

Snapshot of Police Family Violence Intervention Order applications

January – May 2018

Women's Legal Service Victoria (WLSV) has been providing free legal services to women since 1982, specialising in legal issues arising from relationship breakdown or violence. This includes providing a daily duty lawyer service at Melbourne Magistrates' Court (MMC).

Over the last approximately two years WLSV duty lawyers at MMC have noticed an increase in both the number of women being named as respondents to police applications for family violence intervention orders (FVIOs) *and* the proportion of those women who are incorrectly identified as the primary aggressor.

File review

In the context of limited publicly available data, WLSV undertook a manual file review of all the cases where we assisted women at MMC over the five month period January – May 2018.

Police Applications for FVIOs

From January 2018 to May 2018 inclusive, WLSV assisted 312 women in relation to police FVIO applications on a total of 346 occasions. Of the 312 women assisted, 55 were identified as respondents to the FVIO. These 55 women were assisted on 79 occasions.

Misidentified respondents at WLSV

Of the 55 women named as respondents to police FVIO applications, our file review found that 32 had been incorrectly identified. These 32 women were assisted on 45 occasions (see methodology, over).

Table of findings

	Police FVIO applications	Female respondents	Percentage of female respondents	Misidentified respondents	Percentage of all respondents misidentified	Percentage of female respondents misidentified
Periods of assistance	346	79	23%	45	13%	57%
Clients	312	55	18%	32	10%	58%

Demographic data

Of women who had been wrongly named as aggressors on FVIOs in our sample, CALD women, women with a mental illness and homeless women were over-represented:

- 17 in 32 (53%) were born in countries referred to as predominantly non-English speaking. 2016 census data shows that 17.9% of the total population were born in predominantly not-English speaking countries

- 13 in 32 (40%) had a psychological illness, including depression, anxiety, and bipolar disorder. The ABS 2007 *National Survey of Mental Health and Wellbeing* found that one in five people (20%) aged 16 to 85 years' experience one of the common forms of mental illness (anxiety, affective or mood disorders, and substance use disorders) in any one year
- 13 in 32 (40%) were at risk of homelessness compared to 0.005% of the population recorded as homeless in ABS 2016 census data. The ABS considers a person homeless if their current living arrangement is in a dwelling that is inadequate; or has insecure tenure; or restricts access to space for social relations

Data on the history of violence

Where women who had been wrongly named as aggressors on FVIOs in our sample, it was likely that they had previously been the victim of family violence by the other party:

- One in two (50%) were also victims of verbal and/or physical abuse by the other party *on the day* the police responded. This included punching, kicking, and choking (a red flag for homicide)
- 19 in 32 (59%) were also victims of serious *historical* family violence perpetrated by the other party. The violence included physical, emotional and sexual violence, and economic abuse and control
- Nine (28%) had current/prior IVOs against the other party

Summary of methodology

We reviewed all of our 499 hard copy intake forms for the period January – May 2018 and recorded relevant details in an Excel spreadsheet, including: demographic data extracted from our client intake forms; whether the case related to a police application; whether our client was named as the AFM or the respondent; and whether the duty lawyer had, at the time, made a note that the client had been misidentified as the respondent. We then used the spreadsheet to determine the number of police applications and the number of times our client was identified as the respondent. The spreadsheet was also used to do a preliminary assessment of where our duty lawyer had flagged the client as potentially having been misidentified.

The next step was to manually review all the intake forms where our client was identified as the respondent, regardless of whether the duty lawyer had noted potential misidentification.

In reaching a view as to whether a particular client had been misidentified, we considered:

- Which of the parties called the police
- Whether our client had previously been a victim of family violence, based on police records, client instructions, other available materials e.g. reports, assessments
- Prior or current intervention orders where our client was the AFM
- Whether our client had sustained injuries
- Police conduct while responding to the dispute (e.g. were the parties interviewed separately by police, were professional interpreters used, did police respond appropriately to ensure the safety of the client and others involved?)
- Whether the clients' vulnerabilities were taken into consideration by the responding officer (e.g. pregnancy, dependent children, mental health issues, substance use)

For misidentified clients, we then compared demographic data collected with publicly available data.