



MEMORANDUM

Ref: 2015 / 03

TO: Child Abuse Squad staff

FROM: Detective A/Superintendent Peter Yeomans APM

DATE: 4 June 2015

SUBJECT: Interviewing Child Victims

Both historically and of recent times there has been continued dialogue between Family and Community Services staff and NSW Police relating to 'ownership' of who should lead the child victim interview.

With the increase in operationally focussed police response from within the Child Abuse Squad, and changes to legislation police have, (in many instances) conducted a majority of these interviews.

However, recent comments by various District Court Judges and the Office of the Director of Public Prosecutions (ODPP) have questioned why non-police are conducting child victim interviews at all. For example: In a recent criminal trial the ODPP heavily criticised the questioning of the interviewer (FaCS officer) which caused the court to doubt the validity of the victims allegations – causing a not guilty verdict.

The main reason child victim interviews are recorded is so it complies with Section 306M - 306Z of the Criminal Procedure Act 1986, where the evidence of a 'vulnerable person' (child) may be used as evidence in chief within the court system. It is crucial this evidence be obtained to its full potential to lessen the impact of any cross examination or further trauma to the victim. (This includes obtaining proofs of the offence and in many cases negating possible defences – In addition, reducing leading questions and the possibility of contamination).

As custodians of the criminal brief Police are in the best position to obtain this evidence. This is evident in the training they receive over many years, both in the field and various internal and external courses, including (but not limited to) Investigators Course and the Detectives Education Programme.

It should be clearly understood that this in no way denigrates the role of other agencies. It is clear, however that the police role is the investigation and prosecution of criminal offences, if this is 'hindered' in any way then the risk of prosecuting the

offender is lessened, heightening further risk of child sexual or physical assault to the victim and the larger community.

As such, as and from this date it is the responsibility of the Team Leader at each CAS office to decide who should lead the child victim interview. If the Team Leader feels it is beneficial for the Case Worker to undertake an interview then it is at his / her discretion. (It is expected where a criminal prosecution is likely police **will** lead these interviews).

At the conclusion of the interview, if there are additional welfare questions which were not covered by police an officer from Family and Community Services can speak to the child, (there is no expectation that this is electronically recorded).

Peter Yeomans APM
Detective A/Superintendent
Child Abuse Squad
4 June 2015