



Statement

Name: Sascha Anthony CHANDLER
Address: Known to the Royal Commission
Date: 16 March 2016

1. This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse ('Royal Commission'). The statement is true and correct to the best of my knowledge and belief.
2. Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which were used, to the best of my recollection.
3. I refer to my earlier statement provided to the Royal Commission, dated and signed 25 February 2016 ('earlier statement').
4. There are some matters which I wish to clarify and refine in my earlier statement for the assistance of the Royal Commission and for others parties at the Commission.
5. I sought to explain in paragraphs 33 – 38 of my earlier statement that since MCINTOSH has been sentenced and the publicity surrounding his case and my involvement in it, I have had the opportunity to receive contact from a number of other survivors of sexual abuse, and hear about their own experiences (as survivors) in the criminal justice system in Australia. That has prompted me to be committed to participating as best I can in seeking to improve the circumstances for survivors.
6. My own experiences with police and prosecutors in my own matter was mostly positive, but I have now been exposed to information concerning many other cases where survivors are not able to give such a positive review. The reasons for this are varied and I am mindful that I have only received, in most examples, one side of the experience.

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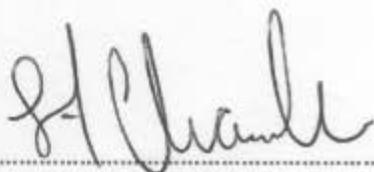
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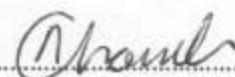
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7. However, even allowing for this context, one matter that has been repeatedly evident in the accounts that I have received is the importance of there being a vital and trusting relationship between the complainant/survivor and the investigating police in the investigation phase and that this relationship is maintained upon the involvement of the ODPP at the prosecution stage. Firstly, it is important that a survivor is able to provide a lucid and detailed account of the abuse. The particular circumstances will vary but the taking of the sometimes harrowing account in a competent and professional manner is the first step only. Thereafter, the need to follow up any investigation of matters that will corroborate this account and preserve this evidence for prosecution is necessary. Thereafter, the relationship between the investigator and the prosecutor has to be seamless to make sure nothing falls through any gaps, especially when sometimes the time from complaint to trial can be many years.
8. It is this relationship that needs to be improved (and perhaps be subject to standardised protection) as we as a community face the future investigation and prosecution of complaints from survivors. This is not achieved merely by criticism of the relevant agencies but rather for the Royal Commission to collate a detailed catalogue of the further shortfalls identified in particular cases so that the relevant professionals can create checklists or a framework by which these shortfalls can be addressed and hopefully avoided.
9. Most of the complaints I hear about the process falling short of what is necessary are less about the commitment of the participants and more about the inadequate relationship between the persons responsible for the matter in the relevant agencies, and by each of them with the survivor, and the lack of support personnel surrounding the survivors.
10. It may be obvious that what is necessary is a transparent process between the relevant agencies and survivors to ensure that the most complete narrative of the survivor's evidence is available at trial and that cooperative investigations are made of all the evidence available to ensure that trials do not become merely a "word against word" contest.
11. Examples of issues that have been communicated to me include the following. I have included recommendations based upon the conversations I have had assisting survivors in the preparation for court:

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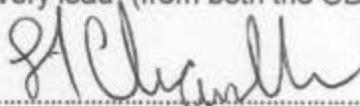


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- a. **Poor communication between the Police / ODPP and survivors** in relation to the status of how a matter is progressing leading up to a trial. Several survivors I have dealt with report high levels of frustration with their ability to remain up to date of the progress of their cases which causes their levels of anxiety to rise leading up to a trial. Due to significant feelings of loss of control that are typical of sexual abuse victims, maintaining some sense of control and understanding of legal proceedings is extremely important. It is inevitable that the legal process will, to varying extents, re-traumatise abuse victims, so a focus on minimising the level of trauma experienced as a result of poor communication is imperative. In my own matter it was sheer persistence on my part and pestering that ultimately yielded satisfactory responses from the ODPP. For example, in the weeks leading up to the trial I was leaving voicemail messages several times a day with both the ODPP and police staff involved with my matter in order to find out what was occurring in my matter.
- b. *Lack of resources within the ODPP.* In relation to the point above, I am aware of situations where a brief of evidence is handed to an ODPP solicitor with very little time to fully consume and comprehend all of the material available. I understand this to be related to case load and availability of resources and can only trust that resource levels within the ODPP are carefully considered amongst the recommendation of the Commission.
- c. *Use of technical language in ODPP communication.* In several interactions I have had with survivors' they report having given up on understanding what the ODPP is trying to communicate to them as they have become overwhelmed by legal technical jargon. Consideration should be given to how the technical language used to communicate with survivors' can be simplified to improve survivors' comprehension of the legal process and therefore increase their sense of comfort and security in relation to their role within the process.
- d. **Poor communication between Police and the ODPP.** The manner in which the ODPP instructs investigators to collect and present evidence appears inconsistent in terms of the breadth and detail requested. In one example, where I have supported a survivor when preparing for trial, no statements were taken from direct family members who could have provided powerful corroborative evidence. I have heard the words "we don't have the time and available resources to chase down every lead" (from both the ODPP and police). I understand and appreciate this but

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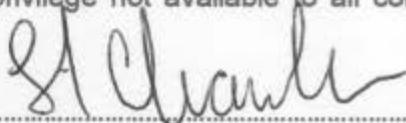
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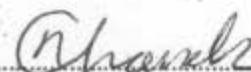
some method of complainant appeal could have perhaps yielded a different outcome in the case I referred to and the acquittal which was the ultimate outcome of that particular trial.

- e. Every survivor I have supported has reported to me high levels of frustration with the Police to ODPP hand over of the file and the subsequent length of time it has taken for trial proceedings to be scheduled. Twelve to twenty-four months is typical of many of the cases I have worked on with the police often reporting "I have handed everything on to the ODPP and we must now wait for them to respond". I have witnessed police frustration with this on numerous occasions. It was suggested to me on several occasions in the lead up to the McIntosh trial that I attempt to make direct contact with the ODPP as this might help to speed things up. It is important to note that survivors' increased anxiety is initiated when they sign their police statement. Shortening the period of time between signing a statement and commencing a trial is going to significantly reduce the trauma and anxiety experienced by a survivor preparing themselves to give evidence at a trial.
- f. **Lack of preparation for trial evidence.** Several survivors I have met have expressed their eagerness to use the witness stand to "stare their perpetrator down and tell them what I think of them". On one occasion where I encountered someone expressing this desire, I asked whether they had met with the ODPP and been told what to expect and how to behave, to which they said they had. Quite obviously, the witness stand is not a place to "spray venom" at perpetrators and doing so could well cause a disruption to proceedings and perhaps a dismissal of the jury. I believe that the ODPP has a responsibility to carefully, in simple terms, explain to survivors the importance of only adhering to their evidence / statements. Whilst I appreciate it is difficult for some survivors to control their emotions in the courtroom setting, careful preparation and expectation setting can avoid destructive, emotional outbursts.
- g. **Support for survivors throughout the process.** The Witness Assistance Officers (WAO) play a very important role in the preparation of a witness for court as well as during the trial. Due to stretched resources, it is not always possible for the WAOs to appear in court each day. This was the case in my trial and the WAO absences were to coincide with the time I was due to give evidence. For this reason, I found greater security in relying on my own family and friends for support, a privilege not available to all complainants. Given the very important role the

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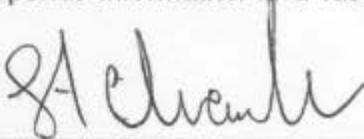


WAOs can play, I feel that complainants would greatly benefit from increased training of the WAOs. A mixture of legal and psychology / counselling training seems obvious but my experience was that WAOs either had basic legal or psychology / counselling skills but never both. My recommendation would be to emphasise the psychology / counselling training and ensure ongoing upskilling on legal knowledge. Well trained WAOs could play a vital role in helping with the communication between Police, ODPP and the complainant.

- h. I have also had several female survivors report to me their level of discomfort with giving a statement to a male police officer in a closed room. One lady reported trying to rush through her statement so she could leave the room as soon as possible and therefore feeling that valuable evidence was missed as a result.
- i. **The use of propensity evidence** is inconsistently allowed from my perspective which I accept is one sided and limited. I believe that it is now common knowledge that many child sex offenders repeatedly offend. In my experience there are very strong similarities between cases in relation to the grooming process and then the nature of the offending. It is my further belief that greater consideration and consultation should be given to reconsidering the legal framework which determines the admission of propensity evidence in child sexual assault matters. This may need to be addressed by statute.
- j. **Inconsistencies in sentencing** are probably the most common grievance I am made aware of. Whilst I appreciate that each case is very different, inconsistencies in sentencing of perpetrators has been evident in recent years and has been a source of much public frustration to survivors that I have spoken to. This inconsistency is very unsettling to potential complainants and I regularly hear "why would I go through all of this to see a judge hand down an inadequate sentence".

12. It occurs to me that these shortfalls and areas to address fall into the following broad categories:

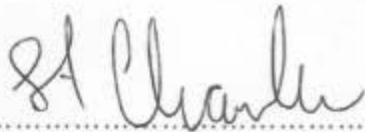
- a. The experience, training, qualifications and personality of those taking first response information.
- b. The directions given to first response personnel as to how to document first response information in a fashion that limits the number of times a survivor is

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required to restate their evidence in the prosecution of a complaint, and further that is able to precisely identify the corroborative evidence that is then required for follow up. This is particularly relevant when documenting and obtaining evidence from children in respect of a traumatic event. This may be addressed by having a qualified psychologist or other appropriately qualified support person to assist in the provision of this information.

- c. Recognition by relevant parties and judges that the vulnerable state and psychological make up of a survivor bears no relationship to their honesty, reliability or the detail of what they are trying to explain. A further recognition that how survivors are treated by the relevant agencies when making a complaint can add to this vulnerable state.
- d. A process of including the survivor more centrally in the criminal justice process, including consultation and the provision of relevant information and up to date information, so they do not feel simply like a bystander to the process.
- e. Support for survivors throughout the whole criminal justice process, including from the making of a first complaint to the giving of evidence at a trial, by way of a support person who is familiar with the criminal justice process and in particular, child sexual abuse matters.

Signed:



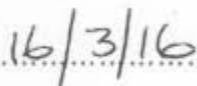
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