

## RESPONSE TO CONSULTATION PAPER ON CRIMINAL JUSTICE

### SUBMISSION REGARDING SEXUAL ASSAULTS IN WESTERN AUSTRALIAN PRISONS

#### Background

The Royal Commission into Institutional Responses to Child Sexual Abuse has completed an Inmate Engagement Strategy (IES) whereby its Commissioners and officers have undertaken visits to most of the Western Australian State prisons. Solicitors and Aboriginal Engagement Officers have participated in these visits.

Referrals for counselling have been made, by the Commission itself and Solicitors to specialist Royal Commission Support Services funded at Relationships Australia Western Australia (RAWA) and Anglicare WA (AWA). RAWA has received 64 such referrals, with AWA receiving approximately 37 referrals.

#### Prison Sexual Assaults

In undertaking follow up telephone calls and visits, the Support Service staff have focused on 'historical' sexual assaults against prisoners in their childhood, but a number of prisoners have reported that they have subsequently been sexually assaulted in adult prisons.

Because of the nature of their work, the counselling organisations are gaining a broader understanding of the referred clients' circumstances and have discovered that many of these prisoners are reporting prison sexual assaults some of which are recent events.

While no detailed examination has yet been made of referred prisoners' case files as a group, it appears that an alarming number, having been sexually abused as children, are also being sexually assaulted in prison as adults. Some of the prisoners are reporting multiple assaults, and some are at current risk in the prison system.

#### Responses by the Prisons

Many of these clients are reporting that prison authorities have failed to protect them, and have been indifferent to their suffering as victims of sexual assault. For example, it is our understanding that often timely Counselling services are not offered and some prisoners who are assaulted are left in the same area as their perpetrators leading to further sexual assaults.

Prisoners have reported difficulty accessing the police when they wish to report sexual assaults. They have said there is an apparent reluctance by prison authorities to make such reports.

There is no specialist police unit dealing with sexual offences in prison. Rather, we understand that individual prisons simply report to the police within their geographic area. Questions exist as to how information is presented to local police about these assaults, in particular;

- Whether police are given appropriate information about the alleged assault (in order to determine the level of seriousness) or simply advised that a prisoner wishes to be interviewed in respect to an assault?
- What priority can, and is, given to such assaults by local Police in relation to their wider responsibilities?
- Are these assaults being reported and acted on in a timely manner for forensic evidence to be gathered?

The Sexual Assault Referral Service (SARC) had previously offered a visiting counselling service to various WA State prisons, however funding was withdrawn on the basis that such services would instead be provided by resources within the prisons. Such services are not being provided.

Prisoners/prisons report that there are little if any 'in-house' counselling services available in WA State prisons for any purpose. Counselling, as part of a resulting special management regime, is only offered where prisoners are at immediate risk of self-harm. It could be perceived that Prison Counselling Service time is taken up managing prisoners on the At Risk Management System alone.

The ACCESS telephone service line is available throughout WA prisons, and is supplied for prisoners who wish to make a complaint about their treatment, including the failure to protect them from sexual assault, and to report assaults that have occurred. However, counselling agencies are told that ACCESS routinely refers complaints straight back to the prison for action, rather than exercising an independent review function. Clients have reported that no action has resulted and, at times, they have faced recrimination for lodging such complaints.

RAWA and AWA have engaged in discussion regarding our concerns about when prisoners report to the prison authorities and subsequently the failure of these authorities to protect vulnerable prisoners. Given the Royal Commission's extensive findings that institutions failed to act in response to child sexual abuse, it seems incumbent upon those present not to 'turn a blind eye' to this information, albeit now regarding adults.

Both of our services consider that the Royal Commission into Institutional Responses to Child Sexual Abuse would be interested in this information. The prisoners involved are within the terms of the Commission, and a link can readily be made to their experience of institutional care and subsequent criminality/imprisonment. The apparent failure of institutions caring for these clients as children has been compounded by an apparent and similar failure by those incarcerating them as adults.

Royal Commission Support Service  
Relationships Australia WA

Gail Green  
Coordinator  
Anglicare WA

Friday 25<sup>th</sup> November 2016