

A critical reflection tool for family violence

practitioners working with criminalised women

Criminalised women deserve to be:

Believed when they share their stories

Safe from all forms of harm and violence

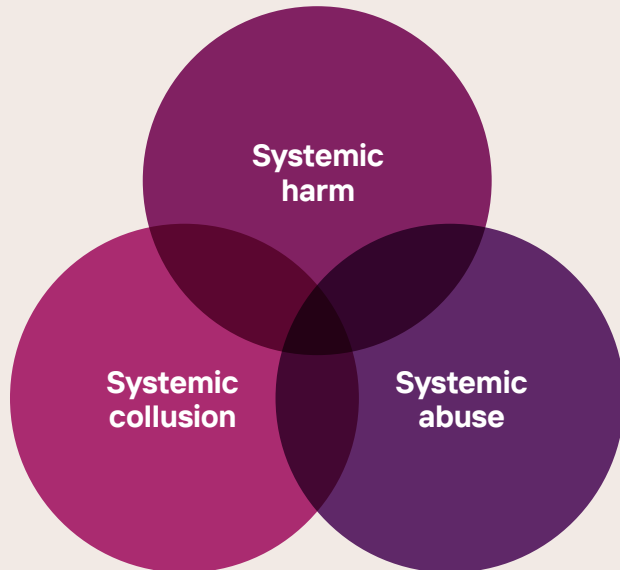
Supported to make their own decisions

This resource is intended to support practitioners who are working with victim survivors who have been criminalised to better recognise and respond to systemic harm and systemic abuse and increase their capacity to resist harmful systemic collusion.

It describes incidents of family violence and other forms of harm and abuse experienced by criminalised women, sisters, girls, intersex, transgender and/or gender diverse women.

The terms 'women', 'person' and 'people' are used in this resource and are intended to be inclusive of diverse genders and sex.

This practice resource would not exist without the knowledge and insight of women who have experienced criminalisation and family violence. Criminalised women informed and shaped this resource, and we thank them for generously sharing their knowledge and experiences.



Definitions

Systemic harm

Harm that someone experiences because of rules, laws, regulations, policies and practices.

For criminalised women this could include trauma experienced while incarcerated.

"Women in prison are strip searched and forced to undress in front of officers... forced to wear clothes dictated by the prison. Told when to wake, when to eat, who they can speak to. No autonomy, no privacy, no control. This replicates the dynamic of sexual abuse and coercive control... 120 days in custody was enough to crush my spirit, take away everything I loved and cared about, leave me homeless, and thinking it would be easier to just go back to jail."

Systemic abuse

When one person exploits systemic harm to gain power and control over another person.

For criminalised women this could include perpetrators using their criminalised status as a tool of coercion and control.

"My ex-partner would continuously tell Child Protection that I was using drugs, that I was unstable, that I wasn't a fit parent... rather than this being recognised as an act of family violence it would be taken seriously and they'd believe him over me because he's good at manipulating people. Then they would come to me accusingly and threatening to take my kids away... I'd get upset, I'd look crazy... In this way I was actively prevented from being reunified with my kids, for years..."

Systemic collusion

When someone supports, enables, or compounds a person's experience of systemic harm and/or systemic abuse.

Collusion can happen directly, by taking actions that increase the harm and abuse someone is experiencing, or indirectly, through failing to recognise or respond to the harm and abuse. For criminalised women this could include services and staff failing to recognise or respond to family violence.

"Upon reception at DPFC [Dame Phyllis Frost Centre], officers took pictures of bruising on my neck and back caused by my husband. I asked that they send it to police. This either never happened – DHHS never received a copy and never believed my story. During remand I was never contacted for any further investigation into my case. No one asked me, no one believed me"

“Don’t stick women on the bottom of the pile because they don’t fit your idea of an ideal woman – criminalised, older, single, queer ... no woman should be invisible”

1. Listen to the people you work with about their experiences of systemic harm

When working with victim survivors who have been criminalised, it is important to understand their experiences within the criminal justice system and other parts of the service system.

“I had one worker who believed me, she was always in my corner. She stuck up for me. Even when I did relapse and concealed it from her, she gave me space to come to her even though she knew, and she didn’t treat me any different. The way she showed me trust enabled me to trust her. She was honest with me, so I could be honest with her. She would talk openly about the barriers in the system and how traumatising it was for me.”

2. Partner with the people you work with and support them to self-assess the risk and impact of systemic harm

Recognise the strength and resilience of victim survivors who have been criminalised, including their assessment of risk and safety when exploring support options.

“You’re exploding your brain thinking about safety and risk every single day. Every minute. If some situation blows up, you’re jumping ahead just trying to be as safe as you can. You know your life, your circumstances. No one can know that unless they live it. So, if a woman tells you calling the police will put her at risk, then you better believe she knows that’s true.”

3. Critically evaluate all third-party information for indication of systemic harm, abuse and collusion

When working with victim survivors who have been criminalised take the time to understand the whole picture of their life, story, and experiences with the system.

“Guilty doesn’t just mean guilty, it can mean a lot of things. First and foremost, that you needed to get out of jail sooner and quicker...or you were advised that the sentence you would face could be double or more if you plead not guilty...

or because there are lengthy delays in waiting for a trial and you just want it to be over...

or because it is notoriously difficult to contact DHHS to participate in case management, or arrange contact with your children while in prison. Getting out of jail is the only way for some mothers to see their children at all...

or because you don’t want to subject your kids through testifying to what they’ve seen...

or because you urgently need support or treatment and you can’t access it in prison...

or, guilty just means that you were busted doing whatever you had to do in order to survive.”

4. Document systemic harm, systemic abuse and collusion just as you would document an incident of family violence, and ensure focus remains on the perpetrator’s behaviours and the victim survivors acts of resistance.

Supporting victim survivors who have been criminalised includes understanding and documenting the full story of their experiences of violence and abuse, including violence perpetrated by individuals and the system.

“In all the years of reports from Child Protection that I’ve seen, I never read anything that advocated for me, or documented me trying to advocate for myself. I would do everything right, I would request all kinds of drug screens, all kinds of assessments to show how hard I was trying, and it was always refused and there’s no record I even asked. And then no wonder women give up and stop trying to be sober and fight with the system and the kid’s dad, when no one takes you seriously anyway.”

“I remember my access visits kept getting stuffed up, like five or six times in a row. And I knew they were with him, I knew they weren’t safe. Then when it happened again I went off, I was so angry and scared. And of course, that was well documented, that I did that, and there were consequences, and it came out as though I was crazy, a bad mother. The bad stuff follows you around forever. But no one wrote down that it was the last straw, or advocated for me, that I wanted to protect them and needed to see them... ”

5. Explore and include the multiple levels of systemic harm, oppression, discrimination and abuse in your risk assessment and safety planning, including how this may contribute to the person mistrusting or avoiding contact with statutory agencies

Victim survivors who have been criminalised are disproportionately impacted by family violence because they face additional barriers to support. Fully understanding these barriers and how they contribute to their risk and safety planning considerations is critical.

“Be transparent about mandatory reporting and break these obligations down into clear English... If something arises which does need to be reported explain why, clearly explain the concern, discuss how the risks may be addressed or repaired, try to come up with solutions and talk to the woman first...”

“The one time I did get a referral for a family violence service, the first appointment they just kept going on about the police, calling the police for help. I wanted help so bad at that point, but I knew exactly what would happen if the cops got involved but she didn't get it at all, she didn't understand how unsafe that would make me... I just sat there waiting to leave.”

6. Engage in assertive, sensitive referral processes to protect against risk of systemic harms and collusion

Supporting victim survivors who have been criminalised includes understanding the stigma and discrimination they might experience when accessing other parts of the service system and proactively working to counter this.

“I find it hard to disclose my criminalisation, because of shame and the stigma associated with it – you can see people's faces change and they straight away assume that you aren't deserving. There's an automatic thing in our culture that people automatically form an opinion, and you are on the back foot to start with.”

“As part of my Community Corrections Order I was compelled to see a psychologist... because she worked within the justice framework, she could not admit prison was in and of itself a trauma and a huge component of my experience and mental health at that point in my life was not dealt with.”

Reflective questions

Use these reflective questions to identify and critically reflect on systemic harm and abuse, and challenge systemic collusion within your practice.

Intake and assessment

1. What assumptions and biases about criminalised women do you hold as a practitioner?

Due to previous experiences of discrimination, victim survivors who have been criminalised often assume they will be judged or unfairly treated when they access services. It is important practitioners examine their own assumptions, biases and judgement to ensure they are proactively signalling that criminalised women will be believed and supported as an individual who is more than their criminalised status.

"Really listen to the people you are working with, take them seriously and believe them. Maybe even put yourself in their shoes. When they act "irrationally" or "crazy" try and think about how you would feel if you were battling the system, which is so powerful – basically your life is in their hands. If you believe the system over them and don't question the harm that it causes, you can't be their support."

2. What systemic harm and systemic abuse has the victim survivor experienced in the past?

Recognising and naming the impacts of the person's previous experiences with the system is critical for supporting their safety and autonomy.

"Validate and accept when women have been traumatised by imprisonment, police intervention, child protection intervention... Believe women when they say false reports have been made to authorities or that there is inaccurate information in reports. Do not be another cog in the machine..."

3. What systemic harm and systemic abuse is the victim survivor currently experiencing?

Involvement in the criminal justice system can lead to increased risk of homeless, loss of care and contact with their children, loss of employment, physical and mental ill-health, poverty and isolation.

Take the time to understand the person's circumstances through this lens.

"The system documents and focuses on any perceived mistakes and doles out increasing punishments. The older you get the more damage has been done. And there's no record of the work you have done. And you don't want to engage with a system that just puts you through another power and control nightmare."

4. In what ways are they managing and resisting these harms?

All victim survivors are resilient, resourceful and experts in their own safety. Take the time to understand the options available to victim survivors who have been criminalised.

"It's easier to engage in criminal activity than it is to get help from the system – there's no hoop jumping, there's no paperwork, you're more in control and have more autonomy, and it's so much more expedient, you're not left hanging, waiting for an outcome – you're not at the behest of someone who doesn't know you or doesn't care about what you need. Why would you wait for a payment to maybe come through when you could just go and hustle and get something now, you could be safe for tonight."

5. What role does systemic abuse play in the victim survivor's experience of family violence?

Perpetrators can use the victim survivor's criminalised status to coerce and control. Take the time to understand what this might look like for the person you are working with.

"It gets to the point where your situation is so precarious. You have so many things to think about. It could all blow up at any point and the system can't keep you safe, it just piles on more expectations and punishments... and he knows that. In fact, he counts on it. Why do you think I look crazy and he's so calm?"

6. What is the current risk of further systemic harm and systemic abuse for the victim survivor?

Navigating systems, the options available to the criminalised victim survivor's, and the impacts these might have can be challenging. It is important to be transparent about systemic barriers and harms and seek to understand how these might impact their engagement with support and services.

"Mandatory reporting can make you so unsafe – how are women supposed to engage trustingly, honestly or therapeutically with anyone, when you can't be authentic because everything that comes out your mouth can get written down, everything you say has consequences."

Understand it will take time to build trust and understanding with a victim survivor who has been criminalised. Be prepared to meet the person where they are at.

"...rather than being someone who piled on the expectations and put a whole lot of blocks in my way, she walked with me at my pace and supported me and understood me."

1. How is my practice recognising and responding to systemic harm, systemic collusion and systemic abuse experienced by this victim survivor?

Because of social inequality and discrimination, the system does not always respond equally to victim survivor's who have been criminalised.

"Understand the inequity of being held to a higher or different standard than the rest of the community because you managed to get a label – bound by catchment areas, access zones, accommodation conditions, so much punitive control... the way women are treated versus the way perpetrators are treated, for not being an ideal woman, an ideal victim."

2. How is my practice protecting and reducing risk of systemic harm and systemic abuse for this victim survivor?

Take the time to see the service response processes from the perspective of someone who has experienced the system taking freedoms and choice from them.

"Engaging with services shouldn't be a learning curve – the onus shouldn't be on me to figure it out. It's so bureaucratic. I always say that the service system serves itself. What about people who can't advocate for themselves... it's like the paperwork is more important than the actual quality of the service."

3. How is my practice unconsciously enabling systemic collusion or reinforcing harms for this victim survivor?

Proactively work to address power imbalances wherever possible.

"Over time I developed a visceral dread of engaging with services – I got to the point where I decided not to access any services at all... I very quickly realised the damage they were causing me, so I steered away from them – away from the imbalanced power dynamics that play out over and over again. My primary concern when I go to a service shouldn't be how I'm presenting – How will they see me? What will they think? I shouldn't have to think about that, about how I will be interpreted."

4. How is my awareness of systemic harm and abuse informing the way I communicate and engage with the person I am working with? How am I documenting the systemic harm, systemic abuse and systemic collusion experienced by the person I am working with?

Working in partnership with the victim survivor as the expert of their own experience is important in all family violence responses, and particularly so for victim survivors who have been criminalised.

"It's rare that you get support workers... that make my life easier, we work together so I make their job easier too... I think what stood out for me was they asked 'how can we do this together?'. They didn't just impose the rules and regulations, we were able to compromise and the question was how can we tackle this system together?"

About Flat Out

Flat Out is a state-wide homelessness support and advocacy service for criminalised women, sistergirls, intersex, transgender and/or gender diverse women who have had contact with the criminal justice and/or prison system in Victoria.

Are you a worker wanting support, training, or secondary consult to support your practice with criminalised clients? Contact Flat Out at admin@flatout.org.au

The Family Violence Risk and Management Framework

Under the Family Violence Risk and Management Framework (MARAM) many Victorian workforces have prescribed roles and responsibilities in recognising and responding to people experiencing family violence.

The [MARAM Practice Guides](#) provide clear and tested advice on:

1. Risk factors and risk presentations
2. Barriers to service engagement
3. Practice considerations