

Submission to the public hearing into the Criminal Justice System.

Preamble.

Adults who have experienced childhood sexual abuse are more likely to travel through life with challenges that otherwise would most likely not present themselves. Case studies show that they are more likely to spend time in prison and whilst incarcerated more likely to be identified and then assaulted again. Their vulnerability is recognised and the predatory culture of the prison puts them at high risk.

The below are some ideas or recommendations that may assist to address this and help protect these people from further institutional sexual abuse.

Recommendations:

1. Ongoing as well as initial intake assessment of prisoner's mental health to take into account the 'events' that take place following incarceration, then to advocate for appropriate services.
2. Protocols for when a prisoner discloses to allow the matter to be progressed rather than be 'left' in the hands of the person who is disclosed to. Also so as to not result in any negative 'backlash' for the person disclosing. An example of this is when a prisoner discloses and is then placed in isolation for protection, which can be experienced as punishment – especially if left there for a length of time.
3. Establishing an area of protection within the prison that recognises the particular safety needs of those disclosing sexual assault rather than placing them in the 'protection' areas along with possible sexual predators.
4. Developing facilities that can accommodate young adults from 18 yrs on to protect them from the predatory behaviour of the older inmates.
5. Youth facilities in the metro area to have specialist counsellors attending, as in the Sexual Assault Resource Centre, as some young people feel safer disclosing there rather than in their remote and small communities.
5. Recognition that the person disclosing may have disclosed previously regarding an historical event and had a negative experience. That is, to not repeat the past experience.
6. Clients who have disclosed either a historical or current sexual assault to be contacted soon after by independent advocates – including legal - rather than being kept waiting for lengthy periods before any contact is made. Those clients to be kept regularly informed and consulted regarding the processes being put in place and any actions to be implemented.
7. A review of the impositions or expectations of the prison that are not realistic for trauma affected people resulting in further trauma and consequent reoffending. An example is the parole expectations/obligations that, if not met, may result in a re-offence and re-incarceration. Some released prisoners will seek to be re-incarcerated in order to find an environment that is more predictable than the 'outside' in order to stabilise.

8. Independent assessment or investigation when allegations of sexual assault are made and when forensic evidence is collected.
9. An immediate response time following a disclosure of sexual assault/rape so as to minimise the trauma and to increase the possibility of collecting viable forensic evidence.
10. Sexual assault is recognised as a crime and is dealt with as a crime.
11. An independent body set up to monitor and ensure that recommendations are indeed implemented.
12. Further research and investigation of sexual assault in prison along with the possibility of an independent body conducting the research.

To be taken into consideration in the prison environment:

- The need to foster self-support rather than other-support or institutionalisation.
- Staff to be trained in complex trauma and how to work with it.
- Provision of areas where clients can speak in a confidential setting.
- A recognition that survivors of child sexual abuse have difficulty trusting.
- The environment to be as predictable as possible so as to reduce the ever present fear/anxiety.
- Recognition of client's vulnerability.
- Knowledge of triggers and how to deal with them.
- Recognition of the lack of care/protection that survivors have experienced in the institutions of their childhood and not to repeat this in the present institutional context.

Footnote: We have the approval and consent of some clients to relay their circumstances and experiences to the Royal Commission.

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29/11/2016.