural oppression.

In practice, this means:

- Recognise how systems of oppression intersect and compound the survivor's experiences
- Apply an intersectional lens to recognise how racism, ableism, homophobia, transphobia, classism and other forms of discrimination intersect with their experience of family violence
- Reflect on personal biases and personal privilege when conducting assessments and risk management
- Understand it may take time to build rapport, especially when there is a clear power imbalance between you as a paid worker and a victim survivor who has experienced trauma and systemic failure

Recognise survival strategies and acts of resistance

Survivor advocates spoke about their dynamic safety plans and survival strategies, highlighting how their protective actions were misinterpreted as evidence of being "difficult." Understanding the difference between resistance and aggression is crucial to preventing and responding to misidentification.

In practice this means

- Recognise acts of resistance and resilience, for example: questioning authority, setting boundaries with services, being sceptical of new practitioners, or appearing guarded are all signs of strength, self protection and survival.
- Understand that what systems label as 'difficult' or 'non-compliant' behaviour is often normal trauma responses or protective self-advocacy
- Know that these responses are frequently misinterpreted as evidence of being the adult using family violence

Document with Intention

Survivor advocates emphasised that documentation can either validate victim survivors' experiences or reinforce misidentification and systemic harm. The language practitioners use shapes how others interpret their story and should be accurate, respectful, and empowering.

In practice, this means:

- Use the victim survivor's own words wherever possible to reflect their voice authentically
- Highlight patterns of coercion and control rather than isolated incidents
- Record institutional and systemic barriers alongside interpersonal violence
- Choose language that affirms their identity as a victim survivor and recognises their resistance, agency, and resilience
- Avoid language that criminalises, questions credibility, or pathologises coping strategies
- Avoid ableist framing that implies disability or neurodivergence are causes of misidentification
- Work to correct harmful documentation in existing records where misidentification has occurred
- Understand that your documentation will travel across agencies and systems, making accurate initial recording crucial
- Document the administrative burden and trauma of having to constantly prove their victim status

Examples:

Instead of: *"Physical altercation between parties on [date]"*
Write: *"Client described protecting herself during assault by partner"*

Instead of: *"Mutual domestic violence incident - both parties arrested"*
Write: *"Client reports using force to defend herself against partner's ongoing pattern of abuse; dual! arrest appears inconsistent with evidence of primary aggressor"*

Journey Alongside Them

Survivor advocates described how clearing their name became a burdensome, overwhelming journey that forced them into systems that didn't believe them. They spoke of having to constantly advocate for themselves while navigating complex legal and bureaucratic processes, gathering evidence to prove their innocence, and challenging institutional biases - all while managing the ongoing trauma of family violence and misidentification.

In practice, this means:

- Hold space through the complex process of challenging the misidentification
- Recognise that survivors face emotional exhaustion, limited resources, and overwhelming administrative burdens while constantly having to prove their victim status across multiple systems
- Take time to explain procedures and systems clearly, using plain language to describe risks, processes and supports, ensuring accurate understanding and documenting information they can reference
- Advocate for review of legal orders and charges wrongly applied because of misidentification
- Navigate information sharing carefully by seeking explicit consent, recognising heightened privacy concerns, and understanding that when adults using family violence have system access, standard sharing practices may create additional safety risks requiring specialist consultation
- Proactively share supporting documentation to correct their record across agencies, with the victim survivor's knowledge and consent

Challenge Professional Bias

Survivor advocates highlighted how professionals often default to police or institutional accounts because of their perceived authority. Once misidentified, victim survivors can then encounter ongoing prejudice, as professionals align with these narratives rather than questioning them.

In practice, this means:

- Challenge institutional narratives, even when they come from positions of authority.
- Recognise that professional status (e.g. police, corrections, legal) does not preclude someone from using or excusing violence.
- Be alert to how adults using family violence may cultivate relationships with services to enact systems abuse and discredit victims.
- Avoid privileging a professional's account over a victim survivor's lived experience.
- Examine your own assumptions about who "looks like" adult using family violence or a victim survivor

SUSTAINING THE WORK

Working to address misidentification means confronting systemic failures and challenging institutional narratives. This emotionally demanding work requires practitioners to witness profound injustice while advocating within systems that may resist change.

- Seek supervision that examines systemic issues and the emotional impact of confronting institutional failures, as well as support to manage complex misidentification cases.
- Engage in ongoing professional development about trauma, intersectionality, and systemic advocacy to strengthen your capacity to recognise and respond to misidentification and social injustice
- Build networks with practitioners committed to addressing misidentification and systems abuse. These relationships provide validation and practical support when challenging established practices.
- Systemic change happens slowly, but individual impact can be immediate. Focus on the meaningful difference you can make for individual survivors while working toward broader transformation.

Supporting misidentified victim survivors effectively requires practitioners who can sustain this challenging work. Practitioners may also have their own lived experiences that intersect with this work, and it is important to seek support and care specific to those experiences. The principles in this resource reflect the expertise of survivor advocates who navigated misidentification and emerged as powerful voices for change. By attending to your own development and wellbeing, you can strengthen your capacity to provide the informed, sustained advocacy that survivors deserve.

REFLECTIVE EXERCISE: EXAMINING OUR ROLE IN SYSTEMS CHANGE

Effectively supporting misidentified survivors requires honest self-examination. Survivor advocates described how professional assumptions and biases contributed to their misidentification and ongoing systems harm, highlighting the need for practitioners to critically examine their own responses and decision-making.

Consider these questions:

- When have you found yourself more inclined to believe one person's account over another's? What influenced that inclination?
- How might your own experiences with authority figures affect your response to survivors who distrust systems?
- What assumptions do you hold about how "real" victims should behave, and how might these expectations disadvantage certain victim survivors?
- How do systems of oppression (racism, ableism, homophobia, classism) shape how someone is perceived by your service and others?
- How can you recognise and validate victim survivor resistance, especially when it doesn't align with "perfect victim" expectations?
- What role can you play in identifying and challenging practices that contribute to misidentification?

Use these critical reflections to strengthen your commitment to culturally safe, accountable, and equitable practice.