

**Submission  
No 8**

**INQUIRY INTO CAPTURING DATA ON FAMILY VIOLENCE  
PERPETRATORS IN VICTORIA**

**Organisation:** Djirra

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The Legislative Assembly Legal and Social Issues Committee  
Parliament of Victoria

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27 May 2024

***Inquiry into capturing data on family violence perpetrators in Victoria***

Djirra welcomes the Legislative Assembly Legal and Social Issues Committee's Inquiry into how capturing data about perpetrators of family violence can support women and children's safety.

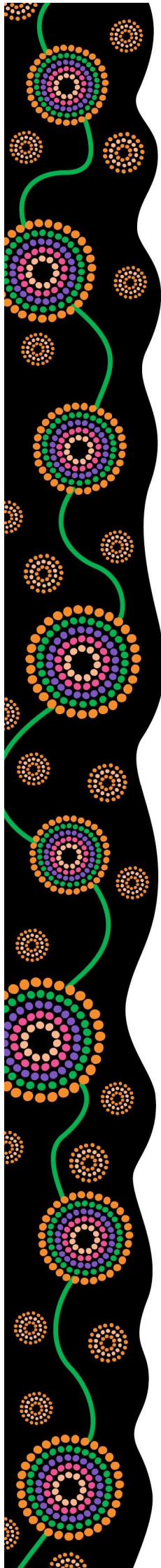
Djirra is an Aboriginal Community Controlled Organisation (ACCO). We have 22 years' experience finding solutions through Aboriginal and Torres Strait Islander women sharing their stories, journeys, and experiences. Djirra celebrates women's strength and resilience and is committed to a future without family violence. Self-determination is the foundation of everything we do. Djirra delivers holistic, culturally safe, specialist family violence support, legal, case management, and wellbeing services and programs across Victoria. We advocate for system-wide change to improve access to justice, eliminate systemic violence, and strengthen women's resilience.

**Overall themes**

Djirra would like to draw the Legal and Social Issues Committee's attention to two key themes:

1. In all decision-making regarding perpetrator data, the interests of those most at risk from family violence must be prioritised above all else. The first obligation must be to women and children and their right to safety, privacy and respect. In Djirra's experience, there are times where data pertaining to perpetrators and those experiencing violence may be entangled. E.g. hospital information about injuries or treatment following a family violence incident. In these circumstances, it is crucial that there is adequate resourcing to support processes of securing informed consent by those persons experiencing family violence. For Aboriginal women, this is also about their own data sovereignty.
2. Any discussion of perpetrator data must consider the extent of Police misidentification of Aboriginal women as perpetrators of family violence; and the significant adverse impacts this has on women and children's safety. For example, up to 58% of women on Community Protection Orders in Victoria have been misidentified as perpetrators (Women's Legal Services Victoria, [2018](#)).

For Aboriginal women, misidentification as perpetrators of violence occurs more frequently than it does for other women. In addition to the impacts on women and children's safety, misidentification leads to Aboriginal women's criminalisation, incarceration and removal of their children. Djirra's frontline workers report that it is difficult, time-consuming and sometimes impossible for services like Police and child protection agencies to correct their records, even when a court has found that an Aboriginal woman experiencing family violence was the victim not the perpetrator. A perpetrator data system which values the safety of women and children must include straightforward and accessible mechanisms for correcting misidentification.



Our responses to the Inquiry's questions are below.

**1. Collection, storage and accessing of data on the profile and volume of family violence perpetrators (and related questions improvement of these processes)**

In terms of *internal* data, Djirra collects information about individual perpetrators provided by our clients. This includes:

- First Name, Last Name
- Date of birth
- Gender
- Indigenous status
- Relationship to client
- Contact address (not usually filled)

This data is stored electronically, secured with two-factor identification, and access is limited to relevant Djirra staff. Our staff are focused on the safety needs of our clients, and Djirra records and collect perpetrator data almost solely for that purpose.

In terms of accessing *external* perpetrator data, our case management (Individual Support Services (ISS)) team access information about perpetrators via the Central Information Point (CIP) (e.g., criminal record) and via Family Violence Information Sharing Scheme (FVISS) and Child Information Sharing Scheme (CISS). Djirra does not have direct access to CIP data, despite being a Tier 1 organisation with MARAM, so we request information via The Orange Door (TOD). This process is quite slow which impacts negatively on the safety of women we support.

Djirra's legal team accesses external data about perpetrators primarily via court documents and subpoenas (if court proceedings are on foot), freedom of information or direct requests. Current wait times for FOI requests to Police average around 35 weeks – with Police extending the statutory period (30 or 45 days) many times over. One of our lawyers recently obtained FOI Police documents for a client after a 19 month wait. These types of delays obstruct justice, and sometimes adversely impact women and children's safety.

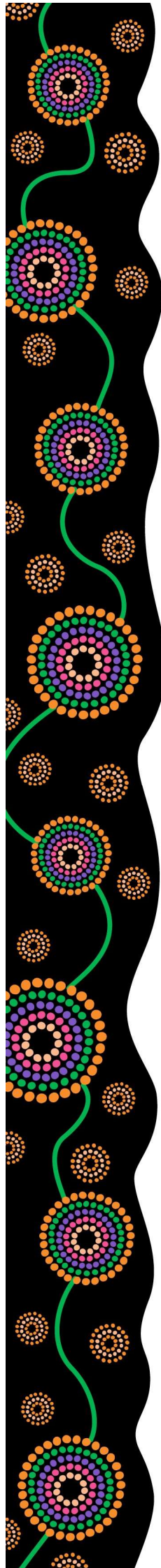
Our legal team also gains access to information about perpetrators from Police data provided for Family Violence Intervention Order (FVIO) applications, however this information is often incorrect. In Djirra's experience, judicial decision-makers generally correct the information on court files when presented with evidence to the contrary, but these errors (some minor, some significant) are rarely corrected on Police records.

**2. Purpose of data collection, use of data on the profile and volume of family violence perpetrators, and how could the way this data is used be improved?**

*Current use of data*

Djirra primarily uses perpetrator data to support individual Aboriginal women to stay safe. Djirra's ISS team use information about specific perpetrators in their processes for safety planning, risk planning and risk management for clients.

Djirra's legal team use perpetrator data to establish that the perpetrator has used family violence against our client with the aims of securing a legal outcome. For example, FVIO, orders under the *Family Law Act 1975*, a decision under the *Children, Youth and Families Act 2005*, or victims of crime compensation. Information about the perpetrator is central to the risk assessments required under the various statutes to assist decision-makers on the best legal outcome to secure the safety and wellbeing of our clients and their loved ones.



For example, for child protection matters, the test is whether the child is at an unacceptable risk of harm. Djirra's legal team uses research data on perpetrators to inform these risk assessment processes, i.e. where the perpetrator's violence shows a pattern of escalation or strangulation.

Djirra also uses data regarding the gender and ethnicity of perpetrators to inform our program planning and policy development and advocacy. Available external data about perpetrators of family violence is often of limited utility, as it mostly fails to breakdown data by ethnicity. For instance, Crime Statistics Agency data set out in the Family Violence Dashboard has multiple weaknesses. We suspect this mostly stems from the data source, usually L17s from Police.

Djirra's experience is that information provided by Police is often inaccurate and incomplete and is regularly corrected as part of the court process. This does not correct the original record, which is then part of the inaccurate data provided to the Crime Statistics Agency and placed in the public domain. The Family Violence Dashboard is mostly not disaggregated by ethnicity (including Indigeneity) in a useful way that cross references with other data points like gender or geographical region. This could lead to better policy responses to address the invisibility of Aboriginal women's experience of family violence. For example, the majority of perpetrators of family violence against Aboriginal women are non-Aboriginal in Victoria and yet too often, family violence experienced by Aboriginal women is presented as a 'community problem'.

#### Case study: Use of perpetrator data

Our client asked for support from Djirra for her and her 3 children aged 3-10. She had previously been misidentified by Police and was concerned about this happening again. The perpetrator is not Aboriginal. He is currently in prison for assault and breach of FVIO relating to our client and with a violent history. He has mental health needs and threatened suicide multiple times as form of control.

Our client felt relatively safe while the perpetrator is in prison. However, is extremely fearful should he be released. She was unsure of the status of perpetrator's criminal matters or whether further hearings or pending release date. Djirra helped our client plan her immediate and longer-term needs:


- (a) using FVISS to request his criminal record, current and historical FVIOs and current incarceration.
- (b) accessing most recent MARAM assessment from The Orange Door to avoid her having to retell her story
- (c) applying online to be notified of perpetrator's release date through Victims of Crime Register.

**The perpetrator was named as the respondent on a total of 15 FVIOs over that time, naming Djirra's client and 4 other women as the protected persons.** The perpetrator also had an extensive charge sheet. Corrections Victoria shared details of a bail hearing for the following month but could not advise about any plans/release dates.

With this information, Djirra liaised with the Police Informant involved in the bail hearing and provided advocacy and our specialist assessment of the extreme level of risk posed by perpetrator to our client and the children should he be released. This assisted the Police and Courts to make a decision to keep the perpetrator incarcerated for a further 18 months.

Djirra's focus on safety at an individual level means how we manage perpetrator data is not conducive to criminological analysis. We need urgent investment in our systems and in specialist skills for Djirra to start utilising our data for criminological purposes. Djirra is well placed to do this work in ways that protect our women's privacy and respect Aboriginal data sovereignty.





*How could the use of data be improved?*

- **Access to CIP data must be broadened.** As was originally planned with MARAM, all tier 1 organisations, holistic specialist family violence services like Djirra, should have direct access to the CIP. The current method of accessing CIP data via The Orange Door, subpoena and/or FOI request is often slow and complex.
- **Accuracy of CIP data must be improved.** CIP data is compromised by errors and misidentification of Aboriginal women as primary aggressors. We need a formal mechanism to correct information, so that the CIP and Police records are corrected quickly to address misidentification, errors and the flow-on impacts for Aboriginal women and children experiencing family violence.

As indicated above, Djirra's frontline workers are focused on supporting the women who come to us for assistance. It will require a significant investment from Government to extend our work into data collection, data matching and profiling of perpetrators.

### **3. What additional data on profile and volume of FV perpetrators should be collected in Victoria?**

Data must be collected on perpetrator recidivism and past criminal history. This will strengthen Djirra's ability to support women with safety planning and ongoing risk management.

Currently, the Police, Courts and Corrections data available through CIP is limited to Victorian data. We recommend the broadening of CIP to include national and interstate data. In this way, frontline family violence workers can better keep perpetrators in view.

Djirra's ISS team currently also accesses data from individual MARAM organisations via the Family Violence Information Sharing Scheme and the Child Information Sharing Scheme. However to access this, ISS needs to know that another organisation holds relevant information to make a request because there is no centralised index of perpetrator names, and we lack direct access to the CIP.

It will help keep the perpetrator in view to Index this information against an accurate database of perpetrator names. However, the current inaccuracies in perpetrator data mean that an index potentially will endanger some of our women. This is particularly because of the extent of misidentification of Aboriginal women. In this way, actual perpetrators can further abuse Aboriginal women through systems abuse.

Djirra's frontline staff observe that many perpetrators who have attended behaviour change programs use their completion certificates as "proof" of changed behaviour. However, they go on to use violence again. Better data is needed to assess the effectiveness of such programs. Organisations such as No to Violence recommend an outcomes framework for perpetrator programs that includes hearing from the women that experience family violence. Djirra supports this where Aboriginal women experiencing family violence fully consent to participate and their privacy and safety can be assured.

Our frontline workers also observe that there are some men who continue to harass and seek to control Aboriginal women experiencing family violence through systems abuse. For example, one perpetrator pursued one of our clients through vexatious court proceedings in six different courts. Greater insight about this cohort of perpetrators may help identify any overlap between this pattern of abuse and the 'fixated threat' perpetrators. For instance, fixated threat perpetrators have been found responsible for around one third of intimate partner homicides and are "often not visible to law enforcement".<sup>1</sup>

As noted, if more perpetrator data is collected in Victoria, Djirra's support is conditional upon the prioritising of women and children's safety and the prompt correction of any misidentification of Aboriginal women experiencing family violence as the primary aggressor.



**Our key recommendations:**

- The Government must enable Specialist Family Violence Services, like Djirra, to have direct access to the Central Information Point.
- The Government must establish a formal mechanism to enable the prompt correcting of any misinformation and other errors held by Police, Child Protection, Central Information Point and other relevant Government record holders.
- The Government must invest in specialist Aboriginal-led Family Violence Services, like Djirra, to develop more robust perpetrator data consistent with Indigenous Data Sovereignty.

We welcome the opportunity to discuss our experience and proposals.

Yours sincerely,



Antoinette Gentile  
A/CEO, Djirra