Submission of Micah Projects Inc.
To Issues Paper 8

Experiences of Police and Prosecution Responses

supporting people
with the Royal Commission into
Institutional Responses to Child Sexual Abuse
15 June 2015

Royal Commission into Institutional
Responses to Child Sexual Abuse
GPO Box 5283
Sydney NSW 2001

By email: criminaljustice@childabuseroyalcommission.gov.au

Dear Colleague

Issues Paper 8 – experiences of police and prosecution responses

Thank you for the opportunity to provide this submission to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Key points

We consulted with 12 survivors of child sexual abuse who had all been abused in Queensland and who had all reported the abuse to police. Overwhelmingly the survivors that we spoke to told us:

1. Their report did not ultimately lead to the perpetrator being convicted or punished;

2. In reporting the abuse to the police they ultimately wanted their day in court, a conviction and the perpetrator to be punished in relation to the abuse that they suffered;

3. The civil justice system is presented as an alternative for survivors seeking justice however many survivors are seeking convictions and punishment of the perpetrator rather than, or in addition to, compensation;

4. Criminal convictions and punishment of the perpetrator are part of the process of achieving justice and part of the healing process;

5. Despite changes to police practices in the last decade or so, survivors continue to feel ‘alone’ in the criminal justice system and are not adequately involved in the process;

6. Survivors feel unsupported in the criminal justice system;
7. The police are at times complicit in the abuse and many survivors do not trust the police;
8. The police are not sufficiently resourced to respond to allegations of child sexual abuse;
9. There is potential for a properly resourced police and prosecution response to mitigate the damage that is caused to people by child sexual abuse;
10. Reforms to the criminal justice system should be informed by the experiences of survivors.

**About Micah Projects**

Micah Projects is a Queensland based not-for-profit organisation with a vision to create justice and respond to injustice at the personal, social, and structural levels in church, government, business and society. We provide a range of support and advocacy services to individuals and families.

**Our experience working with survivors of child sexual abuse in institutional settings**

Since its inception Micah Projects has worked in partnership with Forgotten Australians to seek justice for the abuse that many experienced as children. Micah Projects’ Lotus Place is a dedicated support service and resource centre for Forgotten Australians and Former Child Migrants.

Our submission is informed by workshops and conversations that we had with survivors seeking their feedback in relation to your issues paper.

**Background**

The survivors that we spoke to were all abused in Queensland. Initial reports to the police were made between the 1950s and the 1990s. Reports were made to the police in Brisbane, Beaudesert, Rockhampton and Ipswich. In some cases reports were made while the survivor was a child; in other cases reports were made when the survivor was an adult.

**Reporting abuse to the police**

Survivors recounted experiences of not being believed, being belittled and feeling bullied as a result of reporting abuse.

The police dismissed a number of survivors when they initially reported the abuse that they were subject to. One survivor told us that an officer said, “don’t be so self-centred” in relation to his report. Another survivor
said she was made fun of at the police station and was forced to run from
the station. Other survivors told us that although the police appeared
receptive when they made the report they never heard from them again.

One survivor told us that she reported the abuse in the 1960s. Police
officers came to her school to take her statement. The police officers
were male and no support was offered to her. This survivor never heard
anything further in relation to her reports and is still unsure today whether
any action was taken.

Some survivors made their reports to police who were working on
Taskforce Argos (‘Argos’). Some of these survivors had positive things to
say about their experience reporting abuse. One survivor told us that
officers came to his house to take his statement, which he appreciated
because he was suffering from debilitating anxiety at the time. Another
survivor told us that the officers were professional as well as supportive
and that their questioning was never leading or suggestive. Another
survivor said that the officers were kind and understanding.

Conversely, a survivor said that it was not a good thing that they were not
able to have a support person when they reported abuse to Argos
officers.

Recommendations

1. Officers receiving reports of abuse should listen, believe and
   investigate allegations.

2. Police should offer survivors the option of reporting abuse at a
   location that they feel safe in – such as the survivor’s own home.

3. All professionals involved in the criminal justice system (including
   police, lawyers and judges) should undergo training about the
   impact of child sexual abuse and how to work with people who
   have been sexually abused as children.

4. A person reporting sexual abuse to the police should be able to
give their statement to an officer of their own gender.

5. Because many people do not want to interact with the police and
   because the police have been complicit in abuse an agency that is
   separate to the police should be established to receive allegations
of abuse. These allegations should then be passed on to the police for investigation.

6. A person involved in the investigation and prosecution should be available to assist people reporting abuse by keeping them informed throughout the process.

The police response to the report of abuse

Many of the survivors that we spoke to expressed their distrust, disappoint and dislike of the police because of the police’s response to their report.

One survivor told us that he thought that the police’s response to abuse had been improved by the implementation of Queensland’s Crime and Misconduct Commission’s 2003 report “Seeking Justice. An inquiry into how sexual offences are handled by the Queensland criminal justice system” and the recommendations made as a result of the 1999 Forde Inquiry. Another person felt that this was not the case and commented that even post the 2013 Carmody Inquiry significant issues relating to re-opening investigations remain.

Some survivors told us that the simple fact that the police listened to their report was meaningful for them.

Another survivor described his feelings in relation to the police response to his report as “dismissed and not believed.”

Another survivor told us that she reported the abuse to the police on several occasions and that the only response was a child protection response – the police never investigated her claims.

Another survivor said that the police “didn’t respond at all” and they “didn’t want to know.”

Another survivor told us:

“I felt I was believed by the Police because I had my Aunty (1999) with me and two nice detectives. Then I heard nothing from them until 2001 when the court proceedings happened. I was in jail at that time. I was never interviewed after I made my initial statement, they did not explain the court processes to me or support me.”
Another survivor said:

“I have no faith in the system at all (it) let me down and let others down”.

**Recommendations**

1. Police should have a document that they provide to people who report child sexual abuse. The document should outline the investigation and prosecution process, what the person can expect from the police, how they will be involved in the process and provide a contact person within the police that can speak to them about their case as it progresses.

2. People reporting abuse should never be made to feel as if they are to blame for what happened to them.

**The police investigation process**

*Numerous survivors told us that their complaint was never investigated.*

Numerous survivors told us that they were not given any information after they reported the abuse. Survivors said that they had to chase the police for information on the case – even once the case was closed they received no contact from the police. People felt that after opening themselves up to the police there was an obligation on the police to keep them informed about the investigation.

One survivor was very disappointed with the police’s investigation. She told us that the police did not contact witnesses despite her providing them with their details.

Another survivor said that the police interacted with their advocate rather than them and, because his advocate did not respond to the police’s request for more information, the opportunity to have his allegations re-investigated was lost. In this case the police did not try to contact the survivor himself.

Many survivors who reported their abuse in connection with Argos felt betrayed when the investigation of the their allegations ceased because the police had insufficient resources.
Recommendations

1. The police should have adequate resources to properly investigate and prosecute allegations of child sexual abuse.

2. The police should implement an improved policy for communicating with people who report child sexual abuse throughout the investigation process.

Interacting with prosecutors

_Survivors felt that the prosecutor’s objectives are not aligned with the person who was abused._

One survivor felt that his interactions with prosecutors were positive – that the process was well explained to him and that he was told what to expect and how to behave.

Another survivor described feelings of bewilderment in relation to his interaction with prosecutors. He said that it was explained to him that although there were nine instances of abuse there were only four criminal acts. He said that this was never further explained to him and he continues to question how the abuse that he suffered is aligned with the criminal law.

One survivor said that their experience interacting with prosecutors “wasn’t any good at all”.

A survivor told us that he had hardly any interaction with the DPP – only one telephone call before the trial. He said that he was only questioned in relation to the abuse that he experienced – not the abuse that he witnessed. He felt that he could have assisted with other cases because he had also witnessed abuse. He said that his case was never pursued because the perpetrator was convicted in relation to other instances of child abuse. At the time he was told that the perpetrator got 7 years in prison.
It was commented that the prosecutor is focused on achieving a conviction while a survivor wants their day in court. One survivor said that she thinks that the prosecution has too much power and that there should be ways for the survivor to influence or appeal their decisions in relation to how or whether to proceed with a case.

**Recommendations**

1. Prosecutors should take the time to explain their strategy to survivors so that they understand what is being argued and why the case is being argued in a particular way.

**Whether charges were laid**

Charged were laid in only two cases. In some cases the perpetrator was charged with sexual offences against other children. In other cases survivors had no information about whether or not charges were laid.

**Preparation for court**

*Survivors felt that they were not adequately involved in preparations for court.*

One survivor felt that the prosecution case was well prepared for court. Other survivors felt that there was insufficient support for the survivor to be involved in preparation for court and in the trial. People felt that survivors require emotional support before and after trial. It was commented that there is not enough time invested in ensuring that the healing potential of the criminal justice system is realised. However, one survivor thought that because “the legal system is devoid of emotion” it can “only help superficially in the healing process”.

It was also commented that people suicide after court. Survivors felt that prosecutors should provide support in preparation for court, throughout the trial process and after the trial – this should be in addition to ensuring the availability of support services and counselling.

**Recommendations**

1. Survivors should be involved in preparing for court.
The trial and any sentencing or appeal processes

*Survivors are alone during the trial – they are unsupported and they do not have an opportunity to ensure that their case is properly argued.*

*The punishment of child sex offenders is not sufficient.*

While most survivors did not have any contact with witness support services, one survivor told us that she performed the role of a court support officer. She said that in this role she became aware of errors in the way that cases were being prosecuted. She felt frustrated that she had no power to influence the outcome of the case or advocate for the survivor in court. Another survivor said that the support officer who was allocated to her during the committal hearing was “okay” but that the survivor initiated contact and the officer was not contactable after the matter was dropped. This made the survivor feel let down. She said that this was the time that she probably needed support the most.

One survivor noted that the prosecution negotiates deals with defendants so that they plead to lesser charges. Survivors felt that they should have the ability to be involved in these negotiations.

Numerous survivors noted that no-one advocates for the survivor as part of the criminal justice system and that support and a role in the process are both essential for survivors.

One survivor told us that he was badgered during cross-examination and that when he protested and appealed to the judge he noticed that the judge was asleep.

Other survivors commented that the prosecutor’s case was disorganised, that the defence’s evidence was not sufficiently challenged and that “nothing worked well.”

Another survivor told us that the trial process was “a joke”.

The following experience of one survivor illustrates what most survivors told us – they did not understand the process, they were not involved in the process and they were not provided with support.

“…no one told me what was happening, what was the process I just rocked up to the Court and had to give evidence and point out the man who abused me. I should not have been made to be in the same room as him. I was still fearing for my life as he
gave me that death look I am going to choke you if you say anything. I was fearing my life in the court, just the Judge, Jury there were no Police in Court to protect me just my Solicitor. My Solicitor came out to see me to advise of the sentence. I was not happy about the sentence he wrecked my life and he only served 6 months of the 15 years he was given.”

Another survivor told us that she gave evidence as a child. She told us:

“I think the changes now are good where children don’t have to face the people in the court especially the person who is the perpetrator.”

**Recommendations**

1. Steps should be taken to prevent the accused person and survivors being in the courtroom at the same time.
2. Survivors should have an active role in court proceedings.
3. Punishments for child sexual abuse should be increased to properly reflect community values and the damage caused by the crime.
4. Where there is sufficient evidence cases should be prosecuted regardless of whether the perpetrator has been punished for a similar crime against a different person.

**Conclusion**

Although one survivor felt that there had been sufficient changes to the criminal justice system to overcome its historic failings, overwhelmingly the survivors that we spoke to have been disappointed, disillusioned and angered by their dealings with police and the criminal justice system.

Feeling alone and being treated as an accuser rather than a person who had been abused are common experiences of people who have reported child abuse to the police. They are not provided with information or support and often they do not know whether an investigation or prosecution is being pursued.

Survivors want to be properly and actively involved in the criminal justice system.

Survivors want their allegations to be investigated and for perpetrators to be prosecuted. They told us that a conviction is part of justice for survivors and that it should be in addition to compensation.
There is potential for the criminal justice system to be part of the healing process and to achieve justice as defined by the person who was abused. For this potential to be realised people must be listed to when they report abuse, involved in and supported throughout the whole process, given the opportunity to have their day in court and be properly followed up after trial.

An appropriate criminal justice response to child sexual abuse will mitigate the life-long ramifications of abuse. An inappropriate response causes further damage to survivors.

Thank you again for the opportunity to provide you with this submission.

Yours faithfully

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Coordinator