

SUBMISSION TO THE VICTORIAN 2015 ROYAL COMMISSION INTO FAMILY VIOLENCE

AUSTRALIAN COMMUNITY SUPPORT ORGANISATION

Background

For over 31 years the Australian Community Support Organisation (ACSO) has been working within the criminal justice system, assisting those in and out of prison to realise opportunities to rebuild their lives and successfully reintegrate into society. Our Vision is “a safe and inclusive community freed from crime and prisons” and we strive to ‘create another chance’ to realise this vision. We work by providing outreach and support to a range of clients in or at risk of entering the criminal justice system, including alcohol, drug and mental health assessment and referral to treatment, residential services, life skills programs and clinical or specialised services for those with challenging behaviours or complex needs.

Our submission to the Commission focuses on aspects of family violence from the perspective of our own practice assisting offenders to effect positive change and, particularly, with regard to "... reducing re-offending and changing violent and controlling behaviours" and "... how government agencies and community organisations can better integrate and co-ordinate their efforts ..." as per the Commission's *Terms of Reference*.

Family Violence Offences

Agencies such as ACSO, whose role is to support offenders to make positive changes in their lives and resist reoffending, rarely know if a client is a family violence offender, as a Family Violence Intervention Order (FVIO) is not a criminal offence in itself.¹ Even where clients have multiple offences of assault, or threat to kill, it is difficult to distinguish if this involves a domestic situation, as there is no specific offence recorded. As it is, we are not always fully informed about a client's offence history; without a ‘primary’ offence nominating family violence, then our support workers would normally be aware of such offences only through a client's self disclosure. The stipulation of what is a ‘primary’ offence is also worthy of attention if a new family violence offence becomes established. Within some processes in the justice, corrections and community services systems, only primary offences are noted or given prominence, often due to the unwieldy number of charges against an individual. Therefore, consideration might need to be given as to how the severity of a family violence offence should be acknowledged within justice systems.

Risk of Violent Reoffending

While ACSO include a subjective judgement of the likelihood of violence in its initial screening of clients, routine formal risk assessments are not funded nor perceived as being within our remit. We are aware that Corrections Victoria use a formal risk assessment instrument, the VISAT, but other parts of the justice system sometimes use different instruments, for instance the LSI-R, and other agencies might use different assessment tools also. If the risk of repeated family violence, by offenders in the criminal justice system, was to be gauged and incorporated into a risk minimisation strategy, then periodic standardised risk assessment, following formal protocols, would be desirable.

¹ Except in cases where the client's primary offence/s includes a breach of a *Family Violence Intervention Order*

Providing Information on Perpetrators

The lack of a systemic and mandatory protocol of information provision from (and across) government sources to community services working with offenders, can hamper effective risk mitigation. The more those who work directly with offenders know of the individual's reoffending risk factors, including history and current circumstances, the more they can assist with strategies to reduce that risk. For example, if our workers are routinely informed when their clients have intervention orders against them, then they are in a better position to help prevent clients breaching those orders and the resultant effect on victims. Enhanced information provision should also incorporate an adult offender's full offence history, including from the youth justice system, particularly given that first offence/first regular offending is an acknowledged static risk factor of importance.

It is our experience that an aura of confidentiality sometimes exists regarding offenders' family violence perpetration. This ranges from within government sources to (anecdotally) within prisons to minimise likelihood of persecution by other inmates. While the threat of breaching the Privacy Act, resulting in erring on the side of caution is generally understandable, it can increase the difficulty for those with the responsibility of supporting offenders, to encourage positive change. It is possible that reticence by authorities to fully inform agencies with such responsibilities is not justified on the basis of privacy considerations, and is detrimental in cases involving family violence. A clear determination, with subsequent protocols, of what client information, under what circumstances, is and is not deemed confidential between various institutions and agencies in the justice, corrections and human services systems, would be welcomed.

Mandatory Behaviour Change Programs and Complex Needs Offenders

ACSO clients released from prison are often mandated for assessment and treatment of alcohol and other drugs (AOD) issues, but not often for behaviour change programs. While recent reforms have introduced behaviour change programs in prison for violent and sexual offenders aiming for parole, attendance is often for the sake of compliance without proper engagement ensuing. If offenders are assessed as being at a pre-contemplative stage, and therefore prone to non engagement in behaviour change strategies, then effort and funding might be better targeted first at increasing motivation to change. We therefore believe there are gaps in the system with regard to ensuring structured behaviour change continues outside of prison, and in fully engaging clients through enhanced motivation to change.

Given ACSO has provided forensic alcohol and other drug assessments and referrals to appropriate treatment for many years, as well as more recent co-occurring disorder initiatives, we are cognisant of the established link between violent crimes and alcohol or drugs of dependence. There can also be compounding factors in violent or sexual crimes, such as intellectual or mental health disabilities and disorders or acquired brain injuries. Behaviour change programs appear to be mandated, offered or undertaken on occasion, independent or irrespective of necessary treatments for underlying conditions. Ideally, a more integrated and holistic approach would be employed aimed at optimising outcomes from multiple concurrent or sequential treatments and therapies, and co-ordinated care approaches are required to work with individuals with co-morbidities, if sustained behaviour change is to be effected.

Voluntary Behaviour Change Programs

One of ACSO's functions is as a centralised intake provider of assessment, bridging support and referral to treatment for AOD and mental health issues. We provide this service for voluntary client intake for regional and rural Victoria, as well as metropolitan Melbourne for forensic (mandated) client intake. It appears, from our own client feedback, that it is often easier to access support for issues such as AOD, mental health, unemployment, housing and even

problematic sexual behaviour, once you have been identified through an established system such as the criminal justice system. There are also established and easily accessed entry points for individuals seeking to address some behavioural issues such as gambling. We are not aware, however, of an analogous, easily accessible point of entry to referral and treatment for individuals voluntarily seeking to address their family violence behaviour. ACSO believes a centralised and easily accessible service entry point for those seeking to address their family violence behaviour is needed.

Summary

Not all those in the criminal justice system are necessarily capable of positive behaviour change, and not all violence is likely to be predictable or preventable. However, from our 30 years of experience working with complex and violent clients we believe there is room for improvement within the criminal justice system, and the broader support services sector, which will assist in reducing family violence. Therefore, in summary, ACSO recommends the following for consideration by the Royal Commission:

- ❖ Discrete family violence offences, separate from common offences against the person, be established.
- ❖ Standardised assessment of the risk of violent re-offending, including clear protocols and procedures be established
- ❖ Increase the availability of information identifying clients who have perpetrated family violence to appropriate agencies who work with offenders, including notice of all intervention orders in place. Clear guidelines of when an offender's information is or is not subject to privacy restrictions within the justice system could facilitate such information sharing, by reducing the burden of risk of breaching the Privacy Act.
- ❖ Funding for, and a greater emphasis on assessing and increasing offenders' motivation to change, prior to participation in suitable behaviour change programs, along with subsequent mandatory engagement in such programs and monitoring of outcomes, post prison release.
- ❖ Introduce an integrated approach to behaviour change and other therapies, that incorporate underlying conditions such as AOD dependence, mental health disorders, brain injury and co-occurring disorders.
- ❖ Establish a centralised, accessible point of entry for individuals needing or wanting to address their family violence behaviour.

ACSO thanks the Royal Commission into Family Violence for the opportunity to participate in such an important investigation and we welcome any further opportunity to contribute.