# Characteristics of respondents charged with breach of family violence intervention orders

## Key findings

This paper identifies the common characteristics of respondents who receive legal assistance when charged with breach of a Family Violence Intervention Order (FVIO).

This paper reviews data from both national and international literature on the characteristics of perpetrators of family violence. Further, it benefits from access to Victoria Legal Aid (VLA) client data over a seven year period (2008-2015) gathered from 10,990 clients who have received either a legal advice or a duty lawyer service and a further 4,532 clients who received a grant of aid during this period. The similarities across the literature review and VLA’s data set suggest that this paper reveals consistent characteristics of Victorian offenders with the characteristics of offenders identified in other Australian and international studies.

This research finds that respondents who receive legal assistance when charged with breach of a FVIO are more likely to present with the following demographic characteristics:

* they are between 25-44 years of age
* they are overwhelmingly male
* there is an overrepresentation of Aboriginal and Torres Strait Islanders
* they may have some form of disability or a mental health issue.

Seventy-seven per cent of VLA clients who received a grant of legal aid when charged with breach of a FVIO only received one grant of aid (referred to as ‘single grant’ clients throughout the paper). Twenty three per cent (1,043) of clients received more than one grant of aid, meaning they received legal assistance when charged with breach of a FVIO more than once (referred to as ‘multiple grant’ clients throughout the paper).

Clients who received a grant of aid for breach of a FVIO multiple times were more likely to:

* be male. 90 per cent of multiple grant clients were male, as compared with 87 per cent of single grant clients
* be unemployed. 86 per cent of multiple grant clients were unemployed compared with 78 per cent of single grant clients.
* have a prior criminal history. 98 per cent of multiple grant clients had assistance from VLA before their first grant of aid when charged with breach of FVIO, mainly for criminal offences.
* be charged with other criminal offences following the breach of a FVIO – 48 per cent have gone on to receive legal assistance for further criminal offences, though it is unclear how many of these are family violence related
* report having a disability, specifically an acquired brain injury or a psychiatric disability; and
* be between 25 and 44 years of age, which is consistent with the age range of single grant clients, with the largest cohort of clients between 35 and 44 years of age.

This information may be useful for both lawyers and service providers in identifying clients at greater risk of repeated breaches of a FVIO and tailoring the justice system’s response to the particular circumstances of respondents.

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# Executive summary

This paper identifies the common characteristics of respondents to Family Violence Intervention Orders (FVIOs) who go on to receive legal assistance when charged with breach of a FVIO. This information may be useful for both lawyers and service providers in identifying clients at greater risk of repeated breaches and tailoring the type and intensity of service. Most importantly, this information might be used to identify respondents who are more likely to continue to use violence in the home.

This paper reviews both national and international literature that examines the characteristics of perpetrators of family violence. These results were then compared with VLA client data across a seven year period (2008-2015) gathered from 10,990 clients who had received a legal advice or a duty lawyer service when charged with breach of a FVIO and a further 4,532 clients who had received a grant of aid when charged with breach of a FVIO.[[1]](#footnote-2) The similarities between these results suggests an accurate picture of common characteristics of respondents who are more likely to breach a FVIO.

This paper examines the age, gender, disability and employment status of VLA clients. Other considerations include criminal history and indigenous background. In addition to this, we compare data between clients who received a grant when charged with breach of a FVIO once (referred to as ‘single grant’ clients throughout the paper) with clients who received legal assistance when charged with breach of FVIO more than once, (referred to as ‘multiple grant’ clients throughout the paper) in order to explore which characteristics are more strongly linked with recidivism.

# Introduction

Breaches of family violence intervention orders are one of the fastest growing offences in Victoria, so understanding who breaches and why, is important for agencies that provide services to both respondents and applicants.[[2]](#footnote-3) In *Who Are the Defendants in Domestic Violence Protection Orders Cases,* Moracco notes that “little is known about defendants in these [FVIO] matters”.[[3]](#footnote-4) Without an understanding of the characteristics of respondents who breach FVIOs, it is difficult to provide “accurate guidance to those who issue, and enforce” FVIOs.**[[4]](#footnote-5)** Identifying recurring characteristics amongst respondents who breach FVIOs has the potential to assist lawyers and other service providers to identify those who are most likely to continue to commit family violence offences despite a FVIO being in place.

This paper reviews the literature on the characteristics of respondents in FVIO matters and compares them with the characteristics of respondents who have received legal aid to respond to a criminal charge of breach of a FVIO. The consistency across these reports suggests an accurate snapshot of the typical respondent.[[5]](#footnote-6)

This paper benefits from access to seven years of VLA data on clients who received legal assistance when charged with breach of a FVIO. Over seven years (2008-2015), VLA gathered information from 10,990 clients who received a legal advice and/or a duty lawyer service, and 4,532 clients who had received one or more grants of aid for breach of a FVIO.

This represents a sample size that is larger than some of the most comprehensive studies on this question, both nationally (Trimboli looked at the characteristics of 3,154 offenders guilty of breaching an ADVO)[[6]](#footnote-7) and internationally (Moracco looked at the characteristics of 731 defendants with a DVPO charge in Durham County Court).[[7]](#footnote-8) VLA collects information on the characteristics of these clients, including: age, gender, indigenous status, employment status, disability status and country of birth. As such, VLA is uniquely placed to contribute to the discussion on victim safety and perpetrator accountability by analysing and sharing client data.

This paper shows that the empirical literature and the VLA client data are reasonably consistent and presents a compelling picture of the ‘typical’ respondent in a breach of FVIO matter. Further, by comparing data between clients who received legal assistance for single and multiple breaches of a FVIO matter, it suggests which characteristics are most strongly linked with recidivism.

An understanding of the characteristics of respondents issued with a FVIO can help lawyers provide tailored, appropriate and helpful advice and referral options that are aimed at reducing the likelihood of a breach. Further it can help lawyers and other service providers identify clients who may need a more intensive service which may include non-legal supports in order to reduce the likelihood of further use of family violence.

The Centre for Innovative Justice notes that intervention “at the source of the problem” is the only means to truly end “the cycle of violence“.[[8]](#footnote-9) Building on the evidence relating to the characteristic features of those who continue to use family violence after a FVIO is made, might allow a service provider to tailor a response suited to the respondent’s individual circumstances, with the aim of ending the violent behaviour.

# Characteristics of defendants who breach family violence intervention orders

## Age

Many studies suggest the average age of a person charged with breach of a FVIO is approximately 35 years old.[[9]](#footnote-10) This is consistent with VLA data. Thirty three per cent of all clients who received duty lawyer and/or legal advice services[[10]](#footnote-11) in a breach of a FVIO matter were aged between 35 and 44, while 32 per cent of all VLA clients who received one or more grants of assistance[[11]](#footnote-12) for a breach of a FVIO matter are also between 35 and 44 years of age. Between 30 and 31 per cent of all clients are between 25 and 34 years old. Further, the likelihood of breach drops off significantly outside these age ranges.[[12]](#footnote-13)

### Respondents who breach a FVIO more than once

Research indicates that the age range for reoffending is similar to VLA data, with Bowen placing the median age at 35 years.[[13]](#footnote-14) VLA data supports this, with 35 per cent of all clients within the range of 35-44 years. Instances for receiving multiple grants of aid is reduced for age groups under 25 or over 55.

Figure : Age of VLA clients charged with breaching an FVIO

## Gender

Studies have also suggested that the overwhelming majority of respondents charged with breach of a FVIO are men, approximately 85 per cent.[[14]](#footnote-15) This is consistent with VLA data. Eighty three per cent of all VLA duty lawyer/legal advice clients responding to a breach of FVIO charge were men, while 87 per cent of single grant clients were men, rising to 90 per cent for multiple grant clients.

VLA data shows only 17 per cent of clients who had received duty lawyer/legal advice for breach of a FVIO matter were female, and only 13 per cent who received a grant of aid for a breach of FVIO matter were female. This is consistent with the fact that most respondents to applications for FVIOs are men, and women are more likely to be the victims of intimate partner violence.[[15]](#footnote-16)

However, the indicators for disadvantage females who received assistance for breach of a FVIO tend to be stronger. As an example, female clients who received a grant of aid were more likely to be in receipt of a benefit (84 per cent, compared with 72 per cent of males), and particularly to be receiving the Disability Support Pension (38 per cent, compared with 26 per cent of men).

## Indigenous status

A Queensland study showed that approximately five per cent of people who breached a domestic violence protection order identified as Aboriginal or Torres Strait Islander.[[16]](#footnote-17) Stewart noted that this was still an over-representation, given that the Indigenous population of Brisbane city is less than one per cent.[[17]](#footnote-18)

This is consistent with VLA data. Four per cent of all VLA clients who received assistance in response to a breach of FVIO charge identified as Aboriginal and Torres Strait Islander, and this goes up to five per cent of multiple grant clients (248 in total). While this is a small per centage of the overall number of clients assisted when charged with breach of a FVIO, it is an overrepresentation in the data considering the Aboriginal and Torres Strait Islander population in Victoria is less than one per cent.[[18]](#footnote-19)

This is consistent with data which shows that Indigenous Australians have higher rates of contact with the criminal justice system than the non-indigenous population, and higher rates of being apprehended for offences involving violence, especially intra-family violence.[[19]](#footnote-20)

## Criminal history

Research indicates that respondents to a FVIO that have breached an order are disproportionately likely to have a history of criminal activity.[[20]](#footnote-21) In Trimboli’s study of people convicted for breaching an Apprehended Domestic Violence Order (NSW equivalent of a FVIO), Trimboli showed that 54.8 per cent of those convicted had a criminal history, having two or more prior court appearances for other matters.[[21]](#footnote-22) People with four or more court appearances represented 24.8 per cent, with the maximum being 20 appearances.[[22]](#footnote-23)

A 2015 Tasmanian study showed 69 per cent of people convicted for family violence offences had been reported to the police for a family violence incident or other types of offending during the preceding six year period.[[23]](#footnote-24) Fifty nine per cent of that sample had been apprehended for a non-family violence related offence.[[24]](#footnote-25) Offenders with prior charges were most commonly apprehended for traffic offences (76 per cent), other violent offences (45 per cent), disorder offences (44 per cent) drink driving offences (43 per cent) and drug related offences (23 per cent).[[25]](#footnote-26)

Thus, previous contact with the criminal justice system appears to be a strong indicator for likelihood of breaching a FVIO.

### Criminal history and subsequent offending - Defendants charged with multiple breaches

A Queensland study of characteristics of respondents to a Domestic Violence Order (DVO) application found that male respondents to multiple DVO applications are more likely to have “non-spousal violent criminal histories than men involved in only one protection order application.”[[26]](#footnote-27) Similarly, men without criminal histories were “less likely to re-abuse than those with criminal histories”.[[27]](#footnote-28) Further, Stewart found that the longer the criminal history the “more likely the person was to re-abuse”.[[28]](#footnote-29)

A Canadian study found that offenders who were convicted of a criminal offence prior to their family violence conviction were almost four times more likely than offenders with no prior conviction to be reconvicted after their family violence conviction.[[29]](#footnote-30) The research cannot accurately identify whether the prior or subsequent offending was related to spousal abuse, due to variability in how police record offences.[[30]](#footnote-31) A 2006 study of over 800 matters in a United States Domestic Violence Court found that offenders with a prior history of arrest for any offence were almost five times more likely than first time offenders to commit a subsequent family violence offence in the 18 month follow-up period.[[31]](#footnote-32)

VLA collected data on clients who had received VLA services for another matter, prior to the first grant of assistance for breach of a FVIO. Ninety eight per cent of multiple grant clients received assistance from VLA prior to the breach of a FVIO matter for a range of others matters, notably two-thirds (66 per cent) of those received legal assistance for offences categorised as crimes against the person.

The data shows a strong link between repeated charges for breach of a FVIO and other alleged criminal charges. Forty eight per cent of multiple grant clients go on to be charged with a crime against the person after the first legal service for the breach of FVIO matter. VLA data is limited in recognising which of these subsequent offences may be family violence related, though we can assume there is a high likelihood that some of this subsequent offending occurs in the context of family violence.

## Alcohol abuse

Numerous studies have found alcohol use to be a risk factor of male perpetration of family violence.[[32]](#footnote-33) Research is increasingly recognising the strong association between alcohol use and family violence, and further that reductions in alcohol use is concurrently associated with a reduction in family violence.[[33]](#footnote-34)

Victoria Police estimate that forty per cent of family violence incidents involve alcohol,[[34]](#footnote-35) while one Australian study estimated that alcohol is involved in fifty per cent of all intimate partner violence.[[35]](#footnote-36) Harris suggests that the association is due to the disinhibiting effect of intoxication on aggression, as well as chronic effects of neurocognitive impairment.[[36]](#footnote-37)

VLA does not collect data on the alcohol use of clients.

## Substance abuse

Bennet’s review of the empirical literature examining men in family violence perpetrator programs suggested that more than fifty per cent of participants were substance abusers.[[37]](#footnote-38) Moracco interviewed partners of abusers to make conclusions on substance abuse.[[38]](#footnote-39) The findings showed 61 per cent of family violence perpetrators used drugs in the six months before the family violence incident, with 48 per cent using marijuana, 31 per cent using cocaine and 15 per cent using diverted prescription drugs (i.e. using prescription drugs other than for medical purposes).[[39]](#footnote-40) Shorey suggests that cocaine and marijuana use are associated with increased odds of intimate partner violence.[[40]](#footnote-41) A 2008 US study showed that 58 per cent of men convicted for a family violence offence also had prior records for alcohol and illicit drug offences.[[41]](#footnote-42)

Victoria Police estimate that approximately one third of all family violence incidents involve drugs, and this has increased since 2010.[[42]](#footnote-43)

While VLA does not collect data on clients’ substance abuse, of the 1009 clients that received VLA assistance for a criminal matter prior to receiving their first grant of aid for a breach of a FVIO matter, 239 of these involved drug related matters (23 per cent). This means that five per cent of all VLA clients that received a grant of aid when charged with breach of a FVIO had used VLA services for a drug related matter prior to the first FVIO breach charge.

## Prevalence of disability

VLA data shows that 25 per cent of all clients who had received assistance for a FVIO breach matter reported having a disability. This goes up slightly with 26 per cent of single grant clients reporting a disability, and 27 per cent of multiple grant clients reporting a disability. This is higher than the general population where people with disabilities represent around 18.5 per cent of the population, but is consistent with the rate of disability amongst VLA clients as a whole.[[43]](#footnote-44)

There is a relatively high number of clients who didn’t disclose or weren’t asked about disability (11-21 per cent). This may mean that the number of clients with disabilities may be under-reported.

Figure : Disability status - VLA clients charged with breaching an FVIO

## Mental health conditions, intellectual and psychiatric disabilities

Studies suggest a strong link between mental health conditions and the perpetration of family violence. In Moracco’s study, 40 per cent of interviewees reported that their partners had a mental health condition.[[44]](#footnote-45) Research by Shorey showed high rates of post-traumatic stress disorder, generalised anxiety disorder, panic disorder and social phobia in men arrested for family violence.[[45]](#footnote-46) Further the research indicated that increased depressive symptoms were strongly related to increases in rates of perpetration of family violence by men.[[46]](#footnote-47)

The most predominant type of disability reported in VLA data was a mental health issue. This was similar across all categories of clients (Duty lawyer/legal advice, single grants and multiple grants of assistance).

* Of the 25 per cent of duty lawyer/legal advice clients who reported a disability, 61 per cent reported having a mental health issue.
* Of the 26 per cent of single grant clients, 59 per cent reported having a mental health issue.
* Of the 27 per cent of multiple grant clients, 57 per cent reported having a mental health issue.

The disability profile across all categories was very similar with the exception of psychiatric, intellectual and Acquired Brain Injury (ABI). Clients who had received a grant of aid, (as opposed to a duty lawyer/legal advice service), reported higher rates of those types of disabilities.

Figure : Types of disability for VLA clients charged with breaching FVIOs

### Defendants with multiple grants of aid

Multiple grant clients with a disability, reported greater rates of the following types of disability:

* They were more likely to report having an ABI than clients receiving either duty lawyer/legal advice or a single grant of aid (twelve per cent compared with six per cent of duty lawyer/legal advice clients and eight per cent of single grant clients).
* They were also twice as likely to report having a psychiatric disability (2.5 per cent) than clients who had received a duty lawyer/legal advice service (1.2 per cent) or who had received a single grant of aid (1.3 per cent). All single and multiple grant clients reported higher levels of intellectual disability compared with clients who had received duty lawyer/legal advice services (eleven per cent, eight per cent respectively, compared with seven per cent).

Figure : Focus on ABI, Psychiatric and Intellectual disability for FVIO clients.

This higher incidence of ABI and psychiatric disabilities amongst multiple grant clients, may indicate the presence of these disabilities is a potential risk factor for multiple charges for breach of a FVIO. Understanding the impact these disabilities may have on clients’ compliance with conditions on a FVIO is important for legal practitioners when providing advice on or negotiating the conditions of FVIOs.

## Employment

Numerous studies have reported a link between unemployment and family violence. Hotaling found a “strong tendency for unemployed men to have higher rates of violence based on data from large representative samples.”[[47]](#footnote-48) Cunradi found a higher risk of family violence in “high unemployment neighbourhoods.”[[48]](#footnote-49) Caetano notes the “frequent empirical finding” that “neighbourhood poverty or relative disadvantage are associated with risk of men’s violence against their intimate partners.”[[49]](#footnote-50)

The nature of legal aid services, which are directed to the most disadvantaged in our community, means that we would expect unemployed people to be overrepresented in our population of clients receiving assistance when charged with breach of a FVIO. Our data shows 59 per cent of clients who received a duty lawyer/legal advice service from VLA when charged with breach of a FVIO were unemployed. Unemployment rates were much higher for those who received a grant of aid (as opposed to an advice or duty lawyer service). The increase can be partly explained by VLA eligibility requirements where those who are unemployed are more likely to qualify for assistance. Therefore we see higher numbers of unemployed clients receiving grants of aid, with 78 per cent of single grant clients and 86 per cent of multiple grant clients identifying as not employed.

Figure : Employment status of VLA clients charged with FVIO breaches

### Employment – Multiple Grant Clients

VLA data shows an increase in unemployment levels for multiple grant clients. 86 per cent of multiple grant clients were unemployed (compared with 78 per cent of single grant clients). Three per cent of all clients were employed casually, and two per cent were employed full-time.

Eighty seven per cent of male multiple grant clients were unemployed (up from 80 per cent for male single grant clients). Eighty five per cent of all female multiple grant clients were unemployed (up from 78 per cent for female single grant clients). This suggests that unemployment is a potential risk factor for recidivism for all clients, irrespective of gender.

Figure : Employment status for clients with a grant of aid

Slater notes that “serious implications for their employment and social status” is a significant deterrent for “middle and upper-class men” engaging in family violence. This suggests that men with little “stake in conformity” are more likely to be multiple offenders.[[50]](#footnote-51) Our data indicates that employment may be a protective factor (against further breaching) for both male and female respondents.

## Location

VLA data shows that about 25 per cent of clients who receive a legal aid grant when charged with breach of a FVIO, come from the following five local government areas – Latrobe, Frankston, Hume, Casey and Greater Dandenong.

While this is relevant for legal assistance providers to target legal services (including advice and legal education) to specific areas, there may be no particular significance why these areas generate the most VLA clients charged with breaching a FVIO, other than their population and relative level of socio-economic disadvantage as most VLA clients tend to be from relatively disadvantaged local government areas and postcodes. It is worth noting too, that most of the above LGAs and courts within the area(s) are also serviced by a metropolitan or regional Legal Aid office.

## Childhood experiences with family violence

Although results are mixed, studies have indicated that children who witness family violence may be likely to “exhibit attitudes and behaviours that reflect their childhood experiences of witnessing domestic violence”.[[51]](#footnote-52) Research has suggested that exposure to family violence as a child can result in attitudes that justify their own use of violence.[[52]](#footnote-53) A comprehensive US report in 2010 compared results from various other studies to reach a conclusion on the intergenerational transmission of violence. The study shows that when all the reviewed research was synthesised, there was a suggestion that “witnessing inter-parental violence (IPV) in childhood and early adolescence is associated with later experiences of IPV”.[[53]](#footnote-54) The study concluded, from its own empirical results, that “witnessing inter-parental violence likely plays a role in the use and receipt of violence in emerging adult intimate relationships”.[[54]](#footnote-55)

Similarly, an Australian study in 2008 suggested young men who experienced family violence as a child are more likely to perpetrate violence in their own relationships.[[55]](#footnote-56) The study goes on to qualify that whilst this might be true for an appreciable section, it is not true for the majority.[[56]](#footnote-57)

While our own data shows that our high contact clients were more likely to have had assistance from us for family violence or child protection matters prior to the age of 18,[[57]](#footnote-58) VLA does not have data on the number of respondents charged with breach of a FVIO, who themselves may have experienced or witnessed family violence as a child.

## No contact and tailored orders

It may be worth considering what impact, if any, the nature of FVIO themselves have on the likelihood of a respondent going on to be charged for breach of a FVIO. Stewart’s research indicates re-abuse is more prevalent in “situations where the court ordered ‘no contact’ with the complainant, as compared to when some contact was allowed.”[[58]](#footnote-59) This may be due to the likelihood of no contact orders being made when there is already a perceived higher risk of re-abuse. However, allowing safe contact may mean that the respondent has an incentive to comply with the order and be less likely to break the order by seeking contact with family members.

Ensuring that orders made are appropriate and tailored to the specific circumstances of the family may also assist with increasing compliance with FVIOs. Orders that help a respondent maintain connections to employment, or connections with family members (where it is safe to do so) and/or connections with the community may serve as a motivator for complying with a FVIO. However, the primary consideration for all orders should be the safety of the family members affected by the violent behaviour. Appropriate legal advice assists in ensuring FVIOs are tailored to individual circumstances and that individuals subject to a FVIO understand the conditions of that order.

## VLA overall picture of multiple grant clients

There are more similarities than differences between clients who receive assistance when charged with breach a FVIO once, compared with those clients who receive assistance more than once. Both have strong indicators of disadvantage, specifically, high levels of unemployment, mental health issues, substance abuse and prior involvement in the criminal justice system. These indicators are higher for clients charged with multiple breaches of a FVIO.

What should providers of legal assistance services to respondents in FVIO matters do with this information? Understanding the characteristics of clients who have been charged with breach of a FVIO multiple times may indicate more needs to be done to address underlying issues that are contributing to offending. Forming partnerships with non-legal service providers to ensure clients have access to non-legal services alongside legal assistance may help reduce breach rates.

## Solutions beyond legal advice

Legal advice alone for some offenders may not be sufficient to prevent further use of family violence. Jordan’s study showed that the “the likelihood of a subsequent protective order being issued within the next month was increased by 30.7 per cent per violation of a previous protective order.”[[59]](#footnote-60) A 2008 US study showed that of 342 men with a family violence conviction; 43 per cent were arrested four or more times during a ten year follow-up study, whilst 55 per cent were arrested three or more times for both family and non-family violence related offences.[[60]](#footnote-61) This led the authors to conclude both criminal and abuse behaviours were “ingrained, and intertwined and not easily eliminated over the long run”.[[61]](#footnote-62) This might explain why some VLA clients will go on to receive assistance for a second or third breach of FVIO matter, despite the advantages of legal advice and the presumed deterrent effect of the first criminal conviction.

If a lawyer believes that their client falls into the category of a repeat family violence perpetrator, behaviour that increases the risk of further use of family violence may need to be addressed in order to effect any kind of change. Given that legal advice will be important but not sufficient for this type of client, a lawyer may need to refer the client to other support services. Given that strong markers of offending and reoffending include criminal behaviour, unemployment and mental illness/cognitive impairment, organisations that address these issues will be particularly helpful.

For the past two decades, men’s behaviour change programs have been regarded as the predominant means of engaging men who use family violence.[[62]](#footnote-63) VLA includes both the Men’s Referral Service and Mensline amongst its official referral sources. The Men’s Referral Service offers over-the-phone counselling for men dealing with family violence matters, as well as offering referrals to accredited behaviour change programs.[[63]](#footnote-64)

Further, to reduce repeated interactions with the criminal justice system there may be benefit in better screening of offenders to “identify the risk of family violence perpetration”.[[64]](#footnote-65) The Centre for Innovative Justice proposes establishing a system to “screen all offenders on a routine basis” for possible issues with family violence.[[65]](#footnote-66) Behaviour change programs are likely to be more effective with this kind of early intervention.[[66]](#footnote-67) Given the evidence of strong criminal histories in respondents who repeatedly breach a FVIO, prison based programs may also be a useful way to ensure offenders receive treatment.

Given the link between unemployment and recidivism, VLA lawyers should consider referrals to organisations that help clients gain or maintain employment. The Centre for Innovative Justice (CIJ) cites the Neighbourhood Justice Centre as an example of a “one-stop shop” which seeks to respond to family violence by addressing all underlying problems at once, including housing and employment services.[[67]](#footnote-68) The CIJ notes that where a perpetrator has been excluded from the family home, a referral for accommodation will be “the most important” referral and the stability is important for engaging in employment.[[68]](#footnote-69) Equally, Slater suggests that change amongst violent men is easier to effect when they are “concerned about the impact of arrest and other domestic violence interventions upon their employment status.”[[69]](#footnote-70)In particular, the CIJ notes that men’s behaviour change programs will be particularly effective for “perpetrators who are employed… and have pro-social connections.”[[70]](#footnote-71)

Similarly, the high per centage of clients seeking assistance when charged with breach of a FVIO that identify as having a disability, and in particular, a mental health issue or an intellectual/cognitive disability, suggests that supports to address these underlying concerns may reduce the risk of the client going to use further family violence. Moracco notes that “concurrent treatment for substance abuse and mental health may enhance the effectiveness” of FVIOs.[[71]](#footnote-72) Similarly, the CIJ notes that in order to “interrupt” violent behaviour, it is necessary to address “related addiction” and “mental health…problems”.[[72]](#footnote-73)

Finally, the provision of legal advice to ensure FVIOs are appropriate and realistic, and are tailored to the individual’s circumstances are more likely to ensure FVIOs are understood and complied with. The provision of appropriate legal advice for related family law issues, such as parenting disputes and parenting arrangements that may need to be addressed alongside the family violence, is also important for ensuring that these issues are resolved before they exacerbate any existing family conflict.

# Conclusion

This paper identifies the characteristics common to respondents charged with breach of a FVIO. This analysis may assist both lawyers and service providers in identifying clients at a greater risk of repeated breaches of a FVIO, and consider how to tailor advice to these clients in order to avoid further offending and enhance victim safety. This information identifies the features of perpetrators who have received legal assistance when charged with breach a FVIO, it may also be useful in identifying risk factors that elevate the risk of a perpetrator continuing to use family violence.

The paper offers a snapshot of the typical characteristics of legally assisted clients charged with breaching a FVIO. They are between 25-44 years of age. They are predominantly male. There is an overrepresentation of Indigenous perpetrators. They may present with some form of disability (usually cognitive or intellectual) or a mental health issue. They may be experiencing unemployment.

Further, the paper isolates which characteristics which seem to be linked to recidivism by comparing the data of VLA clients who received assistance for a single or multiple breach of FVIO matters. The research suggests that criminal history, cognitive disability and unemployment are particularly linked with recidivism.

As such, an understanding of the characteristics of respondents charged with breach of a FVIO may be used to improve victim safety by better tailoring the legal and non-legal response to perpetrators of family violence. In particular, efforts to address criminality, mental health problems and unemployment might be particularly effective in reducing family violence.

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5. It is worth noting that due to VLA eligibility guidelines that provide assistance to the most disadvantaged, certain characteristics relating to socio-economic disadvantage are going to be overrepresented in our client cohort. However, understanding the common characteristics of legal aid clients might assist professionals (including lawyers and legal assistance providers) who work with disadvantaged clients. [↑](#footnote-ref-6)
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10. A duty lawyer service is where someone is assisted by a lawyer at court, on the day, and is usually a one-off service. It may involve advice or representation during the court hearing. A Legal Advice service is usually a one-off advice session with a lawyer, delivered by telephone or in-person at a Legal Aid office. [↑](#footnote-ref-11)
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