TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into capturing data on family violence perpetrators in Victoria

Melbourne—Monday 19 August 2024

MEMBERS

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Annabelle Cleeland – Deputy Chair Meng Heang Tak
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WITNESS

Jenny Hosking, Assistant Commissioner, Sentence Management, Corrections Victoria, Department of Justice and Community Safety.

The CHAIR: Good morning. My name is Ella George, and I am the Chair of the Legislative Assembly's Legal and Social Issues Committee. We will now resume public hearings of the Committee's Inquiry into capturing data on family violence perpetrators in Victoria.

I begin by acknowledging the traditional owners of the land on which we are meeting, the Wurundjeri Woi Wurrung people of the Kulin nation. I pay my respects to their elders past, present and future and extend that respect to First Nations people across Victoria.

I am joined today by my colleagues Meng Heang Tak, the Member for Clarinda; Christine Couzens, the Member for Geelong; Annabelle Cleeland, the Member for Euroa and Deputy Chair; and Chris Crewther, the Member for Mornington. Jackson Taylor, the Member for Bayswater, will be rejoining us shortly.

The Committee recognises that evidence to this inquiry may be distressing, and we urge people to reach out for support. You can contact Lifeline on 13 11 14, 1800RESPECT, or the Blue Knot helpline on 1300 657 380.

All evidence given today is being recorded by Hansard and broadcast live. While all evidence taken by the Committee is protected by parliamentary privilege, comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided with a proof version of today's transcript to check, together with any questions taken on notice. Verified transcripts, responses to questions taken on notice and other documents provided during the hearing will be published on the Committee's website.

We are now pleased to welcome Jenny Hosking, Assistant Commissioner, Sentence Management, from Corrections Victoria, the Department of Justice and Community Safety. I invite you to make a brief opening statement of 5 to 10 minutes, and this will be followed by questions from members. Thank you.

Jenny HOSKING: Certainly, thank you. Can I also start by acknowledging that we meet on Aboriginal land that has never been ceded, and I pay my deep respects to Aboriginal elders past and present. I note the over-representation of Aboriginal people within our corrections system.

Corrections and justice services is a portfolio within the department of justice. It includes prisons, community correctional services and justice health. As of 26 July there were 9,641 offenders under community supervision, and today there are 5,867 people in custody across 15 sites. That is 5,598 men and 264 women. During a recently conducted pilot at a medium-security location with a sample size of 60, it was assessed that 65 to 70% of sentenced, medium-security men in custody may be perpetrators of family violence—not necessarily by conviction but by assessment on evidence under the MARAM risk factors. This is consistent with Victoria Police's IVO data. I say that just to give a sense of the size of the population and the issue within prisons across Victoria. Further work will provide more accurate information, including on people on remand. This was a small pilot to give us a whole lot of information around our implementation of the MARAM framework.

Across corrections and justice services we have done a number of pieces of work. We have done a substantial amount of training of our over 5,000 staff. We have done work to identify perpetrators and victim-survivors and those who may be both. We have commenced work in preparation for MARAM implementation by role mapping of 450 different roles across the portfolio from prison officers to head office staff to assessment officers—a range of people—to allow us to identify who will be best placed to do the required risk assessments and the work and share the information once we are implementing the MARAM framework completely.

We have also done a large amount of work for the person-in-custody journey, understanding how people move through our system from an assessment and intervention perspective so that we will know when to assess, when to identify and when to intervene in order for those interventions to be most appropriately delivered.

We have reviewed our interventions across both our clinical interventions delivered by forensic intervention services, usually psychologists and social workers, and our non-clinical programs, which are delivered by our rehab and reintegration branch. We have looked at what all of those interventions are and who is receiving them. We are involved in the information-sharing scheme both through the family violence information-sharing service and the central information point, and we have numbers of staff who are doing that work. It is interesting to note that the family violence information-sharing scheme averaged 1,700 requests per month this

year for information that is corrections-specific information, which is almost double the volume of last year. For that work we have five staff. Only one is ongoing, and four are fixed term until June next year. They were re-funded very late in June this year.

The central information point obviously works alongside Victoria Police, Court Services Victoria and child protection to provide the more comprehensive information to information-sharing entities to work with the information that is required. There is some duplication between the two pieces of information sharing, which perhaps we need to look at more carefully to remove that duplication so that we can best use the resources. We are funded for 14 roles in the central information point, and those people work within Family Safety Victoria. Corrections Victoria is a tier 2 organisation, which means we are mapped under MARAM to identification and intermediate risk assessment, except for forensic intervention services, which is mapped to comprehensive, and that is for the small percentage of people in our care who are eligible for forensic intervention services, and I can talk to you more about that if you are interested. Forensic intervention services—their eligibility criteria is about 5% of our population, so it is a small number.

Corrections and justice services will be part of the Family Safety Victoria budget bid for 2025–26 and we will be asking for about 21 roles, 16 of which we would like to be ongoing and five we think we can manage with fixed-term roles in order to continue the work. The pilot that we undertook earlier this year helped us understand the volume and the demand that we are going to have to comply with in terms of risk assessments and information sharing in order to be compliant with our requirements under MARAM implementation.

The CHAIR: Thank you very much. One of the things we have heard throughout the inquiry is about the challenges around the data collection of men's behaviour change programs. I am wondering if Corrections Victoria are collecting any data on the outcomes of men's behaviour change programs, and if so, how this is being shared.

Jenny HOSKING: We are not collecting data on outcome. We are not evaluating on outcome at this time. Our funding source has been for delivery, not for outcome evaluation, so no, we have not been evaluating that. Obviously the outcome evaluation is we usually take the two-year recidivism data, so it would need to be data matched back that way. It is a substantial piece of work to do that evaluation.

The CHAIR: What data are you collecting on men's behaviour change programs?

Jenny HOSKING: We certainly do demand and throughput. We have also done some evaluation on process so that we understand that the process is working as it was designed to work. So that is really the extent of the evaluation that we are doing.

The CHAIR: Are you aware of any efforts that have been made to gather longitudinal follow-up data on the men who have gone through those programs to see the impact of those programs and, again, speaking to those outcomes of the programs?

Jenny HOSKING: I think that is probably the same answer—we have not done that. The normal way we evaluate our programs is via recidivism data, and that is two years post completion. And no, we have not done that at this stage.

The CHAIR: Okay. And is that something that corrections would want to do in the future?

Jenny HOSKING: We would always want to evaluate all of our programs. I mean, certainly our clinical programs are designed and supported and authorised by clinical experts in the field, so the design of the program undergoes fairly rigorous clinical oversight. But the outcomes have not been evaluated, and certainly that would only benefit, I think, the delivery of the program.

The CHAIR: Okay. And can you take us through how Corrections Victoria works to keep people using violence in Victoria in view?

Jenny HOSKING: It is a difficult question to answer—well, it is a difficult process. People come into our system charged with a range of offences. Some of them are fairly clearly family violence related, like breach of intervention orders, but some of them are not—assaults, threats to kill which are done in the context of family violence. This is where our preparation for MARAM alignment has been so good, because it has enabled us to

drill down and do individual assessments of people. So where there is a charge that indicates there may be an issue here, we can then do a thorough assessment based on the evidence-based MARAM risk identifiers to understand whether that assault or threat to kill or property damage may be committed in the context of family violence.

We currently have a process whereby we flag in our information systems people who meet certain criteria. It is not a particularly effective flag, and it does not very well differentiate between perpetrators and victim-survivors. We have, however, done a substantial amount of work to create a new flag, which is really going to be a huge advantage for us in exactly doing that—keeping perpetrators in sight. So we have two separate flags, which will flag both perpetrators and victim-survivors. It will flag a range of people who are involved in historical offences as well as current offences. We have done a lot of work, and the progress to 30 June this year is that we have completed all of the design and functional specs, we have done the testing and we have done the user acceptance testing, so it will be ready to go live, we anticipate, in early next year. We are developing all of the training materials now for staff to use the flag. Obviously this is not an actuarial tool—you have to assess, you have to make a decision about whether the person meets the criteria against the assessment targets. So we need to make sure that we have got inter-rater reliability—that our staff understand how to score the tool and make sure that what they are flagging is as accurate as possible. So that is a really positive piece of work that is about to be implemented.

The CHAIR: And as this work is implemented the Committee would welcome you keeping us up to date on how it progresses over the course of the year.

Jenny HOSKING: Certainly.

The CHAIR: Thank you.

Jenny HOSKING: It will certainly also allow us to get much better data, which I think will be really, obviously, very useful.

The CHAIR: Okay. Thank you. Annabelle.

Annabelle CLEELAND: Thank you. Jenny, just with your budget bid, you have got five staff currently—one permanent one, four ongoing—and you think that volume of work would actually be achieved by 21 people.

Jenny HOSKING: The 21 is much broader than just the information sharing. The five is for the information-sharing staff and then the 14 is under the central information point, but we have within our team a MARAM change manager who currently has done a power of work to drive all of this MARAM implementation. Her funding expires in December this year. We have managed to source short term funding internally for another six months so we can get through to June next year in the hope that that position will be re-funded when we hope to be part of the combined bid with Family Safety Victoria for the next budget round. We have also got a couple of ongoing staff. We have two family violence practice leads, who are the people who develop and design our practice guidance for both staff in prisons and community corrections, and they are already there and in ongoing positions. We have a senior project officer, who is in an ongoing position, but that is really the extent of the staff other than the information sharing. The 21 will be the whole package for next year.

Annabelle CLEELAND: With those 1,700, on average, information requests relating to corrections specifically, are the five staff able to achieve that workload?

Jenny HOSKING: They are at the moment, yes. There have been some difficulties because the funding was due to finish in June this year.

Annabelle CLEELAND: All five?

Jenny HOSKING: There is one ongoing, so four were due to finish in June this year. They were on fixed-term funding, which was re-funded but not until fairly late, so people logically start to look for more stable employment. We had quite a turnover and that creates huge challenges. So the five is probably right, but the

consistency and certainty of funding is more important, because that allows people to be stable in their employment and stay there.

Annabelle CLEELAND: Okay. I understand that completely. With your MARAM implementation, it sounds like you are doing a force of work, but is this still in its early days?

Jenny HOSKING: Yes, it definitely is in its early days. There is an enormous amount of work that has been done to identify both the demand and then the process that we will need to go through. The demand is the pilot. You know, that was: well, how many people do we have in our system that we will need to risk assess, and who is then going to risk assess—which was the role-mapping function— and who in our system is best placed to do these individual risk assessments so that we ensure that they are thorough? Who is best placed to put the flag on so that they are identified and then assessed? So a lot of preparatory work has been done. Implementation is going to be, I think, significant. We have done a lot of foundational family violence training and we have a MARAM e-learn, but this is going to take a whole lot of training around the use of the risk assessment tools under MARAM so that we know that we are identifying and assessing the right people.

Annabelle CLEELAND: Can I ask a curly one? Of those nearly 5,600 men and 200 women that you referenced, how many are repeat offenders? And are there any questions around misidentification of those people?

Jenny HOSKING: Okay. Let me take that as two parts. How many are repeat offenders—I do not think our data is sophisticated enough to know that. That is why the individual assessments are good, so our prison staff and community corrections officers will know the history of the individual that they are working with. But as a data system, I cannot give you a number on how many would be repeat offenders.

In terms of the misidentification, that is a problem for us. Our current flag does not differentiate well, which is why we have done this work to implement the new flag which will absolutely differentiate between perpetrators and victim-survivors.

Annabelle CLEELAND: I have more questions, but I will share and then ask more afterwards, if that is okay, about your flagging too.

The CHAIR: Thanks, Annabelle. Christine.

Chris COUZENS: Thank you, Jenny, for your time today. We really appreciate it. There is obviously an over-representation of Aboriginal people in our justice system, and we know that. Is there going to be a consideration of data sovereignty in whatever it looks like in the end?

Jenny HOSKING: I do not think I can talk to data sovereignty. That really is our data people. My only question—and I do not know the answer—is how the issue of making sure that everybody is aware of the risks would be avoided. So if data specific to Aboriginal people was separate from data on everybody else in our system, I would need to talk to our data people about how that would be managed. But the issue of data sovereignty is well outside my area of expertise.

Chris COUZENS: No problem. You mentioned the pilot a few times and also mentioned that you are working on a program. So currently if a perpetrator ends up in the prison system and is identified as a perpetrator of family violence, for example, is there a program that they get moved into?

Jenny HOSKING: There is not one pathway. Good correctional practice and good intervention practice say you have to assess the individual to understand the level of intervention, the dosage that might be required in terms of treatment and the treatment domains—what is it that we need to treat here? So it is not like you tick a box therefore you go down this pathway. And this is where the complexity of the pilot revealed to us the work involved in individually assessing each of those people so that we are very clear about what those treatment domains are and that the clinical interventions can be most clearly delivered.

Chris COUZENS: Is that what the program that you are working on will do? Is that the intent?

Jenny HOSKING: The pilot will allow us to identify. The forensic intervention services programs are currently working within their current eligibility. Their program delivery is usually specific to sexual offenders and those who have committed serious violent offences. They also have a clinical alcohol and other drugs

stream and adapted programs for both of those, so for people with cognitive impairments. People whose offences fall within those parameters will then be identified for family violence offending.

Chris COUZENS: And will that include identifying Aboriginal people but also people with mental health issues, drug and alcohol issues and young people?

Jenny HOSKING: Yes. So forensic intervention services always does a very thorough clinical assessment, and that will go through and identify what the treatment domains are for each person. It might be around adapted interventions, which means there might be a cognitive impairment, so our interventions need to be delivered in such a way that the person is able to understand what is being delivered to them. It might be that they are of Aboriginal background, so therefore we need to be culturally aware in terms of how we deliver our interventions.

Chris COUZENS: Thank you.

The CHAIR: Thanks, Christine. Chris.

Chris CREWTHER: Thank you, Chair. Thank you very much, Ms Hosking, for your evidence and your time today. My question is regarding the Victims of Crime Helpline. Does the Victims of Crime Helpline feel equipped to assess misidentification when speaking with men referred to the helpline by Victoria Police where these men are identified as victim-survivors—or targets, as another witness said?

Jenny HOSKING: The Victims of Crime Helpline is not part of our portfolio. Corrections and justice services are community corrections, prisons and justice health, and victims of crime is a separate department within justice.

Chris CREWTHER: My apologies. I have got a further follow-up then. Meli's submission to the inquiry states that:

Corrections Victoria's response to family violence perpetrators has contracted significantly ...

Would you like to comment on this statement, noting the 2018–21 *Free from Violence* prevention strategy, which included legal, justice and corrections contexts, has now come to an end? Do you have any comment on this?

Jenny HOSKING: I am sorry, can you repeat that question?

Chris CREWTHER: Meli's submission to the inquiry states, and I quote:

Corrections Victoria's response to family violence perpetrators has contracted significantly ...

That is a quote from Meli, who provided a submission to us. Would you like to comment regarding this statement, noting the 2018–21 *Free from Violence* prevention strategy, which included legal, justice and corrections contexts, has now come to an end? Do you have any comments on that statement?

The CHAIR: Just before that, can I just clarify: was Meli referring to men's behaviour change programs specifically?

Chris CREWTHER: I think they were just talking generally, because they just mentioned that Corrections Victoria's response to family violence perpetrators has contracted significantly as well. I just thought you might have a comment on that other witness's statement that has been put forward.

The CHAIR: And just for your reference, Meli is a provider of family violence services out in the Geelong and Barwon region, previously known as Bethany services, which has provided men's behaviour change programs in the past.

Chris CREWTHER: My apologies, I probably should have given you more context as well.

The CHAIR: They have recently had a name change, which can be confusing.

Chris CREWTHER: There are a lot of acronyms and names in this industry.

Jenny HOSKING: There are, yes. I work in Corrections. We have acronyms coming out of our ears. What I would say to that is that we have two streams, and I probably did not explain it as much as I could have. So the forensic intervention services, which provide our clinical interventions, continue to deliver services. I would be very surprised if that has contracted, although I can take that on notice and get that data back to you. We also have a range of non-clinical programs that are delivered through our rehab and reintegration branch, and they include some of the men's behaviour change programs that are contracted out to community service providers. I would have to take that on notice and get the data about whether they had contracted. That was not my understanding, but I must say that I am not as familiar as that.

Chris CREWTHER: Thank you. I appreciate it. Thank you, Chair. That is all for now.

The CHAIR: Great. Heang.

Meng Heang TAK: Thank you, Chair. What opportunities are there to link between databases that capture information on people who use family violence—for example, Victoria Police, Court Services Victoria, Corrections Victoria and the Magistrates' Court of Victoria?

Jenny HOSKING: So the opportunities to share?

Meng Heang TAK: The opportunities to share, yes.

Jenny HOSKING: Yes, so we do have those 14 staff sitting in the Central Information Point, and they work together across all of those agencies to collate information to provide to people like the Orange Door, people who come. We also have the five staff who are within Corrections Victoria who provide corrections-specific information to similar agencies. Sometimes there is a bit of double dipping. Someone will go to the central information point and then they will come to the information-sharing scheme that we have, so we have two people providing the same information to the same source. So the ability to refine that, I think, would mean that we would have less duplication and therefore better use of resources, so we can do that. But the central information point staff that work together with Victoria Police, Court Services Victoria and child protection all work and cross-reference each other's information to provide comprehensive information.

Meng Heang TAK: I see. And that information is also shared with the federal court system?

Jenny HOSKING: Shared with the Federal Court?

Meng Heang TAK: Federal court system or –

Jenny HOSKING: I do not know the answer to that question.

Meng Heang TAK: You do not know the answer. Okay.

Jenny HOSKING: I can take that on notice.

Meng Heang TAK: Okay, thank you.

Jenny HOSKING: It is done in a pull way, not a push way. We do not push information out to people. We wait until people request the information, and then it is provided. And I guess part of that is around privacy. Part of it is appropriateness; it is people receiving information for the purpose that they need it. So should the Federal Court reach out for that information, it would be provided.

Meng Heang TAK: It would be provided. Yes, that is right, because I thought that family violence was mainly the state's issue, but then when it comes to a child's context, family law could be intertwined.

Jenny HOSKING: Yes, that is right.

Meng Heang TAK: Thank you.

Jenny HOSKING: No problem.

The CHAIR: Jackson.

Jackson TAYLOR: Thank you, Chair. Thanks very much for your time today. What prison studies have been conducted into family violence?

Jenny HOSKING: What prison studies? I think the pilot that we started is probably the best example of that and the most comprehensive example. So just to give you a little bit more information, over a three-month period we had a number of staff up at Hopkins Correctional Centre, in Ararat, where we had a sample size of 60 individuals, and we did some really thorough assessments of people there to understand the demand, the volume of people who would be perpetrators of family violence and victim-survivors of family violence. And that is where we got the information that 65 to 70% of the population are perpetrators of family violence. Now, that is a sample size of a medium-security sentenced location. The purpose of doing it was so that we could start to define how we would then go further across the prison system and implement MARAM fully, so that we have positions that are clearly identified to do the appropriate risk assessments and we have positions identified to provide the information—all of those sorts of parts of that MARAM framework journey that we need to do.

Jackson TAYLOR: Thank you. What factors influence the frequency of the studies, and how expensive and valuable are they?

Jenny HOSKING: What factors influence the frequency of these studies? I guess that would be really around the funding of the positions. I spoke earlier about our MARAM change manager, who drives most of this work, whose funding finishes in now June next year and will be part of the future bid. So a person leading that work is required to ensure that we continue to drive that. We need to have a dedicated position to do that, otherwise things do tend to get caught up in prison operations on a day-to-day basis. That person also works across community correctional services and justice health, so it means that the whole of corrections and justice services will be able to continue that work towards MARAM alignment. We have got very clear plans; it is ensuring that those staff are there to deliver that project ongoing.

Jackson TAYLOR: And do you find them to be extremely valuable, the studies?

Jenny HOSKING: The positions?

Jackson TAYLOR: The studies—the work that eventually comes out of it.

Jenny HOSKING: Sorry. This pilot has been incredibly informative in terms of us understanding really the quantum of this issue within certainly prisons and community corrections. I think everybody who works in the system knew it was there, but to actually put numbers on it, to be able to identify individuals and to actually be able to deliver targeted treatments—this pilot is the way that has defined for us how we now need to go across our whole system.

Jackson TAYLOR: Thank you. Thank you, Chair.

The CHAIR: Great. Thank you. How is Corrections Victoria improving the early identification of family violence and information sharing for young people using family violence?

Jenny HOSKING: For young people—are we talking under 18? Because corrections and justice services is adult corrections, so we do not have any crossover with youth justice, but we have people in our system from 18 years of age.

The CHAIR: Over 18, but also in that young category.

Jenny HOSKING: Still in the young—like, under 25?

The CHAIR: I would say so—under-25s, yes.

Jenny HOSKING: It will be the same process. The process that we are designing as a result of the pilot that we delivered, while it will take into account factors of age, will not be age related in terms of 'Young people will get this and everybody else will get this'. People who are in our care will be assessed for their treatment needs.

The CHAIR: Okay. Thank you. Annabelle.

Annabelle CLEELAND: Jenny, I just wanted to ask about this flag in a bit more detail. I think I am wrapping my head around it, but this is your own internal database –

Jenny HOSKING: Yes.

Annabelle CLEELAND: another one, and no-one externally can access information, but staff can. What is the information going into this database, and how is it being utilised?

Jenny HOSKING: This is the new family violence flag, which will be much more useful than what we have at the moment. It will be applied by people who have been trained under the MARAM risk evidence-based factors to identify—I have got some notes here that actually go into the detail—people who are convicted of a family violence offence or an offence in the context of family violence; charged within a family violence offence or in the context of family violence; display family violence risk factors that are self disclosed against the MARAM factors; family violence risk factors that are identified by staff; intimate partner violence conviction, charge or MARAM evidence-based factors; and history of family violence. If any of those factors are identified during assessment, the person will be flagged on our information system, which will be a visible to the corrections and justice service staff.

Annabelle CLEELAND: So one thing that is coming out in this inquiry is a potential for a statewide database to share some of that information, particularly focusing on the perpetrator. Do you see your family violence flag as having the potential to be incorporated, or any risks associated with your FV flag, into a more statewide system and that will potentially be—there are a lot of potentials in this sentence, I am sorry. That information—do you see it being utilised for service providers and departments without risk?

Jenny HOSKING: I do think that there are some absolute benefits for that. There are also some risks, and I think the one risk will be particularly for people who are charged but then subsequently not convicted. While that may not go to behaviour, it does go to conviction. So accessing corrections and justice service databases on that basis may be a problem or it may not be a problem. I think it is a decision that needs to be considered more broadly. But from my perspective, in order to keep perpetrators in sight, there is certainly some value in considering those things.

Annabelle CLEELAND: And with your FV flag, is there a potential for freedom of information—can anyone access that information outside corrections?

Jenny HOSKING: I would be fairly confident that that information would be able to be accessed via freedom of information, but it would also be accessed, obviously, by people in the central information point and the family violence information-sharing scheme. So if there is a request, that information is there. That would absolutely form part of the information that goes to service the request.

Annabelle CLEELAND: Great, okay. Just finally, is there anything that you hope to see come out of this inquiry?

Jenny HOSKING: I hope that I have provided the Committee with some confidence that we are doing an enormous amount of work to implement MARAM across our prisons and community correctional services. We have a way to go, we are very clear about that, and I think for us the short-term nature of the funding for staff has had a really significant impact in terms of turnover of people. You lose corporate knowledge, as people leave because they do not have job security. The ability to be thorough in our risk assessments is limited by the number of people that we have available to do the work. I think we have done a lot so far in order to take it to the level where it is actually going to have significant impacts. As with probably everybody, it is a funding issue.

The CHAIR: Thanks, Jenny. Just to wrap this up, there were a couple of questions that we asked which you mentioned sit in different parts of the department of justice. Chris had a question with regard to the Victims of Crime Helpline, and we also spoke about young people and youth justice being responsible for people under the age of 18. Are those questions things that you could take on notice and liaise with other parts of the department of justice on to come back to us with some more fulsome answers?

Jenny HOSKING: Yes, certainly. Both obviously are parts of the department of justice, not just my part of the department of justice.

The CHAIR: Great. That would be appreciated. Thank you.

Jenny HOSKING: Not a problem. Thank you.

The CHAIR: Thank you very much to Jenny Hosking for appearing before the Committee today.

We will now take a short break before our next witness.

Witness withdrew.