

Particular issues in criminal justice responses

Response by Margaret Campbell

Chapter 3: Issues in police responses

Should all police who may come into contact with victims or survivors be trained to have a basic understanding of complex trauma?

Most definitely

Should police do more to encourage victims and survivors to report their abuse?

Yes

Should police provide more information to make clear that victims and survivors can withdraw at any stage in the process?

Yes. I do feel that Police should do more to encourage people to continue. They need to talk to victims more – develop a relationship with them. Trust is really important and this takes time to develop.

Should police provide more options for reporting, including by telephone and online?

Yes

What options might work best for Aboriginal and Torres Strait Islander victims and survivors?

ATSI people don't often trust Police in the first instance. They need someone like a counsellor/support person to go with them to go to the Police. They feel that sexual abuse is regarded as just part of their life, so no one will do anything about it.

What options might work best for prisoners or survivors with criminal records?

Talking about it while in prison can make things difficult for you while you are in there.

Is it important to victims and survivors that police maintain regular communication with them to keep them informed of the status of their report and any investigation?

YES!!!! It is crucial to keep people informed every step of the way. When they say they are going to phone, they need to phone. We don't need to be chasing them. It is hard enough for us at that point in time.

Is it important to victims and survivors that, as much as possible, the same police investigate their report so that they can talk to the same police over time?

It is crucial. It is hard enough to trust in the first place, let alone have to repeat yourself over and over again. This is traumatising and abusive in itself.

Chapter 4: Police responses and institutions

If you reported abuse to the institution or to a support service, would you want them to pass your report onto police?

As a child, reporting sexual abuse, this should have been mandatory to have been pass on to police.

As an adult, I believe that I should give consent before any details are reported to Police.

Would you want them to ask for your consent before they gave police your name and contact details?

Not as a child, yes as an adult

If the institution or support service was going to give police your name and contact details even if you did not consent, would you still report to the institution or support service?

If this institution did this without my permission, I would run the other way.

If you were willing to have your report of abuse passed onto police, why would you not make the report yourself directly to police?

If you don't have trust in the Police (like I don't as a result of my childhood experience) it would be hard for me to do today.

Chapter 5: Child sexual abuse offences

Should the offence of persistent child sexual abuse be reformed to recognise that victims and survivors who were abused repeatedly and extensively over a period of time may not be able to identify individual occasions of abuse?

ABSOLUTELY! Without any doubt.

Should any remaining limitation periods that prevent charges being brought for child sexual abuse offences be removed?

YES!

Chapter 6: Third party offences

Should there be offences for failing to report child sexual abuse? Should there be offences where senior people in an institution fail to intervene to protect a child from sexual abuse? Should there be offences where the institution itself (rather than its management or other staff) are prosecuted for failing to protect children from sexual abuse?

Yes, yes and yes!

Chapter 7: Issues in prosecution responses

Should all prosecution staff who may come into contact with victims or survivors be trained to have a basic understanding of complex trauma?

Yes – most definitely. From my experience particularly when staff don't call you back or keep you in the loop regularly, I would call and call and call - and as a result be seen as difficult. They wouldn't return my calls in the end. They didn't realise that it was my anxiety around the situation and the not knowing. It is re-traumatising when they don't reply in a timely fashion – it plays on your mind, you can't sleep, eat etc. You can't function.

Is it important to victims and survivors that, as much as possible, the same prosecution staff stay involved in the prosecution so that they can deal with the same people over time?

Yes! This is crucial. And even more so as you are starting to get to the pointier end of things – e.g., closer to court.

Are witness assistance services important in keeping victims and families informed and putting them in contact with support services?

Yes they are

Should there be more specialist services, including for Aboriginal and Torres Strait Islander victims and survivors, and for victims who are still children?

Yes

Should there be a right to complain or seek a review of the prosecutor's decision to discontinue a prosecution or to withdraw charges?

YES! Mine was discontinued for reasons that I still cannot understand. And it is now, all these years later, being challenged/ re-opened.

What about for accepting a guilty plea to lesser charges?

Yes

Chapter 9: Evidence of victims and survivors

Would it help victims and survivors to give evidence if their evidence could be prerecorded earlier, even before the trial starts, so that they do not have to attend the trial?

Yes

Would this help survivors who are adults at the time of the trial?

Yes – most definitely!

Should there be intermediaries available, particularly for children and people with a disability that affects communication, to help communication between the victim or survivor (on the one hand) and the court and lawyers (on the other hand)?

Yes – 100%

Would it help to set 'ground rules' for how a victim or survivor should be questioned before they are cross-examined to try to ensure that questions are asked in a way that is not confusing, so that they can give their best evidence?

YES!

Chapter 10: Tendency and coincidence evidence and joint trials

Should it be easier to have joint trials so that all allegations against a particular accused can be heard and determined in the one trial?

Yes, but only if it is done correctly.

Chapter 12: Sentencing

Should convicted offenders be prevented from raising their 'good character' to seek a reduced sentence if their good character helped them to commit the offences? For example, their reputation might have helped them to keep their job working with children, or might have helped parents to trust them to look after their children.

Yes

Should convicted offenders be sentenced according to sentencing standards at the time they are sentenced, rather than the standards that applied at the time they committed the offence?

Hard to answer. If the laws were different – the harsher sentence should apply when it comes to offences against children.

Chapter 13: Appeals

Should a victim or survivor's evidence in a trial be recorded so that they do not have to give evidence again if there needs to be a retrial?

Yes – but only if you are well prepared. I think that you should be able to be given the option for the tape to be used again – depends how you managed at the time.

General

Are there other improvements you would like to see in the criminal justice response to institutional child sexual abuse – including police, prosecutions and trials?

The ODPP should not have the final call on whether a matter progresses or not. They have way too much power in my opinion.