



Government of **Western Australia**
Department of **Justice**
Office of the Commissioner for Victims of Crime

Reporting sexual offences

DISCUSSION PAPER 2

Improving experiences for
victim-survivors:

Review of criminal justice
system responses to
sexual offending

Reporting Sexual Offences

DISCUSSION PAPER 2

The first step in the criminal justice process is reporting the offence to police but we know that up to 90% of sexual offending victim-survivors do not report to police.¹

In this Discussion Paper we discuss why victim-survivors choose not to report, the police reporting process and alternative reporting methods.

We also ask questions about why victim-survivors choose not to report sexual offending, and how we can improve things to make it safer and easier for victim-survivors to report.

The Department of Justice respectfully acknowledges the traditional custodians of the land being the first peoples of this country.

We embrace the vast Aboriginal cultural diversity throughout Western Australia and recognise their continuing connection to country, water and sky. We pay our respects to Elders past, present and emerging.

The Department is committed to fostering respectful partnerships with our Aboriginal colleagues, clients and those in our care.

Support

Reading about sexual violence can be upsetting, particularly for victim-survivors. You may want to read this paper with a support person or check in with someone about how you are feeling afterwards. If reading this discussion paper is upsetting, please ask for support from a person you trust or contact one of the support services below.

1800 RESPECT 1800 737 732

Women's Domestic Violence Helpline (WA) 1800 007 339

Men's Domestic Violence Helpline (WA) 1800 000 599

Crisis Care 1800 199 008

Mensline Australia 1300 789 978

Lifeline Australia 13 11 14

Our focus

The Attorney General has asked the Office of the Commissioner for Victims of Crime to look at the experiences of victim-survivors who have experienced sexual offending in the criminal justice system in Western Australia (WA) (the Review) to see what is working well, what can be improved and to recommend options for reform. In particular, the Attorney-General has asked us to look at:

- the experience of adult victim-survivors (regardless of their age when the relevant sexual offending occurred) with the criminal justice system
- factors which contribute to under-reporting of sexual offences, and why people report but do not continue with the formal legal process
- alternative and innovative processes or procedures for receiving, investigating and resolving (through prosecution or otherwise) sexual offence complaints that are consistent with victim-survivors' interests and the interests of justice – for example, restorative justice processes.

A big part of the Review is consulting with the public to hear their views on what works well now and what can be improved.

Who can make a submission

Any person or organisation is welcome to make a submission to the Review. We are interested in hearing from sexual offending victim-survivors as well as their families and loved ones.

We are also interested in hearing from people who work with sexual offending victim-survivors and/or who work in the criminal justice system.

The Discussion Papers

We have written four Discussion Papers that focus on different parts of the criminal justice system. We summarise the content of each discussion paper below.

Discussion Papers 2, 3 and 4 ask questions that you may want to answer when you submit your response (see how to make a submission on page 5). You can answer as many or as few questions as you like. You can also write your submission in your own words, without responding to the specific questions in the Discussion Papers.

The Discussion Papers contain information that is relevant to the questions we are asking. The final report will contain a more detailed discussion, including research and the outcomes of public consultation.

Discussion Paper 1 Overview

Discussion Paper 1 includes background information that may help you think about the issues involved and answer the questions in Discussion Paper 2, 3 and 4. There are no questions in Discussion Paper 1.

Discussion Paper 2 Reporting sexual offences

Discussion Paper 2 looks at why some people choose not to report their experience of sexual offending, the police reporting process and some options for improving the reporting process.

Discussion Paper 3 Journey through the criminal justice system

Discussion Paper 3 looks at sexual violence victim-survivors' journeys through the criminal justice system – from the time of reporting to the police, to the time an offender is released from prison. This paper includes questions about each stage of this process, and asks what went well, what did not go well, and how things could be improved.

Discussion Paper 4 Alternatives to the criminal justice system

Discussion paper 4 looks at processes outside the criminal justice system, which may help victim-survivors to heal after a sexual offence as well as holding perpetrators accountable. This paper includes some examples of alternative models used in other places. We ask for your opinion on what models could work in WA.

How to make a submission

You can make a submission by:

Online:	https://consultations.justice.wa.gov.au/
Email:	experiences@justice.wa.gov.au
Mail:	Improving experiences review consultation Office of the Commissioner for Victims of Crime GPO Box F317 Perth, WA 6000
Phone:	08 9264 9877

Please contact us if you would like to talk about different options for making a submission or participating in the consultation process.

We acknowledge there have been other inquiries and reviews related to sexual violence and violence against women and children. If you do not have time to respond to this Review, you can send us any relevant submission you have made before.

Language used in the discussion papers

In the Discussion Papers we use the term 'sexual offences' or 'sexual offending' to refer to sexual violence that is a crime.

In the Discussion Papers we use the term 'victim-survivor' to refer to people who have experienced sexual offending to recognise both victimisation and resilience. We have used this term because it is familiar. We also use the term complainant to refer to a person who has made a report to police.

We use the term 'perpetrator' to refer to people who have sexually offended against another person. We use the term 'accused' to refer to the person who is alleged to have committed the sexual offence. We use the term 'offender' to refer to people who have been convicted of sexual offences.

We have used the term 'Aboriginal' in recognition that Aboriginal peoples are the original inhabitants of Western Australia.


We acknowledge that not all people prefer or use the terms and acronyms used in the Discussion Papers.

Other terms and acronyms used in the Discussion Papers include:

ALRC	Australian Law Reform Commission
ARO	Alternative Reporting Option
CALD	Culturally and linguistically diverse
MIST	Multiagency Investigation and Support Team
ODPP	Office of the Director of Public Prosecutions
PFK	Preliminary Forensic Kit procedure
PRB	Prisoners Review Board
SARC	Sexual Assault Resource Centre
UK	United Kingdom
VLRC	Victorian Law Reform Commission
VMU	Victim-Offender Mediation Unit
VNR	Victim Notification Register
WA	Western Australia
WA Police	Western Australia Police Force
WALRC	Western Australian Law Reform Commission
WSJT	Women's Safety and Justice Taskforce (Queensland)

Barriers to reporting

Research research shows that the most common reasons that women did not report a sexual offence to police are:

- 
- 34%** did not think the incident was a serious offence
 - 26%** felt ashamed or embarrassed
 - 22%** did not think there was anything the police could do about it
 - 22%** did not know or think that what happened was a crime³³

It is important to remember that reporting a sexual offence is a choice. A victim-survivor's choice will be based on their individual circumstances. In Discussion Paper 1, we talked about the concept of intersectionality. This concept helps us recognise that diverse groups of people may face more and/or different challenges when choosing whether or not to report.

We provide information on some of the reasons why victim-survivors choose not to report but we acknowledge that we do not fully capture the complexity of victim-survivors' experiences.

Research suggests there are four broad reasons why victim-survivors chose not to report a sexual offence to police: **Fear, Shame, Relationships and Logistics.**²

Fear

Victim-survivors may fear that reporting an offence will cause them harm – physically, emotionally, economically or to their relationships. Victim-survivors may experience fear about:

- not being believed
- having to go to court and give evidence
- having their private experiences made public or published in the media
- backlash from the perpetrator or their family
- losing relationships
- criminal charges for other matters such as drug taking or undertaking sex work.³

Shame

Victim-survivors may experience shame and guilt about the sexual offence. These feelings are linked to how they expect other people to view them if they come forward.

In Discussion Paper 1 we talked about community attitudes that influence victim-survivors' understanding about what happened to them and their decisions about whether to report. Community attitudes can influence victim-survivors' decisions not to report a sexual offence because of:

- concern that the offence is not 'serious' enough to report
- embarrassment about others knowing about the incident
- fear of being blamed for what happened
- fear of not being seen as a 'real victim'
- anxiety about reporting the offence to a stranger
- shame about physiological responses to the sexual offending
- shame about actions before the assault happened, such as being drunk or on drugs or looking for a sexual partner
- concern about the fact that they did what the perpetrator asked during the incident or that they did not fight back.⁴

Relationships

Research suggests that around 77% of sexual offending is perpetrated by someone the victim-survivor knows.⁵ This is most commonly an intimate partner or family member.⁶

A victim-survivor's relationship with the perpetrator can impact on their decision whether to report a sexual offence as they may be:

- uncertain about whether the perpetrator meant to harm them and believe that the situation can be sorted out between themselves and the perpetrator
- fearful that their relationship with the perpetrator will be used against them or that they will not be believed or taken seriously if they continue to have a relationship with the perpetrator
- feeling confusion, guilt or disbelief that the assault occurred, especially with an intimate partner or family member
- concerned for the perpetrator.⁷

Logistics

For victim-survivors there may be logistical barriers to reporting. These may include:

- a lack of services in regional or remote areas, meaning victim-survivors would have to travel long distances to access police, court and support services
- where the perpetrator is a family member or carer, reporting may have a negative impact on a victim-survivor's financial, housing or family situation
- a belief that there is nothing police can do and/or that there is not enough evidence for them to make a report
- a victim-survivor may not realise that what has happened to them was a sexual offence
- a victim-survivor may not have information about reporting and the criminal justice process. This can be a particular issue for victim-survivors with disability, who do not speak English as a first language or who have additional communication needs.⁸

Telling other people

Sexual offending victim-survivors may seek informal support, formal support or may not seek support at all. A 2016 survey found that half of women surveyed sought support or advice from one or more sources.⁹ Around 70% sought advice from friends or family.¹⁰ Around 40% told their doctor or health worker, and around 16% told a support worker at a crisis and counselling service.¹¹

The first time a victim-survivor speaks to someone about what happened might be the time they consider asking for or receiving information about reporting to police and getting support. The responses that a victim-survivor gets when they first tell someone about what happened can impact on their decision about reporting, as well as their wellbeing.¹²

QUESTIONS

What information is available to help victim-survivors decide whether to report the sexual offence?

What information do families and friends need to help them support victim-survivors?

You might want to think about:

- was the information easy to find
- was the information easy to understand
- what information was missing
- is there a better way for victim-survivors to get this information.

Police reporting process

In WA, adult victim-survivors can make a report to WA Police in the following ways:

- calling 000 emergency line
- calling 131 444 non-emergency police line
- calling CrimeStoppers on 1800 333 000
- using the CrimeStoppers online form
- calling the Sex Assault Squad on (08) 9428 1600
- emailing the SexAssaultSquadSMAIL@police.wa.gov.au
- visiting a police station

When an adult victim-survivor makes a report, the police officer they speak to will ask them questions about what has happened, but they will not make the victim-survivor go into lots of detail. The person taking the report should also make sure the victim-survivor knows about options for support, including forensic medical and counselling services such as the Sexual Assault Resource Centre (SARC).

When a victim-survivor makes the first report, the person taking the report will arrange a face-to-face meeting with a police officer who will ask some more questions about what happened. This initial report will then be sent to the Sex Assault Squad. A senior officer from the Sex Assault Squad will ask a victim-survivor more questions to determine if there is an immediate risk to the victim-survivor's or public safety. The case is then allocated to a police officer in the Sex Assault Squad who will contact the victim-survivor to arrange a time for them to make a formal statement.

Police practices and attitudes have the power to help or to harm victim-survivors. We know from research in Australia and overseas that the police reporting process can be upsetting and even traumatic for victim-survivors.¹³ Research shows that the way a victim-survivor is treated when they first report a sexual offence has a big impact on whether they will continue through the criminal justice process.¹⁴ Research also shows that for people who have experienced trauma, kind and respectful interactions, including with people in positions of authority, can help them to heal from that trauma.¹⁵

The WA Police brochure: *Telling your Story and Getting Help*, says that police should listen to what the victim-survivor is saying, be considerate of their feelings and treat them with respect.¹⁶ The police officer should also help the victim-survivor if they have any communication needs (e.g. because of disability or language) and ask them if they would prefer to speak to someone of a particular gender. Police should also explain what happens next and ask victim-survivors whether they want to take the report further.

QUESTIONS

How well is the police reporting process working?

How can it be improved?

You might want to think about:

- if it is easy to understand the reporting process
- if there is enough support available when making a report
- if victim-survivors have enough choice of reporting options
- if victim-survivors have enough control over the process.

Improving the reporting process

It is important that victim-survivors have a choice in how they report a sexual offence. The Royal Commission into Institutional Responses to Child Sexual Abuse recommended a range of channels for reporting to police.¹⁷ It is also important to consider alternative reporting options that may not trigger a criminal justice response but may provide a way for victim-survivors to share their experience and access other forms of support.

Research shows that key factors for victim-survivors when they are deciding whether to report a sexual offence and as they move through the criminal justice system are information, voice, control and validation:

- Information: how much a victim-survivor knows about sexual offending, reporting, the criminal justice process and what support is available to them
- Voice: being able to tell their story and be heard
- Control: have choices about how they participate in the criminal justice process
- Validation: being believed and having their experiences and the harm they have suffered acknowledged.¹⁸

In this section we also look at initiatives used in other places to give victim-survivors information, voice, control and validation.

Information – education and awareness

Victim-survivors may be less likely to report a sexual offence if they do not have access to information about what sexual offending is, how to report it, what the criminal justice process looks like and what support is available.¹⁹ Increased awareness of the issue of sexual offending leads to an increase in reporting.²⁰ Media reporting plays a big role in raising people's awareness.

The New South Wales Bureau of Crime Statistics and Research reported a 61% increase in reporting of sex offences during the time high profile cases were being covered in the media, compared with monthly averages.²¹ Community awareness campaigns are another way of improving people's knowledge.

61% increase in reporting of sex offences during the time these cases were being covered in the media.

- NSW Bureau of Crime Statistics and Research

Online reporting options

Victim-survivors of intimate image abuse in WA can make an online report to the eSafety Commissioner. If the eSafety Commissioner believes that a crime has been committed under WA law, they will pass this report on to WA Police.

In other places across Australia and overseas, victim-survivors can use online tools to report sexual offending. Online reporting tools may go directly to police, as an extra option for victim survivors along with phone or in-person reporting. Being able to report online increases options for victim-survivors providing them with more choice and control.

Some victim-survivors, including young people, may prefer to report online if they are not comfortable speaking to a police officer in person and/or who just want some more information about the reporting process and the criminal justice system before they decide what to do.²²

Alternative reporting options

Some reporting tools result in a direct reporting option, where the information the victim-survivor provides is automatically given to the police. Other tools provide a separate reporting option, which does not result in police action. Some tools may combine the two, with the option of the victim-survivor choosing to 'activate' the online report with police later when they are ready.

There are varied reasons a victim-survivor may want to make a report to police, but not want police to act (at that time). They may not want to go through the criminal justice process because they feel it will be distressing for them, or because they do not want the perpetrator to be criminalised. But at the same time, victim-survivors may want to have a voice and have the harm they have experienced acknowledged, to help them to heal.²³ This is particularly true for victim-survivors of historical (not recent) sexual offending.²⁴

In Queensland and New South Wales, victim-survivors can use online reporting tools, called Alternative Reporting Options (ARO). Victim-survivors who fill in an online form about their experience of sexual offending can choose to be anonymous. An ARO report is different from making a report to police and the matter will not be investigated, charged or progressed through the criminal justice system in any way. However, police may use the information to help them solve similar offences or to build a case against a suspect. The ARO sits on the police website along with information about the criminal justice process and support services for sexual offending victim-survivors.

A 2022 national survey by Universities Australia found that one in 20 (4.5%) of students had been victims of sexual offending since starting university.²⁵ In WA, Edith Cowan University, Curtin University and Murdoch University use an online tool which allow victim-survivors to make anonymous reports about sexual offending and sexual harassment, while also giving them information about internal processes and policies about responding to sexual harassment and sexual offending, criminal justice options and links to support and legal advice.²⁶

In the United States of America, Callisto is an online reporting tool that allows college students to report sexual offending on campus. Victim-survivors can remain anonymous and can chose whether they would like help to progress the report to police.²⁷ Callisto also includes a database of information about alleged perpetrators and victim-survivors can use this to find out if there have been other reports of sexual offending by the same perpetrator. If there are two or more matches for a perpetrator, victim-survivors receive free and confidential legal options counselling.²⁸

4.5% of students had been victims of sexual offending since starting university.
- Universities Australia

Sexual offending reporting hubs

Another model that is used in Australia and overseas is reporting hubs. The reporting hubs include services for sexual offending victim-survivors in one location. This may include police, forensic, specialist counselling and legal services. The aim of hubs is to provide a wraparound response for sexual offending victim-survivors, making it easier for them to get the help they need without having to go to lots of separate places and re-tell their story to a new person each time. All staff working in these hubs are specially trained to work with victim-survivors of sexual offending and provide trauma-informed services.

In WA, the Multiagency Investigation and Support Team (MIST) provides a response to child sexual abuse. There are two hub locations in Perth – the George Jones Child Advocacy Centre in Armadale and the Stan Jean Perron Child Advocacy Centre in Midland. The hubs co-locate officers from the Child Abuse Squad from WA Police, interviewers from Child Protection and Family Support at the Department of Communities, child and family advocates, and therapeutic support services such as counselling.

All staff and services at the hubs are highly specialised to provide services to children who have experienced sexual abuse.²⁹ Information about the offence/s, the child and the family is shared between MIST staff so that there is consistency in care and families and children do not have to repeat their stories.³⁰ The child and family advocate supports families while their child is being interviewed and helps the family to link in with support services by speaking with other agencies and arranging appointments and referrals on their behalf. The physical design of the Child Advocacy Centres is more welcoming and child-friendly than a police station which can be scary and intimidating for both children and adults.

A 2017 evaluation of MIST found that police investigations and child protection responses were faster under the MIST model and that staff and caregivers felt that the service provided a more victim-centred approach for children and families.³¹

In Victoria, seven Multi-Disciplinary Centres provide a range of co-located services to both adults and child sexual offending victim-survivors. The centres provide a 'one-stop-shop' for sexual offending victim-survivors to access:

- specially trained police investigators
- counselling and advocacy support
- private counselling rooms and group therapy spaces
- video audio recorded evidence rooms where child victim/survivors and adults with cognitive impairments can provide their statement to police
- clinic rooms where victims can have their general health and well-being needs assessed by qualified community health nurses
- forensic medical suites (at some locations) to enable forensic examinations on site
- remote witness facilities (at some locations) so victim/survivors can provide their evidence to court.³²

QUESTIONS

Should WA introduce community education and awareness campaigns about reporting sexual offending?

Should WA introduce alternative reporting options? If so, what models would you recommend and why?

Should WA introduce reporting hubs? If so, what models would you recommend and why?

You might want to think about:

- campaigns that have worked well elsewhere
- if large-scale campaigns work well
- if community-based and community-led campaigns work well
- who should be responsible for community awareness and education.

Endnotes

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DISCUSSION PAPER 2



Government of **Western Australia**
Department of **Justice**
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