

Fact Sheet 4 Determining the primary aggressor¹

The primary aggressor is defined as the person who poses the most serious and ongoing threat to safety and wellbeing.

Although the term 'primary' aggressor may imply 'two' aggressors, in many or most situations the violence is used solely by one person.

In some situations it is difficult to establish whether a person is the perpetrator of family and domestic violence or whether a person is in need of safety and protection from family and domestic violence. For example, adults in a relationship might claim to be experiencing violence from each other, or a man might claim to be a victim of his female partner.

It is important in these situations to remember that family and domestic violence involves an ongoing pattern of power and coercive control. It is different to relationship conflict.

There are a number of issues to explore when trying to determine who the primary aggressor is:

Context, intent and effect

A number of behaviours may be used by victims to survive, or in retaliation to violence and abuse. In these circumstances it will be important to identify the behaviours within the context of a pattern of systematic power and control, for example:

- the context in which the behaviour takes place, for example, what took place before and afterwards, or where the violence took place;
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Entitlement

Entitlement is an attitude created by a lack of empathy. It allows someone to assert their will over another. Victims of family and domestic violence are less likely to demonstrate entitlement thinking and are more likely to downplay the violence used against them.

Fear

Behaviours become controlling when they instil fear. It can be helpful to explore the extent of a person's fear, what they are fearful of and how the fear impacts on their behaviour and day-to-day life.

While there is no definitive set of indicators that can be used to determine the primary aggressor, a man who claims to be the victim of family violence is more likely to be the primary aggressor if he:

- refers to his partner in aggressively critical or demeaning terms, as a character attack and out of righteous anger, rather than fear-based anger or anger about the violence;
- seems overly calm and confident, and has no fear or apprehension about the incident or any civil (protection order) or criminal court process that might result;
- presents as overly charming or charismatic;
- has a history of one or more intervention orders against him for his use of violence or for stalking, has a current order, and/or has any previous arrests or convictions for domestic and family violence or other violence-related crimes (he might be vague about these situations, not supplying many details or using language like 'I think I've been interviewed by the police before');
- discusses the incident in vague and general terms rather than providing specifics;
- describes events or circumstances that are inconsistent with the known facts;
- reports facts that are inconsistent with his size or that of his partner;
- has or had injuries that are more consistent with him being the aggressor (for example, scratches around arms and hands, bruised hands or feet), and which are different to the injuries sustained by his partner;
- conveys through his use of language, his account of events and/or description of his relationship(s) a sense of ownership, entitlement, privilege, jealousy or obsession about his partner;
- is forthright, critical and opinionated about ways that 'the system' (for example, courts, police) responds to domestic and family violence;
- focuses on his rights and how he feels they are being violated – victims will generally not feel sufficiently empowered to talk about their rights or how these rights are being violated;
- appears to regard children as his property, believes his children need to show respect and to be 'taught lessons', appears unable to focus on children's needs;
- tries to convince the assessor that he is the injured party;
- tries to ally with the assessor and subtly or grossly invites the assessor to collude with his story, using minimisation, denial, or other-blaming to confuse what really happened;
- evades questions, attempts to control the conversation to discuss what is convenient to him, or diverts the assessor from asking pertinent questions (victims are more likely to be feeling disempowered, unsure of themselves and hesitant);
- leaves the assessor feeling manipulated through verbal tactics of persuasion;
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- appears to have a second motive for the allegations, such as a Family Court matter or an affair, and/or appears to be smug about getting his partner into trouble;
- denies any wrong-doing and takes no responsibility for the situation (victims often wrongly take some or most responsibility for the violence they are experiencing);
- has trouble empathising with his partner's emotional experiences; and/or
- appears to assert his will over his partner without empathising or considering the consequences to her.

Service providers need to be aware of the potential dangers of incorrectly identifying the primary aggressor in situations of violence. This includes inadvertently colluding with the perpetrator of the violence, with the dangerous consequence of exposing the adult victim and child to an increased risk of violence.

There are a number of ways that a person may be wrongly identified as the primary aggressor:

- Assuming both are equally violent or equally at risk
It is very uncommon for both people in an intimate relationship to be using and experiencing violence of equal severity, risk and consequences. There are a small proportion of situations where the violence is mutual, with both people using violence against each other (apart from when the victim is using violence to defend herself). However, in situations where men claim that violence is mutual, they are often the primary aggressors.

- Incorrectly identifying the person experiencing violence as the perpetrator
Where women are using violence in self-defence or to prevent an impending attack, to defend children or others, or as an act of resistance or retaliation they are often wrongly identified as the primary aggressor. The risk of wrongly identifying the victim as the perpetrator is increased when the victim does not want to identify themselves as the victim.

This can lead to a number of consequences for the victim including further isolation, losing the care of her children, increased use of coping mechanisms like alcohol or drug use, difficulty accessing services or reporting future violence, and an increased risk of harm.

- Incorrectly identifying the perpetrator as the victim