
**Royal Commission into
Institutional Responses to Child Sexual Abuse**

**Response to Issues Paper 8
*Experiences of Police and Prosecution Responses***



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Response to Issues Paper 8: *Experiences of Police and Prosecution Responses*

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Introduction

The Sexual Assault Support Service (SASS) is a community based service committed to providing high quality support and information services to survivors of sexual assault in Southern Tasmania, their carers and support people, professionals, and the general public. SASS delivers a 24 hour sexual assault crisis response program; 24 hour phone support and counselling service to people affected by sexual abuse; and face to face information, support, counselling, and referral services for anyone affected by sexual abuse.

SASS welcomes the opportunity to respond to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Issues Paper 8: Experiences of Police and Prosecution Responses*. SASS will be replying in a professional capacity as an organisation that has experiences of police and prosecution responses in relation to allegations of child sexual abuse in an institutional context.

Note that where the terms ‘child’ or ‘children’ are used within this submission, these are taken to refer to children and young people up to and including 17 years of age.

1. SASS recommendations

- A. All Police officers receive training in identifying risk factors that make a young person in care vulnerable to sexual assault or exploitation.

- B. All Police officers receive training in responding appropriately to allegations of sexual assault, including the importance of acting in an impartial, supportive and professional manner, and in the link between prior sexual abuse and a history of alcohol and/or substance abuse.

- C. Each state to establish an interdisciplinary case management group across Child Protection Services, Police, sexual assault support service providers, Department of Education, Department of Prosecutions, forensic medical services and other relevant stakeholders, based on the ‘primary safety of the child’ principle. The group would:
 - Case-manage and share information regarding adult and child victims of sexual abuse – particularly regarding cases of children in institutions who are thought to be at risk of child sexual abuse; and

- Support decision-making in relation to case management and prosecution processes.
- D. Consideration be given to the establishment of co-location models of police, child protection, sexual assault and forensic medical services to enable streamlined, holistic and high quality service provision to victims of sexual assault.
- E. All judicial officers who deal with children giving evidence in criminal proceedings as complainants or witnesses be specifically trained in how to handle child witnesses, in particular ensuring questions are age appropriate and non-repetitious. SASS specifically recommends that this training follow the guidelines set out within the Australasian Institute of Judicial Administration Incorporated resource, entitled *Bench Book for Children Giving Evidence in Australian Courts*.

2. Police processes

What are your observations of, and suggestions for improvements or reforms to, police processes for receiving reports of allegations, and investigating and responding to reports in relation to allegations of child sexual abuse in an institutional context?

Firstly, it is important to note that the vast majority of SASS's interactions with Police are positive, and that for the most part SASS perceives Police to be effective and sensitive in their receipt of reports of allegations, as well as their investigation and response to reports of sexual abuse. We therefore note that the following concerns relate to two particular cases only, although in each case the impact upon the victim was fairly detrimental.

- In one case a police officer displayed a tendency towards victim-blaming, implying that the victim could have prevented the assault by saying 'no'.
- In another case concerning a client who had an alcohol abuse problem (which was known to Police) SASS staff observed that Police responses were less than satisfactory. The client in this case reported feeling 'discounted' by Police and that their complaint was not believed because of their alcohol abuse issues. SASS staff reported feeling that with this case Police responses were not as prompt, non-judgmental and professional as they should have been. This reflection is of concern given that a history of sexual abuse can increase a person's risk of alcohol and substance abuse, and that for survivors abused by people in authority, a positive response by Police (as further authority figures) to disclosure is critical.

Two further more generalised comments are that:

- Sexual assault victims can occasionally receive a different response from police depending on which area or officer deals with the matter. Police practice, response and the information provided to victims by police must remain consistent regardless of who victims engage with or which station they attend.

- There is a need for improved support for victims when cases do not proceed – such as police officers working with counsellors to assist victims to understand the process and why the decision may be made not to take a case forward.

These points suggest that Police may need further training in responding appropriately to allegations of sexual assault, including in acting in an impartial, supportive and professional manner. They also suggest a need for better case management between police, sexual assault services and other relevant stakeholders.

The investigation of sexual assaults is a specialised area of policing that requires skilled and knowledgeable police officers who are sensitive to the particular needs of sexual assault victims. Antonia Quadara, an expert in sexual assault and criminal justice policy, highlights that;

An effective and appropriate investigative response requires a significant degree of knowledge about child sexual abuse and offender behaviours, and a high level of skill in conducting investigations and interviewing victims, witnesses and suspects.¹

Acknowledging this need, several states within Australia (including Victoria, NSW and the ACT) have initiated specialist police units to aid the response to and investigation of sexual assaults, including minimising trauma on victims. Staff members are specially trained in dealing sensitively with victims and/or investigating sexual assault.

These specialist units liaise with medical staff, child protection and sexual assault support services to provide a coordinated response. The overall effect of this is,

...an increasingly specialised investigative capacity, enriched and supported by experts in both the victim services and offender treatment sector. Findings from the limited evaluation data suggest that victims of sexual offences are having more positive experiences when reporting to police (Success Works, 2011). Anecdotal evidence from the sector indicates improved attitudes and increased knowledge among police, and a greater capacity by the police to see themselves as partners alongside other agencies in supporting victim/survivors to engage the justice system and to prevent further offending.²

A 2011 inventory of such practices found that research on these types of specialist police teams generally presents a positive picture, detailing that “victim/survivors are supported, evidence is gathered, and in particular, better quality forensic evidence is gathered.”³

¹ Quadara, Antonia. (2014). ‘Prosecuting child sexual abuse: The role of social science evidence’ in Hayes, A. and Higgins, D. (eds), *Families, policy and the law: Selected essays on contemporary issues for Australia*. Australian Institute of Families Studies. Melbourne, 263.

² Ibid, 263-64.

³ Daly, Kathleen. (2011). *Conventional and innovative justice responses to sexual violence*. Melbourne: Australian Institute of Family Studies, 13.

In Victoria, a system of Multidisciplinary Centres (MDCs) has been established that involves the co-location of Police Sexual Offences and Child Abuse Investigation Teams (SOCITS), counsellor/advocates from Centres Against Sexual Assault (CASAs), forensic physicians and child protection representatives (and in some cases family violence workers). The guiding aim of these centres is to “enable more coordinated, efficient and specialised responses, thereby increasing victim reporting rates, optimising victim recovery and facilitating high quality briefs of evidence.”⁴

An evaluation of two pilot sites revealed numerous benefits of the new models, including, to detail a few; increased referrals between the services involved; increased willingness of victims to engage with police; a more streamlined and supported experience for victims during police investigations; enhanced case collaboration; increased specialisation of police and production of better quality briefs of evidence.⁵

Given the strong benefits of the multidisciplinary model, a compelling case exists for replicating this, or similar context-specific models, across other Australian states.

⁴ Martine B Powell and Rebecca Wright. ‘Professionals’ Perceptions of a New Model of Sexual Assault Investigation Adopted by Victoria Police’. *Current Issues in Criminal Justice*. Vol. 3, No. 3, p.334.

⁵ Ibid.