

Survivor's Submission



To the
Victorian
Law Reform Commission

For the Lawful Protection
Of High Risk Victims
With the use of Tracking Devices

VICTIM'S SUBMISSION

VICTORIAN LAW REFORM COMMISSION

KEEPING HIGH RISK VICTIMS SAFE

WITH THE LAWFUL USE OF TRACKING DEVICES

I am writing this submission from a Victim's first-hand experience.

I am happy for this submission to be published in its entirety.

As I am no longer living in hiding I stipulate to the Victorian Law Reform Commission that my submission be made public on your website.

I give permission for my adopted name, [REDACTED] to be used for the purpose of reference for who this submission has been made by.

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PART ONE - Synopsis

If legislation was currently in place ordering tracking devices to be worn by high risk recidivist family violence perpetrators, it would have provided:

- significantly greater protection for myself and my children who were required to live in hiding; and
- helped to enable and empower us to experience the freedom to live in significantly less fear, anxiety and with far greater confidence to get on with our lives.

This submission is made to emphasise the urgent need for the introduction of tracking devices as an additional safety measure to further protect victims from high risk recidivist family violence offenders. Tracking devices can be used as an effective strategy to minimise or prevent the threat of family violence continuing. Electronic Monitoring (EM) is already in use on a Community Correction Order as a preventative measure against further criminal activity (see attachment D).

I am asking that survivors of family violence be given a "fairer go" by having a tracking warning system in place.

I base this submission on my children and I being subjected to many years of family violence which have included experiencing:

- Three attempted life threatening attacks
- Fraud and theft
- Stalking
- Psychological manipulation and intimidation
- Financial abuse
- Other forms of abuse too painful to mention; and
- Long-term Intervention Order breaches

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Introducing legislation to facilitate the use of tracking devices for recidivist high risk family violence survivors will enable family violence survivors to live more confidently. It will provide:

- capability for survivors to be warned and therefore more readily respond to impending danger
- greater capacity to shelter and/or hide and/or seek help to prevent an impending attack

Tracking devices will also help reassert power and control over perpetrators' future actions and prevent them from committing further offences. This in turn has a positive flow on effect in reducing pressure on the justice system.

In affording greater security, tracking devices will provide significant assistance in enabling survivors to overcome the trauma and subsequent hardships to which they have been subjected, freeing them from perpetual fear to rise above this insidious problem and work freely towards rebuilding their lives.

Survivors like me and my children have been deprived of our basic human rights as a direct result of a recidivist abuser not being adequately or appropriately controlled through the justice system. Orthodox criminal sanctions such as gaol, fines and/or parole etc. have of course their place but they do not necessarily guarantee changed behaviours concerning family violence recidivism. And they are no use to my children and me if we are injured or killed. Even after intervention by the justice system, there is no justice for us, if there is nothing effective in place to stop or inhibit my estranged partner from reoffending. (In my case my estranged partner continued to stalk and terrify us despite [REDACTED] incurring a three months gaol sentence and being on probation at the time of reoffending).

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As a victim I have lived many facets of the impacts and fears associated when a perpetrator contravenes the conditions of an intervention order. In summary these include:

- Fear of being tracked down and attacked not only at home, but also the children while at school, visiting friends and elsewhere in the community.
- Continual psychological trauma about being attacked by someone who professed to love us. He once told me. "No Us, No kids!"
- innumerable nightmares of being attacked and fear of further attacks
- barriers to living transparently and forming new friendships (We have been required to change our identity twice)
- confusion for my children on how and what to tell their peers because of the fears they have including being exposed by social media and the stigma they feel of being survivors of family violence
- concerns of psychological development for my children after prolonged exposure to family violence
- fleeing more than five times after attacks on our lives
- relocating three times in 14 months
- disruption to the children's education and developing long term relationships due to the need to go into hiding and into refuge (two new schools within 12 months)
- loss of income and opportunities for self-employment and/or other employment
- Physically moving our belongings three times. Pushing my body beyond its physical abilities. (I have [REDACTED] which causes chronic pain and limited mobility)
- Having to contend with very limited financial resources to relocate or re-establish ourselves. (Accruing debt to facilitate moving and feeling indebted to family, friends and schools)
- estrangement from our family, friends and colleagues over extended periods
- the resultant isolation of trying to remain safe
- enormous amounts of time vested in communicating with services to try and gain help to the detriment of spending quality time with my children
- extensive periods of time spent by me and my children in a hyper- vigilant state

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Based on our first-hand experience my children and I lived with the prospect of being tracked down again and of being attacked.

When our best advice from specialist family violence services is to call 000 if he locates us again, I am left with little confidence that future attacks by recidivist offenders are preventable. Without the introduction of tracking devices, innocent survivors in similar situations to my own will risk needless loss of life, injury, pain and suffering.

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PART 2 - First-hand account

To further support this submission and give the inquiry greater context to what we have experienced, I have included extracts from a draft victim impact statement which I prepared for a matter that was before the court. Please note it has been edited slightly to take out certain names and places and includes some paragraphs that are not included in this final submission.

I was in a relationship with my estranged partner (he) for eleven years. Over that period we had three children [REDACTED].

On Christmas Eve [REDACTED] my fears that he would track us down were realised. Police called me to make a statement regarding a suspicious phone enquiry I had reported to them.

[REDACTED]
[REDACTED].

A police officer informed me it was my estranged partner who made the call. I was completely shocked and devastated knowing the children and I would again have to experience further upheaval and seek immediate refuge to stay safe.

Due to him stalking us on 23 December [REDACTED], our Christmas had once again been stolen by family violence. And although we have tried to make the most of it, overall the children's holidays have been ruined and usurped by the overriding priorities of seeking safety, shelter and sourcing support (while living on a shoestring budget). The impact of what he has done has been completely overwhelming. I feel like I have been living fearfully in a thick fog of fatigue, trying to juggle three times the amount of balls I can handle in trying to manage this recent crisis.

In the lead up to Christmas [REDACTED] events, I had been working closely with the local family violence services and police for months. This had entailed going into hiding twice and physically moving house with only the help of a couple of friends. This is our third relocation in fourteen months because of family violence. We are all exhausted from significant trauma, perpetual fear and trying to remain vigilant to protect ourselves from a further attack. In this context, being in hiding made it almost impossible for us to maintain newly formed friendships.

In only approximately eight months he has managed to track us down once again [REDACTED]. It was only [REDACTED] months after his release from gaol where he served three months for stalking us. His capacity to locate us in hiding gnawed away at our morale. I have grave concerns for my children as they are enduring prolonged exposure to family violence. I am terribly worried about how the most recent stalking offences will impact on their psychological development.

As a consequence of each move we faced upheaval from our home, our schools, my workplaces and our communities.

Will the children and I have to continually struggle to seek safety, stability and peace of mind? I need to create a home where my children have a fair opportunity to thrive, where we can live in a non-threatening and relaxed atmosphere and quite basically get on with our lives. Essentially, my children and I just want to live a normal life free from constant fear.

In order to keep the children and me safe, I have gone to extreme lengths to try to stop him from finding us. I faithfully followed every piece of advice given by specialist family violence workers. He was still able to track us down.

The price for trying to attain freedom from his abuse has resulted in my children and I effectively feeling like we are prisoners; traumatised, suffering and enduring significant financial hardship. We were in indefinite hiding, isolated and estranged from family and friends. With great caution, I was in the process of establishing a [REDACTED] [REDACTED] to help make ends meet. It was a matter of a few short weeks after I set up to try and generate an income that he tracked us down and those efforts were thwarted.

We are still living a double life because of this situation; we can no longer use our rightful birth names, we are living under another identity and trying to appear normal when we are scared and in hiding. We are still always looking over our shoulder and being guarded about what we communicate to everyday people. These are some of the other impacts of his abuse.

I have watched my children suffer greatly as a result of the things he has done. My daughter has spent many nights mourning over what her father has done to destroy their father/daughter relationship. All the children have suffered significant stress and anxiety over this situation. Almost every night one of the children comes into my bed because they have had a nightmare. This in turn affects my sleep too and capacity to refresh properly. One of my sons is too fearful to go to sleep alone. One of my sons is easily overwhelmed when he is feeling anxious. He also expresses often that he feels very scared of his dad finding us. I was unable to access crisis counselling over Christmas. This has not helped in dealing with the recent trauma.

Since Christmas Eve [REDACTED] I have had great difficulty sleeping, averaging only 4 hours a night. I feel scared, anxious, get woken up to comfort my children and I am hyper-vigilant about him finding us. These concerns are compounded by our past experiences with him breaching court orders and contravening his corrections order and the vicarious trauma of the attempts to harm us with gas. Such is the impact of his behaviour.

Over Christmas [REDACTED], the children and I had to move within the refuge system three times within a week due to being assessed as high risk. I was exhausted from the need to stay safe coupled with the looming prospect of the need to pack up another home and find yet another.

I have experienced added trauma from retelling my story to many different professionals with whom I have had to communicate. This was accentuated over Christmas [REDACTED], as I dealt with being bounced all over the place due to service gaps within the support system (particularly over this holiday period, which is experientially the highest risk time of the year for victims). I felt anxious much of the time. I got very fatigued from relaying not only our current needs but also articulating the high risk situation we are in. This has all tended to reopen past traumas. I have found compiling this victim impact statement very hard to do. Although I understand in the interests of justice, it must be done this way; I find it confronting and can only hope that he will hear how much devastation he has wreaked upon our lives with his controlling and coercive behaviours which he has been inflicting on us.

I am debilitated by the chronic pain [REDACTED] exacerbated by the stress I am under and from lugging our belongings from one place to another. On top of this I have had to look after the children in motel rooms, in unfamiliar places, keeping them close in hand and not being able to give them the full attention they deserved while trying to deal with the services.

I have had to deal with the pressure of breaking my lease again and packing my house when I feel unsafe. Physically this has pushed my body to its absolute limit. I have just completed packing a whole house by myself.

All the while I am feeling the financial pressure of being displaced from my home together with the associated costs of relocating again. My only source of income currently is the single parent's pension. It has been extremely difficult to find affordable housing.

I also feel deep sadness at taking my children out of a school in which they have flourished. Again the children will need to be placed in a new school. Again the children need to try and integrate into a new learning environment and make new friends. They need to do this while living under the guise of a different name and needing to censor the dangerous situation they have been in and the associated risks involved in this. This is a huge burden for a child to carry. The principal at the new school encouraged the children to "just be themselves" on their first day at their new school. My daughter pointed out to me later that she was not sure how to do this when they were at school under a false name and were unable to be open with who they really are.

Our need to hide has created many complexities in our lives which are disillusioning and perplexing to say the least.

Over the course of our relationship my estranged partner demonstrated controlling and coercive behaviours toward me and the children. Progressively, it worsened from the time shortly after my daughter was born. These behaviours were well ingrained prior to him developing a serious Ice addiction over the term of the relationship.

Our need to seek immediate refuge was a result of the family violence continuing after we separated [REDACTED] and it escalating to intolerable and highly dangerous levels [REDACTED]

■■■■. The violence only abated on the occasion of him receiving a gaol sentence for three months, or more recently since he has been on strict conditions of bail from late December ■■■■. The children and I have been living in hiding from him ■■■■■■■■■■ as there have been three life threatening attempts made on our lives. Since that time we are continually in fear of being tracked down and in fear of our lives.

The relationship has been littered with much destructive and abusive behaviour. The impact of the family violence has also directly and indirectly affected other family members, friends and a brief relationship that started after we separated. In trying to protect ourselves we have suffered stress, pressure, trauma and severe financial hardship as a consequence. It has been relentless.

I am fearful that there is nowhere to run to, nowhere to hide. What we have recently endured has been overwhelming and excruciating.

Despite the relationship ending ■■■■■, it still seems he thinks he is entitled to do whatever he wants to his estranged family. The impact of what he has done has created great harm to my family and friends. His behaviour is totally unacceptable and reprehensible by any reasonable standards. All we want is for it to stop so we can rehabilitate and get on with the rest of our lives.

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PART 3 - Conclusion

It is no secret victims are expected to put their faith in a system which has failed too many victims and survivors time and time again. There is more that can be done to strengthen and protect survivors. The combination of intervention orders, family court orders, conditions of bail, fines, gaol, correction orders, refuges, behavioural change programs and the support of the family violence specialist services can help in many cases. However, it cannot necessarily guarantee safety for survivors if a high risk perpetrator living in the community is contemplating committing further family violence.

When survivors live, as my children and I did for many years, living in hiding, safety is relative, tentative and a day to day proposition. It is reliant on the sum of all mechanisms in place that have the best chance of protecting us. Not knowing where my abuser is at any given time tormented me and my children for many years. This manifests itself in many ways as described in Part One of this submission. Seldom did we experience peace of mind.

I humbly ask the Victorian Law Reform Commission to give full consideration to making appropriate changes to legislation for tracking devices to be introduced for recidivist high risk family violence perpetrators living in the community. This would enable a magistrate to make the perpetrator wear the device and abide by all the necessary conditions imposed. In the worst possible scenario, tracking devices at least provide an alert or warning. This enables survivors not to feel like sitting ducks or moving targets. At best it can prevent and deter the perpetrator from contemplating further family violence. Potentially it could also have a positive flow on effect for the justice system in less breaches occurring.

Some survivors of family violence have complex needs to stay safe and an inherent need to try to rebuild their lives in spite of the many barriers they face. The introduction of tracking devices would make a significant difference in achieving this.

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PART 4 - Personal Note

I am both grateful and hopeful that the appropriate changes will be made to the legislation to help provide victims of family violence with a tangible way to give them back their basic human right to feel safe and be safe from family violence.

I say this with the awareness that not all victims are able to advocate for their needs to be met.

Many victims have lost their voice and ability to seek the appropriate support because of the fear of being hurt, that disempowers them.

Since the time I broke free from the cycle of abuse that I was caught in I do what I can to advocate and support victims and survivors of family violence.

I work independently [REDACTED] [REDACTED] [REDACTED] to support victims in the challenges they face and to inspire them to heal and recover their lives on the other side of breaking free from abusive relationships.

Helping others continues to help me on my own healing journey.

Thank you for giving me this opportunity to use my voice to express my thoughts and desires for legislative changes to be made to help keep those at risk, to stay safe and move onto a healing path.

With thanks and best regards,

[REDACTED]