

Identification of the Predominant Aggressor: Research Snapshot

How does misidentification happen?

Perpetrators often construct themselves as or claim to be victim survivors. They will frequently report the victim survivor as either the perpetrator or equally involved in the perpetration of violence to manipulate or 'game' the criminal justice system and other processes. Research shows that law enforcement attending a family violence incident may not correctly identify who the predominant aggressor is. But courts and other services responding to family violence may accept VicPol's assessment.

The identification of the AFM/Other Parties on the Family Violence Report (L17) may not be correct.

Who is at risk of misidentification?

Evidence shows that approximately 58% of women designated as predominant aggressor by VicPol are later found to have been misidentified (Ulbrick and Jago, 2018). Women, Aboriginal people, people with disability and those who have consumed alcohol are more likely to be misidentified as the predominant aggressor.

What are the risks of misidentification?

Misidentification results in severe risk for victim survivors wrongly designated as perpetrators:

- Lack of response to family violence risk: risk assessment and management may not address the family violence risk because the victim has been misidentified
- Criminal charges: women face criminalisation or continued criminalisation
- Separation from children and trauma to children
- Loss of reputation/access to services, employment, housing
- Immigration rights/visa status
- Issues arise in (e.g.) family law (both parenting and property) and child protection
- Serious economic costs: a significant waste of the victim's time and resources
- Denial of financial payments from crisis services, implications for VOCAT claims
- Loss of trust in police and the justice system (Ulbrick and Jago, 2018)

What is your role in identifying the predominant aggressor?

You should not assume that someone else has correctly identified the two parties.

As a specialist family violence practitioner, your role in correct identification of the perpetrator/predominant aggressor and victim survivor is vital. VicPol do not have access to the detailed information you may access via risk or other needs assessment. You may be the first person to put together key pieces of evidence, ask a vital question, or access additional information.

References: Australia's National Research Organisation for Women's Safety. (2020). Accurately identifying the "person most in need of protection" in domestic and family violence law: Key findings and future directions (Research to policy and practice, 23/2020). Sydney: ANROWS.

Ulbrick, M & Jago, M. (2018). "Officer she's psychotic and I need protection": Police misidentification of the 'primary aggressor' in family violence incidents in Victoria: Policy Paper 1. Melbourne: Women's Legal Services Victoria.

<https://www.womenslegal.org.au/wp-content/uploads/2023/08/WLSV-Police-misidentification-of-the-primary-aggressor-in-family-violence-incidents-in-Victoria-Oct-2018.pdf>

Identification of the Predominant Aggressor: A Checklist for Practice

This checklist is derived from the MARAM Practice Guide, and insights from research, and is designed to support practitioners to identify the predominant aggressor.

All specialist family violence practitioners should be alert to the possibility of misidentification, at all stages of family violence service delivery. Risks to misidentified victims are substantial, long-lasting and potentially fatal.

Consider:

- Your own and other practitioners' biases, which may include myths and stereotypes that undermine the credibility of one party, usually the more marginalised
- The history of family violence between the people involved, a history of violence to other family members or previous partners and whether either party might be acting in self-defence
- The collection of evidence from others outside the relationship (such as children and other family members)
- The language being used by the individuals (perpetrators tend to minimise or deny their involvement and are unable to sympathise with the victim survivor's emotions, whereas victim survivors will often excuse or take responsibility for the violence)
- The nature and severity of injuries (including whether injuries may be self-inflicted)
- The context in which power and control may be being established (e.g. through social, cultural or geographic isolation)
- The power dynamic in the relationship and any vulnerabilities
- Evidence of other forms of violence such as financial abuse and evidence of intimidation (text messages, online messaging and social media)
- Evidence in relation to parenting and attempts to protect (or harm) children
- The extent of fear, who is most fearful and what tactics of control, threats and stalking have occurred
- The presence of alcohol use by perpetrators and victim survivors, as victim survivors are more likely to be arrested when they have been using alcohol even if they are not the predominant aggressor