



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Community Corrections

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**Submission by the Domestic Violence Crisis Service Inc.
Inquiry into Community Corrections**

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Context of DVCS service provision

The Domestic Violence Crisis Service Inc. (DVCS) has been operating in the ACT since 1988, and over time has expanded beyond its crisis intervention response to provide a range of program offerings designed to support safety for all people impacted by family, sexual and intimate partner violence. In addition to the core business of a 24/7 crisis response, DVCS supports clients via Legal Advocacy programs, Staying@Home case management, a Young People's Outreach Program, Support Groups, Room4Change Men's Behaviour Change Program; and engages in primary prevention work including community education. DVCS is the only specialist Domestic and Family Violence (DFV) organisation operating in the ACT, and is a member of the Family Violence Intervention Program (FVIP).

Collaboration and working context

DVCS works with both victim-survivors of DFV, as well as offenders. Given our respective roles in supporting community safety, DVCS and ACT Corrective Services (ACTCS) collaborate and connect at various touchpoints. Our key areas of focus for this submission are intersections with our Legal Advocacy Program, and our Room4Change Program as outlined below.

Legal Advocacy Program

As part of our Legal Advocacy Program and within the scope of their role as a key victim support agency within the FVIP, DVCS Criminal Justice Advocates (CJA) provide court updates, risk assessment, support and safety planning to clients as DFV criminal matters progress through the ACT court system. This support is available to clients from the point of arrest through to completion of the court matter at sentencing. At this time, the CJA will provide information to the client about the Victim's Register, and encourage them to make an application to join the register.

Room4Change

Room4Change is a men's behaviour change program, working with male-identifying users of domestic, family and intimate partner violence. Following a comprehensive assessment phase, eligible men engage in individual case management, group readiness work, and group work to invite them to take responsibility for and understand the impact of their use of control and violence in relationships. Many of the men engaged with the program are subject to ACTCS orders and as such, partnership, collaboration and information sharing between the services in relation to engagement, risk and safety concerns are necessary to allow for comprehensive and rigorous risk assessment for the victim-survivor/s and any children involved. In addition, ACTCS is a key referrer to the program.

Room4Change also works with the partners and ex-partners via our Partner Support Program. Our partner support team work alongside women to enhance and support their safety, and bring their voices to the centre of risk assessment and management conversations. Historically, the partner support team has provided partner contact for ACTCS's Domestic Abuse Program (DAP).

Areas of improvement

Legal Advocacy

Victim's Register

Although the CJA provides information to clients in relation to the Victim's Register, many report not having engaged with the registry. They report feeling confused by the registration process or don't have capacity to submit the paperwork due to reluctance to engage with a new service, impairments and complex trauma responses. For clients who have experienced significant trauma and are vulnerable, having the option for a service to register on behalf of client to continue their involvement and support may alleviate concern and confusion with the Community Corrections involvement. Although clients can continue to be supported through other programs of DVCS, the potential of the CJA role being able to receive information from Victim Support ACT (VSACT) regarding a sentence allows for extensive safety planning conversations to occur with the client with an understanding of the history and the client's needs.

Room4Change

Information sharing

- DVCS Room4Change (R4C) staff proactively request and share risk and safety related information with ACTCS when working with perpetrators. This works well when ACTCS staff understand the roles of a Men's Behaviour Change Program (MBCP) and best practice principles or are open to understanding the role and context of our program. When ACTCS staff are accessible to R4C staff, and when ACTCS staff are what R4C staff have described as 'being on the same page' – where ACTCS staff either have a sound understanding of DFV and a strong victim safety lens or are open to taking feedback and seeking guidance from DFV specialist services such as DVCS.
- It is of imperative to our initial assessment and the safety of victims as well as our program staff that referrals are completed comprehensively and that R4C eligibility questions are considered carefully by referrers. Ensuring perpetrators are not set up with expectations regarding what R4C will offer is essential as a comprehensive assessment is undertaken by R4C staff to determine suitability and ensure a safe and appropriate response.
- There have been instances where information has been shared with ACTCS for the purposes of highlighting risk or providing a clear picture of client engagement and this information has been directly disclosed to perpetrators resulting in possible risk to staff. Although R4C participants are aware of the limited confidentiality policy within the program, when agencies disclose information from DVCS to a perpetrator, this is best done through discussion with and advance notice to DVCS workers. Clear and timely feedback about how a perpetrator has responded to any information is also important to inform any possible risks to staff.

Acknowledging and utilising our expertise

- We seek to work in collaboration with ACTCS when men with current supervision orders engage in R4C. We sit with many examples where ACTCS have proactively engaged with DVCS R4C staff and have been open to the information and perspectives we have provided. A simple and clear example is where a Community Corrections Officer (CCO) will invite our assessment around the risk and suitability of early termination of supervision on an order and will acknowledge and be responsive to our feedback.
- On other occasions DVCS R4C staff have not been provided with timely information, or ACTCS staff have not sought the expertise and risk and safety assessment of R4C staff when making decisions about perpetrators orders or directions around ongoing engagement in R4C. Ideally DVCS sits with a well-rounded risk assessment informed by both the perpetrator and victim of violence, when ACTCS staff do not use information from DVCS R4C staff to inform their decision making we believe critical information is not being considered. Systems can collude with perpetrators of violence and support their ongoing abuse or violence supporting narratives when the safety and wellbeing of victims is not prioritised in these decisions.
- While consistently enforcing consequences for the noncompliance of ACTCS orders is often essential in supporting accountability, a time where risk can spike significantly is where perpetrators are made aware that they are/will be breached and may return to custody. When R4C are working with men and their current and former partners we can play a critical role in risk management if included early in these decisions and conversations.

Supporting perpetrator accountability and ensuring victims can access support

- MBCPs cannot serve as an accountability mechanism within themselves. ACTCS plays a critical role in serving as an accountability mechanism that can interrupt violence and abuse and enhance the safety of victims. Consistency in the interpretation of community corrections orders and timely and consistent responses from ACTCS staff in response to risk information is essential.
- There have been instances where perpetrators have been directed to engage with R4C, however these men have refused to engage in various parts of the assessment process or program. Our experience has been that in some areas a lack of compliance is more likely to result in ACTCS follow up or breach action, such as when men refuse to engage or exhibit poor attendance. When men have declined to provide consent for the Partner Support Program within R4C to contact their current or former partners to offer independent safety planning and supports, our perception has been that this has been considered less of a compliance issue.
- Men who use violence and control will commonly use isolation to further their control and entrapment of current and former partners and should never be in a position to dictate the provision of Partner Support contact. While we seek 'consent' this is also an exercise in understanding where men are at in their willingness to possibly step into accountability work and to understand to what lengths they may go to in order to continue to isolate those they have harmed. Supporting the safety of current and former partners and children is at the core of the work done in R4C, and we believe all efforts should be made to ensure they are supported and their experiences are heard.

- On occasion ACTCS staff have echoed inaccurate information that men have used to attempt to decline providing Partner Support consent, that to do so would be a breach of FVO, family court or community corrections order conditions.
- On one occasion the wording of a parole order was interpreted as conveying the above, that the individual was not cause anyone to approach a victim unless in accordance with an order of the court, however we argue that the Partner Support program was being considered as service offering in addition to the R4C program rather than recognising it as a central component of the R4C program itself. However it is essential that the wording of community corrections orders supports the safety and welfare of victims without hindering the provision of professional and specialist DFV services.
- There have been instances where the ACT victims register has held information about victims and DVCS was advised the current legislation created a barrier to sharing contact information. DVCS staff are best placed to offer our services, and on occasions where ACTCS staff have offered Partner Support services, this was done without adequate consultation and DVCS received feedback which indicated the purpose of the program may not have been accurately conveyed.

Identified impacts of COVID lockdown and shift in ACTCS service provision

- DVCS recognises the significant challenges that the sector has faced responding to DFV in the context of lockdown and COVID-19 public health restrictions. However the impact of COVID-19 on the safety of those subjected to DFV cannot be underestimated. Lockdown created additional barriers to safely engaging with victims of DFV as perpetrators spent increased amounts of time at home with partners and children.
- Suspension of face to face reporting requirements and decreased drug and alcohol testing during lockdown was observed to result in increased risk to victims of DFV due to decreased visibility and decreased deterrence regarding drug and alcohol use.

Increased prioritisation of victims and provision of support to former partners of men engaging in the Domestic Abuse Program (DAP)

- In recent years and historically DVCS has provided Partner Contact services to the current partners of men engaging in the DAP. This partnership has been appreciated and prioritised by DVCS in line with our organisational values to promote the safety and wellbeing of those subjected to DFV. DVCS is hopeful this partnership will continue however increased communication and investment in collaboration from ACTCS would benefit the safety and welfare of those at risk from men in the program and ensure a safer delivery of the program.
- DVCS has historically negotiated with ACTCS regarding the importance of including ex-partners and victims of crime in those eligible for Partner Contact when men are referred to the DAP. To date our understanding is that due to participation and consent forms only women identified as current partners by prospective participants are eligible for support. Often we have identified situations where a DFV perpetrator is referred to the DAP due to an offence, however the victim of the offences is an ex-partner and not eligible for Partner Support despite ongoing risk due to the behaviours of the perpetrator which may include ongoing contact regarding children. We wish to highlight our ongoing concern that this

current practice may exclude those most at risk from proactive connection with specialist support services and information relevant to their safety. DFV focused behaviour change programs can result in a range of well documented program instigated risks such as the weaponising of content, increased escalation of the perpetrator and systems abuse and collusion, with skilled Partner Support provision central to monitoring and managing many of these. While we recognise the LSI-R is not a DFV risk assessment focused tool, we understand it is designed to assess the risk of re-offending. Given our current understating is that the DAP is only offered to perpetrators who have a higher LSI-R rating, it should be acknowledged that the population of men referred to the DAP will likely include high risk DFV perpetrators where the availability of Partner Support services to all impacted and at risk of his behaviour is absolutely critical for safe service delivery.

Concluding statement

DVCS values the opportunity to share our expertise, and work in collaboration with ACT Corrective Services, to enhance the safety of members of the ACT community via the sharing of relevant risk information and would welcome a consistent approach in this regard. We know that when this is achieved there are improved outcomes for victim-survivor and child safety, and deaths are prevented. It is essential that victim-survivors have accurate, timely access to information in relation to court processes, offender release dates and conditions in order to engage in a process of meaningful and effective risk assessment and management, for themselves and their children. As a specialist domestic and family violence organisation, it is appropriate that DVCS support victim-survivors to obtain and risk assess this information. Finally, it is imperative that offenders experience the system as consistent, connected and responsive, in order for them to be held to account for their controlling and violent behaviour. Fragmented and inconsistent systems can inadvertently collude with men who use violence, which ultimately puts victims at risk.