

# Mis-Identification and Family Violence

A Community in Focus Resource

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# What is Mis-identification?

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Mis-identification occurs when law enforcement, the judicial system, a community based organisation or the community in general label a victim/survivor of family violence as someone using violence.

This can have serious implications for the victim/survivor because it creates an enabling environment for the person who is actually using violence to continue their harm and prohibits the victim/survivor from getting the assistance they need.

There is a lot of different literature on mis-identification, so we are going to define some basic terminology:

**An Incident of Violence:** Violent incidences occur everyday, both in public spaces like pubs, sporting clubs and on the street and in private spaces such as in the home. Incidents of violence occur for many reasons, but they are usually once-of events which do not have a pattern of coercion or control. Statistically men are more likely to be victims of violent incidents and the main perpetrators are also men.

**Family Violence:** Family violence is a pattern of coercion or control, which causes someone to fear for there own or a family members life. Statistically women and children are more likely to be victims of family violence and the main perpetrators are men.

## Why are these definitions important?

Anyone, including family violence victims may instigate an incident of violence. But if there isn't a pattern of coercion and control, the incident isn't family violence. A person using violence in an incident of violence may still be the victim of ongoing coercion and control.



# Why Would a Victim Survivor Use Violence?

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Victim/survivors use violence for the following reasons:

- As a means of self defense
- As a means to defend their children or other family members
- To maintain their dignity
- As a result of trauma
- To attempt to control the violence of the perpetrator, for example; if a victim knows a violent outburst is coming, they may try to provoke it so it happens at a time where the victim deems it safest, eg; while the children are not in the home.

It is normal for victim/survivors to use violence because it is often the only avenue available for them to defend themselves or the only coping mechanism available to them. This does not mean we should accept that violence is the answer to these situations, but it does allow us to understand why and how our victims are reacting to their circumstances.



# How Does Mis-identification Occur?

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Mis-identification by law enforcement, the judicial system, community service organisation or community may occur for the following reasons:

- A victim/survivor has instigated an incident of violence which leads them to be classified as the primary aggressor or the perpetrator within the relationship.
- A victim/survivor has reacted to the perpetrators violence, which has lead them to be classified as the primary aggressor or the perpetrator within the relationship.

In the above incidences the perpetrator will probably not need to lie or manipulate law enforcement, judicial system or the community services organisation about the victims behaviour but they may leave out or not admit to their role in what has lead up to the incident, which is their coercive and controlling behaviour.

Mis-identification is not always the result of a violence incident, it can also be the result of the primary aggressor lying and manipulating law enforcement, the judicial system or community service organisation, or even the media to paint the victim as the perpetrator. Victim/survivors who are experiencing poor mental health or have substance issues or who are employed in the sex industry are particularly susceptible to this, as they are less likely to be believed or trusted.



# The Role of Gender

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Gender norms play a big part in mis-identification of victim/survivors and this due to the social construct of 'deserving' or 'undeserving' victims.

## What is a '*deserving*' victim?

A deserving victim is usually someone that the community and media perceive as '*deserving*' of assistance. For this to occur, they usually need to present themselves in a particular manner. A white, middle class woman who is submissive, passive and dependent to authority, educated and have held a career and dresses relatively modestly is the usual depiction of a deserving victim.

They are likely to be depicted as someone who was victimised because of the actions of the perpetrator. Typically a deserving victim will not participate in using violence for any of the reasons above, unless it is to protect children. (Larance, Goodmark, Miller, and Dasgupta 2018).

## What is an '*undeserving*' victim?

An undeserving victim is often perceived by the community and media as rude, will challenge authority, may be ungrateful and may have mental health or alcohol or drug issues, may have little or poor education, hold a low paying job or have worked in the sex industry or in adult entertainment. They may also be part of a minority population or culture.

These women are labelled as victims of their own actions, or choices (for example; *she chooses the bad boys, what did she expect?*) even when the perpetrator has caused the harm. An undeserving victim will use violence against the perpetrator and therefore will be seen as just-as-bad or worse than the perpetrator, even though their violence is the result of acts of survival. (Larance, Goodmark, Miller, and Dasgupta 2018)

The further a woman strays from what has been considered the gender norm of a '*deserving victim*' the less likely she will be believed and the more susceptible she becomes to misidentification.

Men can also be mis-identified as the person using violence, however, the most susceptible to this are those who are at risk of holding less power within relationships, such as men with intellectual disabilities, men who are part of the gay, bi-sexual, trans or intersex communities and men who are part of minority cultures/religions.

# Practice Considerations

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It is never acceptable to use violence. However, our role as family violence practitioners is to determine the level of risk someone is in, due to the power and control the primary aggressor is using. To do this we need to correctly identify the primary aggressor.

## **Do We Always Believe the Victim?**

Yes, but we should question how and who established the pattern of behaviour which categorised them as the victim. Were they a victim of an incident of violence but are the primary perpetrator, or were they a victim of family violence? Specialist Family Violence Practitioners are the practitioners with authority under the MARAM to establish who the perpetrator is and seeking secondary consultation with them is really important to avoid collusion.

## **Will the Victim/Survivors I Work with Always be Easy to Work With?**

No, people who have been misidentified can feel very upset by the system and may react with aggressive behaviour to protect themselves. Victim/survivors will be as complex as any other part of the population. There may be incidences where they will be rude, they may be combative or even aggressive to the point that you may need to have law enforcement to assist with the situation. Abuse of community services practitioners is never acceptable. However, this difficult behaviour does not mean they haven't been a victim of family violence, or that they shouldn't be treated with the same dignity and respect as any other person.

## **Will the Perpetrators I Work with Always be difficult to Work With?**

No, many perpetrators are well spoken and can even be seen as charming and level-headed. This is because they are manipulating how the community views them in the same manner they can coerce their victim/survivors. Just because they can be amiable people, doesn't mean they are not perpetrators of family violence.

## How Do I Avoid Collusion?

The best way to avoid collusion is to ensure you are working with and seeking secondary consultation from specialist services. This is because they have access to both the victim/survivor risk assessments and the perpetrator information including their pattern of behaviour. They can also reassess a situation if needed or new information presents itself. If you are not a family violence specialist practitioner you may only have one side of the situation.

Many perpetrators whether they have been mis-identified as the victim, or if they have been correctly identified will claim to be the 'real' victim'. Some will blame their partners alcohol/drug use or their mental health, it can be difficult to identify, but there are some signs you can look out for that may indicate your client isn't the victim that they claim to be:

- If both parties have IVO's and neither have had a MARAM Comprehensive Risk Assessment conducted
- If they have injuries that are sustained which are consistent with their partner acting in self-defence
- Whether they have a history of one or more intervention orders against them, and/or has any previous arrests or convictions for family violence or other violence-related crimes
- Whether they show signs of using a range of tactics to control their partner's/family member's life
- Whether they seem to make most or all the important decisions in the relationship
- If they do not appear to be afraid of their partner/family member
- Victim/survivors often make excuses for their perpetrators behaviour (stress, work etc) whereas perpetrators typically are forthright in criticising the victim
- If they show little empathy with their partners needs and emotional responses, victims are usually over-vigilant in monitoring their partners emotional response, where as perpetrators will show little regard for the victims emotions or needs

- If they convey a sense of ownership, entitlement, jealousy or obsession about their partner/family member
- If they deny any wrong-doing and takes no responsibility for the situation (victims often wrongly take some or most responsibility for the violence they are experiencing)

(Guidelines for Identifying and Responding to people who cause Family Violence Harm, 2018)

If your client shows any of the above behaviour you will need to seek a specialist's opinion on the situation to avoid colluding. Even if they do not show the above behaviour but you feel something is 'off', trust your professional judgement and get a secondary consultation or undertake a Family Violence Information Sharing Request.





# Resources

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Within the MARAM Framework, Practice Guidance for Professionals Working with Adults Using Family Violence there is a Tool to assist practitioners to correctly identify the person who is the primary aggressor.

Those who are:

- Specialist Family Violence Men's Workers
- Respondent Worker at the Courts
- Orange Door Practitioners

All have access to this tool.

If you believe your client has been mis-identified, you should seek a secondary consultation.





This resource was written by Kim Adams, Principal Strategic Advisor Family Violence

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