

Criminal Justice Consultation Paper

2. The Importance of a criminal justice response.

It is important people report as a starting point. We should also continue to seek reforms to the criminal justice system. However, I think we should add in a restorative justice option if that is what victims choose. This should not be dictated by the courts but by victims suggesting they might like this option. The Chief Magistrate has just set up a Committee to look at Restorative Justice options for sexual assault and family violence cases.

3. Issues in police responses

All police who may come into contact with victims or survivors should be trained to have a basic understanding of complex trauma. This means general duties who are the starting point. The training should be in their first block of 20 weeks training. CASA Forum provides training for the Sexual Offences and Child Abuse Investigation courses. This training takes approximately 2 hours in each course.

Police should encourage victims to report. They should be clearer about Statements of No Further Police Action. They should develop an online reporting option and it should have an anonymous option so that Police at least collect the data about offences. It is the same for Aboriginal and Torres Strait Islander victims and survivors. The Police also need to work towards more diversity in police members so that it is not so much us and them for some communities. CASAs should see prisoners or survivors with criminal records. A criminal record should make you ineligible for service. We need to have some discussion about people in jail for sex crimes who then get sexually assaulted and how they are dealt with.

4. Police responses and institutions

This is a very important issue. We do not want organisations just passing on reports by adult and adolescent victims to the Police when that is not what the clients want. Ireland, after the Ryan Enquiry, has mandatory reporting and report that counselling rates have plummeted. People will not report if CASAs and other agencies become quasi government organisations. One of the reasons people come to see CASA's is the confidentiality guarantee. There are many reasons people do not report to the Police including not trusting the Police, wanting to keep control of their lives and wanting to move on from the trauma in counselling rather than in the criminal justice system. A final comment on this is that it is an absolutely dreadful idea and goes against everything CASAs have all fought for in the past 40 years.

5 Child Sexual abuse offences

- Yes.
- Any remaining limitation periods that prevent charges being brought should be removed.

6. Third party offences

There should be offences for senior people for failing to intervene or act. The institution should also be prosecuted because it will make them tighten up their procedures.

7 Issues in prosecution responses

- Yes. There have been instances in the past where prosecution staff have found the constant victims stories wearing for themselves. Training in an understanding of complex trauma would help them understand their reactions. Also it would help them understand their clients/witness and their responses better.
- It is our understanding that our clients find the constant change they sometimes experience with prosecution staff both confusing and distressing. We find that continuity aids recovery in counselling and there is no reason why it would be different in other fields.
- Witness assistance services are important. Specialist services are a good idea. There is already a specialist service for children.
- Accepting a guilty plea to lesser charges should be fully explored and explained to victims. If they still do not agree they should be allowed to complain or seek a reviews. We understand that empowering people is an aid to recovery and to take away their right to make a decision the system may not think wise does not empower them. We do not always know what is best for people.

9 Evidence of victims and survivors

- This would be of value to many people. However, there are some people for whom the court experience is cathartic.
- Yes.
- Yes

10 Tendency and coincidence evidence and joint trials

- Yes . It has always seemed a strange practice to have some allegations inadmissible at a trial when they are about similar offences.

12 Sentencing

- Yes.
- Yes unless this completely overturns some rule of law which weakens the judicial system.

13. Appeals

- Definitely.

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