

Inquiry into capturing data on family violence perpetrators in Victoria

We thank the Committee for the opportunity to appear at the hearing for this Inquiry in August and for the questions on notice. Our responses are set out below.

Children and young people who use violence

During the hearing, there was a request for any further information on issues around children and young people who use violence in the home.

We do not have anything further to add above what is set out in our submission to this Inquiry. We refer the Committee to section 5 (Tailored systems for young people) of our submission, available [here](#).

Multi-agency response to addressing misidentification

At the hearing, it was noted that during the Federation's opening remarks, we referred to the need for a multi-agency response to misidentification of victim survivors as perpetrators of family violence. We were asked during the hearing "who needs to be involved in that exactly and just really break it down for us when it comes to developing this potential framework"?

While misidentification of victim survivors as perpetrators commonly occurs during interactions with police, there are broader impacts across a number of areas and service systems, including, child protection, legal and court processes and engagement with support services, such as, family violence, sexual assault and housing services.

As highlighted in our submission, the flow on impacts for people misidentified as using family violence can be devastating, including higher risk of ongoing violence, forced separation of families, reduced access to family violence services, criminalisation, and homelessness. These impacts are particularly acute for Aboriginal women, migrant and refugee women, women in the criminal legal system, women with disabilities and people who identify as LGBTIQ+, who are at greater risk of being misidentified, and face structural barriers to accessing justice.

Recognising that misidentification is multi-faceted, the Family Violence Reform Implementation Monitor recommended a whole-of system response to misidentification, including documenting agreed whole-of-system misidentification reduction and rectification processes.¹ The following agencies/sectors need to be involved in developing a whole-of-system response and framework to prevent and rectify misidentification:

- Victoria Police
- Legal assistance sector (e.g., community legal sector, specialist Aboriginal family violence and legal services, Victoria Legal Aid)
- Family violence sector (e.g., Safe and Equal – as the peak body)

¹ Office of the Family Violence Reform Implementation Monitor, [Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor](#), December 2021, p.6

- Sexual assault sector (e.g., Sexual Assault Services Victoria - as the peak body)
- Courts (e.g., the Magistrates Court of Victoria and Federal Circuit and Family Court of Australia)
- Government departments (i.e., Department of Justice and Community Safety and Department of Families, Fairness and Housing (including, Family Safety Victoria / Orange Door Network))

This involves these agencies working collaboratively to develop mechanisms to prevent misidentification by police, effective processes for police to rectify misidentification (e.g., clear police escalation points where misidentification is identified by other agencies) and monitoring systems to track the incidence of misidentification by police for transparency and accountability. The collaboration of multiple agencies in the development of a whole-of-system response maximises the expertise that each agency/sector brings to this issue.

Correcting records for people who have been misidentified

During the hearing, there were questions around the timelines for changing a person's profile where there is misidentification from a legal perspective and particularly in relation to police records (i.e., L17). Other organisations on the panel may have provided a response to this already as we understand that this question was put to the panel as a whole. Please see our brief response below.

The police record whether a person is a primary aggressor or a victim survivor in family violence incidents in LEAP. Once this record is made in LEAP, we understand that there is currently no way of changing or removing this record where it is later identified that misidentification has occurred. This has significant flow-on effects as this information is stored on the person's profile and can impact their engagement with other services and legal and court processes. The profound flow-on effects are set out above and in our submission to this Inquiry.

It is important that police systems are updated to allow for the police to record where there has been misidentification and to correct the original record, so a person's profile as a perpetrator of family violence does not persist where this is inaccurate.