

Submission to the Victorian Legislative Assembly's Legal and Social Issues Committee Inquiry into Capturing Data on Family Violence Perpetrators in Victoria

June 2024

Acknowledgement of Traditional Owners

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. We acknowledge that sovereignty has never been ceded and recognise First Nations peoples' rights to self-determination and continuing connections to land, waters, community and culture.

Recognition of Victim Survivors

Safe and Equal recognises the strength and resilience of adults, children and young people who have experienced family violence and recognise that it is essential that responses to family violence are informed by their expert knowledge and advocacy. We pay respects to those who did not survive and acknowledge friends and family members who have lost loved ones to this preventable and far-reaching issue.

About Safe and Equal

Safe and Equal is the peak body for Victorian organisations that specialise in family and gender-based violence across the continuum, including primary prevention, early intervention, response and recovery. Our vision is a world where everyone is safe, respected and thriving, living free from family and gender-based violence.

Our work prioritises the safety of all people experiencing, recovering from or at risk of family and gender-based violence. While we know that most family violence is perpetrated by men against women and children, we recognise that family violence impacts people across a diversity of gender identities, social and cultural contexts, and within various intimate, family and other relationships. We apply an intersectional feminist lens in our work to address the gendered drivers of violence, and how these overlap and intersect with additional forms of violence, oppression and inequality.

We believe in and work towards a world where people are not only safe and free from family and gender-based violence, but are respected for who they are and thriving in their lives.

Introduction

Safe and Equal welcomes the opportunity to provide a submission into the inquiry.

How data on perpetrators of family violence is captured, used and analysed is critical to keeping victim survivors of family violence safe; the system's inability to analyse and use data to increase victim survivors' safety is an ongoing issue.

In addition to this submission, Safe and Equal endorses No To Violence's (NTV) submission to the inquiry. To minimise duplicating information across our two peak's submission, our submission is contained to distinct points from the perspective of victim survivor family violence response services, including two points we wish to highlight as underpinning considerations that have informed our response:

- 1) Data collected on perpetrators for the purpose of assessing and managing family violence (FV) risk to keep victim survivors safe needs to be distinguished from the data and evidence needed to understand why people perpetrate violence and how to shift their behaviour. We support NTV's call to better understand the motivation behind, and how to shift, perpetrators' behaviour. For this submission, we will focus on the data needed to inform FV risk assessment and management.
- 2) It is also important to draw distinctions between the collection of FV perpetrator data and analysis. As highlighted in NTV's submission, current data on perpetrators of FV is skewed towards over-policed and marginalised perpetrators who are more likely to come into contact with the system and a large segment of perpetrators who manage to avoid the system remain invisible.

1. What data on the profile and volume of family violence perpetrators is collected in Victoria?

Mechanisms

Data on individual perpetrators of FV is collected in the first instance by Victoria Police (VicPol) via their Family Violence Report (L17). Other statutory agencies such as the Magistrates' Court of Victoria (MCV), Corrections, and the Department of Families, Fairness and Housing (DFFH), and community-based organisations contracted to deliver perpetrator response interventions routinely undertake their own intake processes to collect data on individual perpetrators.

In addition, individual perpetrator data is also collected in the course of service delivery by service providers prescribed to the Multi Agency Family Violence Risk Assessment and Management Framework (MARAM) and the Family Violence Information Sharing Scheme (FVISS). MARAM prescribed services include a wide range of organisations, with 370,000 workers across more than 6000 organisations and multiple sectors. This data may be shared on request or proactively under FVISS, for the purposes of assessing or managing family violence risk. Victim survivor FV services regularly request data from these different organisations and databases on individual perpetrators to inform their risk assessments.

From a systems perspective, data management practices and data systems vary considerably across organisations and sectors and generally operate in silos. Statutory agencies as Child Protection, VicPol, Corrections, and The Orange Door (TOD) own comprehensive and extensive databases on incidents, background information, and life histories of perpetrators of FV. This information can be compiled using sophisticated information systems on an as-needed basis, for instance, to support an investigation. In contrast, community services frontline providers, who require access to this data to comprehensively assess and manage FV risk for victim survivors, have limited recourse and rely on manual extraction of client files. This extraction is complemented by varying degrees of formal or informal information sharing within and across specialist teams through available mechanisms such as the Central Information Point (CIP) and MARAM and FVISS.

At an inter-agency level, system silos are bridged through the statewide Risk Assessment and Management Panel program (RAMP), which focuses on the highest risk family violence cases. RAMP meetings are operationally supported to carry out information sharing at the level required to enable effective and timely FV risk management due to their focus on the highest risk cases. With the introduction of the FVISS reform, this type of collaborative practice is being strengthened more broadly across the system, with the expectation that all relevant practitioners working a case are engaged in collective data gathering on FV perpetrators. However, client confidentiality has been a cornerstone of practice for decades and there are inconsistencies in how FVISS is applied in practice.

At a macro level, the specialist FV sector relies primarily on the Crime Statistics Agency (CSA) for processing, analysing, and publishing FV administrative data and information from the Law Enforcement Assistance Program (LEAP) database. In addition, Family Violence Regional Integration Committees (FVRICs) across Victoria collate and analyse local needs and trends in their respective areas, and identify and prioritise systemic issues, in order to support advocacy for improvements to the service system.

Barriers

It is important to draw distinctions between the collection and analysis of FV perpetrator data and information. The service system is highly capable of collecting and consolidating large volumes of data and information. However, the analysis and ability to apply data and information is a different matter. This gap is largely due to fragmented data systems that do not speak to each other.

Most, if not all, Men's Behaviour Change Programs (MBPC) service providers record or upload their clinical data to the Integrated Reports and Information System (IRIS). IRIS is siloed from the database for victim survivor data, the Specialist Homelessness Information Platform (SHIP). This separation creates barriers to timely and efficient information sharing at the clinical level, which has the potential to considerably slow down the analysis of family violence risk-relevant information. Ideally, risk-relevant information would be shared collaboratively between victim survivor specialist services and perpetrator intervention specialists. In addition, the IRIS database is inefficient and difficult to use, creating an additional barrier to effective information sharing.

As the primary (but not only) intake point, the TOD system operates the Tools for Risk Assessment and Management (TRAM) platform as part of its service model. MARAM

relevant information is gathered and entered into TRAM, which is helpful for streamlining processes and ensuring consistency of data gathering. However, as TRAM access is limited exclusively to TOD practitioners, post-intake information sharing from TOD to frontline service providers requires further manual steps (e.g. email, SharePoint), which creates risks of data entry error and a barrier to timely and efficient information sharing at the clinical level amongst all practitioners providing case support.

RAMP uses a different web-based information platform, RISS (RAMP Information Sharing System) to share risk relevant information across agencies. RAMP meetings occur monthly, limiting the ability of frontline service providers to draw upon inter-agency situational awareness. Core RAMP membership is limited to the senior management level, which places demands on the availability of key participants and limiting the current operational information available. By contrast, in NSW, Safety Action Meetings (SAMs) operate fortnightly, and is attended by frontline practitioners and officers who are better acquainted with the current information available.

The fragmented nature of data systems limits the ability to use perpetrator data to inform risk assessments and entrenches systemic issues such as misidentification of the primary aggressor. The Family Violence Reform Implementation Monitor's (FVRIM) report on predominant aggressor found that misidentification is a significant issue.¹ In Touch Multicultural Centre Against Family Violence estimated that at least one third of their clients had been mis-identified as perpetrators at some point in their engagement with law enforcement and the justice system.² The FVRIM report noted that:

“Further, certain cohorts are at greater risk of being misidentified as a perpetrator: in particular, Aboriginal women, migrant and refugee women, women with disabilities, criminalised women and LGBTIQ+ people.”³

Due to fragmented data systems, the predominant aggressor's patterns of coercive control and abuse is often obscured, increasing the chances of misidentification. Currently there is no clear process for systems rectification of misidentification. The system fragmentation means that if misidentification is flagged, it is difficult and time-consuming to rectify the client record across the entire service system, as multiple data platforms have to be updated in each instance. Some information systems do not have the functionality to rectify misidentification in the database. Misidentified victim survivors remain exposed to systems abuse, including the stigma and punitive consequences of being misidentified as perpetrators, whilst the actual perpetrators remain invisible and unaccountable.

Recommendation 1: Invest in linking information systems to facilitate more effective and efficient sharing and analysis of existing family violence risk relevant data to inform family violence risk assessment and management.

¹ Monitoring Victoria's family violence reforms Accurate identification of the predominant aggressor. (2021). Available at: <https://content.vic.gov.au/sites/default/files/2021-12/FVRIM%20Predominant%20Aggressor%20December%202021.pdf>.

² Nilsson, J. (2022). Position Paper: The Causes and Consequences of Misidentification on Women From Migrant and Refugee Communities Experiencing Family Violence. [online] inTouch - Multicultural Centre Against Family Violence. Available at: <https://intouch.org.au/position-paper-the-causes-and-consequences-of-misidentification-on-women-from-migrant-and-refugee-communities-experiencing-family-violence/>.

³ No to Violence (2019): Discussion paper: predominant aggressor identification and victim misidentification. Available at: ntv.org.au/advocacy-media/policy-positions-and-submissions/ (accessed 6 July 2021).

Recommendation 2: Require that all relevant data collection tools, processes, platforms, and systems have the functionality to rectify the client record to address misidentification. Ensure that rectification processes are transparent, accessible, efficient, and easy for individuals to navigate.

2. How is the current data on the profile and volume of family violence perpetrators used in Victoria?

Mechanisms

On the individual level, frontline practitioners (for victim survivors and perpetrators) use data and information on FV perpetrators to assess FV risk, analyse perpetrator patterns of behaviour, and formulate risk mitigation measures. In Victoria, the Central Information Point (CIP) is used to consolidate data and information from these repositories for case use by select workforces (primarily TOD, VicPol, Court Services Victoria and Corrections) to assess and manage FV risk. Further, practitioners within MBCPs and similar interventions utilise their analyses to bring the perpetrator into view, ideally through collaborative practice as prescribed by MARAM and FVISS. Similarly, the data collected before, during, and after RAMP meetings is used by frontline practitioners to inform their risk management actions, either individually or jointly.

At the macro level, only perpetrators who have been reported – and therefore recorded on an L17 and similar databases – are visible to the service system. This creates a disproportionate and systemic information bias against Aboriginal and Torres Strait Islander communities and other over-policed populations that may have extensive and intersecting prior interactions with VicPol, Child Protection, and other statutory services. Additionally, since private providers (e.g. psychotherapy, mental health, alcohol and other drugs) are not mandated by legislation to share information, perpetrators who have the means to access private providers are invisible to the service system.

Barriers

Ongoing challenges remain that go beyond technical infrastructure in the sharing and use of FV perpetrator data remain. This includes:

- the need to know which specific services a perpetrator has accessed in order to be able to request information from that service;
- a continued reluctance to share information, particularly proactively; and
- a lack of understanding across all MARAM and information sharing prescribed sectors of what family violence risk relevant information is.

The CIP has been a positive development in enabling and streamlining information sharing for FV risk management and protection purposes. However, with some exceptions, frontline service providers do not have direct access to CIP-generated reports or TRAM data.

Without dedicated resources and capabilities for data consolidation and analysis, frontline service providers rely on manual data extraction and processing from client files. This can be

an extremely time-consuming process that detracts from timely provision of family violence risk assessment and management services and interventions.

The system would benefit from strengthening its capacity and capability in '*connecting the dots*' of patterns of behaviour for perpetrators and to work collaboratively to support victim survivor safety and maintain perpetrator visibility. This would entail continued upskilling and training, drawing on evidence-based frameworks and techniques.

Recommendation 3: Expand access to the CIP to frontline providers of specialist victim survivor and specialist perpetrator interventions.

Recommendation 4: Adequately resource sustained capacity and capability building for frontline service providers of victim survivor supports and perpetrator interventions in the analysis of perpetrator patterns of behaviour.

3. What additional data on the profile and volume of family violence perpetrators should be collected in Victoria?

For the purposes of guiding family violence risk assessment and management to keep victim survivors safe, collecting more data on FV perpetrators is not necessarily the answer. Rather, the long-term practical solutions lie in joined-up data management systems and highly skilled frontline workforces that keep perpetrators in view.

To strengthen our understanding of people perpetrating family violence and how to shift their behaviour, further work is required to build the growing and evolving knowledge base. This includes recent research into offender pathways that attempts to map the complex and diverse trajectories that lead to recidivism (both within one relationship and across relationships) and ultimately, the most extreme forms of family violence: intimate partner homicide, homicide, child homicide, and suicide as a tactic employed against a victim survivor.

Rigorous program and systemic evaluation of perpetrator interventions requires sustained investment to inform the evidence base. In parallel, additional research and pilot program design is required to discover new insights on desistance from FV, from reduction to cessation of perpetrator patterns of behaviour, to continue to expand evidence and interventions across the continuum.