



Personal experiences of police and prosecution responses to institutional child sexual abuse

An overview of personal submissions received
by the Royal Commission in response to
*Issues Paper 8: Experiences of police
and prosecution responses*

1. Introduction

1.1 Issues Paper 8

The Terms of Reference require the Royal Commission to inquire into what governments should do to address, or alleviate the impact of, past and future child sexual abuse in institutional contexts, including in ensuring justice for victims through processes for referral for investigation and prosecution. The Terms of Reference also require the Royal Commission to inquire into what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse.

The Royal Commission is considering many aspects of the criminal justice system through its Criminal Justice Project. These include issues relating to reporting to police, police investigations and responses, and prosecution processes and outcomes.

On 1 May 2015, the Royal Commission published Issues Paper 8: Experiences of police and prosecution responses.

Issues Paper 8 sought submissions about people's experiences of police and prosecution processes in responding to child sexual abuse in institutional contexts both from those who have personally experienced police and prosecution responses and from those who have professional experience of police and prosecution responses.

The Royal Commission has published 24 submissions from those who have professional experience of police and prosecution responses. These submissions are available on the Royal Commission's website (www.childabuseroyalcommission.gov.au).

1.2 The purpose of this summary paper

The Royal Commission received 65 submissions from 73 individuals telling us about their personal experiences of police and prosecution responses.

A number of those who made personal submissions requested that their submissions remain confidential. Others who made personal submissions requested that their submissions be published.

The Royal Commission reviewed the submissions of those who requested that their submissions be published to identify any issues that might prevent or limit publication. Many of these submissions contained specific allegations adverse to particular individuals or organisations. The Royal Commission does not publish such allegations made in submissions to issues papers for reasons of procedural fairness to the individuals or organisations the subject of the allegations.

However, the Royal Commission was also concerned that simply redacting the adverse allegations and then publishing the remaining more positive aspects of people's experiences of police and prosecution responses would not be a fair representation of what we have been told in submissions.

This paper is intended to present a balanced overview of what we have been told of people's personal experiences of police and prosecution responses. It does not include adverse allegations – or positive comments – about particular individuals or organisations.

The Royal Commission will not separately publish any personal submissions to Issues Paper 8.

The publication of this paper enables information about what we have been told of people's personal experiences of police and prosecution responses to be made publicly available, alongside the published submissions about professional experiences of police and prosecution responses.

2. Overview of personal submissions

As noted above, the Royal Commission received 65 submissions from 73 individuals telling us about their personal experiences of police and prosecution responses. Commissioners are grateful for the time taken by all those who made submissions to tell the Royal Commission of their experiences. Their submissions will help to inform the Royal Commission's work on criminal justice issues.

Some of the personal submissions were assessed as being outside the Royal Commission's Terms of Reference. In particular, some submissions told of police and prosecution responses to child sexual abuse that did not occur in an institutional context. While we have noted these submissions for issues they raise about police and prosecution responses that also arise in relation to institutional child sexual abuse, we have focused on submissions within our Terms of Reference.

We received personal submissions both from those who had suffered child sexual abuse in an institutional context and from close family members of those who had suffered such abuse. Some submissions gave accounts of both suffering institutional child sexual abuse and observing it later in life while working in institutions. We also received a couple of submissions from persons who said they were registered sex offenders or had been accused of committing acts of child sexual abuse.

The personal submissions told us of institutional child sexual abuse experienced in every decade from the 1940s through to the 2000s, with many accounts relating to abuse experienced in the 1960s and 1970s.

The personal submissions told us of institutional child sexual abuse experienced in a range of institutional settings including:

- out of home care
- educational institutions, including day schools and boarding schools, government and private or faith-based schools
- religious institutions
- health and allied care facilities
- juvenile justice or detention centres
- arts and cultural institutions.

Some submissions gave accounts of being abused in more than one institution.

The personal submissions told us of abuse occurring in all Australian states and territories, other than Tasmania. Most submissions gave accounts of abuse in institutions in New South Wales, Victoria and Queensland. Some submissions gave accounts of being abused in institutions in more than one jurisdiction.

Victims or survivors may report to police in a different jurisdiction to that in which the abuse occurred. This may be likely if they are reporting years later, perhaps having moved to another state or territory. However, criminal offences are generally investigated and prosecuted in the jurisdiction in which the offence is alleged to have been committed. The location of the alleged abuse usually

determines which police force and which prosecution service will be involved in any investigation or prosecution.

Many of the personal submissions gave accounts of reporting to police, in most cases many years after the abuse was experienced. Some submissions gave accounts of attempting to report to police on a number of separate occasions. Of the personal submissions that stated the year in which abuse was reported to police, most indicated reporting during the 1990s and 2000s. The earliest account of reporting to police given in the personal submissions was in 1942. Other submissions gave accounts of reporting to the police in each decade from the 1960s until the present decade.

Some of the personal submissions gave accounts of victims not reporting abuse to police. One survivor submitted that she was too frightened and ashamed to report to police at the time of the abuse. Other submissions gave accounts of the victims reporting abuse to authority figures such as child welfare officers or teachers, but when these authority figures did not believe them, not reporting abuse to police.

Fewer of the personal submissions gave accounts of personal experiences of prosecution responses, as only some of the reports of abuse made to police resulted in charges being laid. There was also more diversity reported in people's experiences of prosecution responses, although some similarities emerge.

The couple of submissions from persons who said they were registered sex offenders or had been accused of committing acts of child sexual abuse raised issues about: police engaging in undercover monitoring of registered sex offenders; police investigative and interviewing methods; and failures to investigate complaints against police.

3. Personal experiences of police responses

Issues Paper 8 asked two questions about people's personal experiences of reporting to police, police investigations and responses to reports in relation to allegations of child sexual abuse in an institutional context. An overview of submitted responses to those two questions is set out below.

3.1 Experiences of reporting to police, police investigations and police responses to reports

Issues Paper 8 asked those with personal experiences of police responses:

What was your experience of reporting to police, police investigations and responses to reports in relation to allegations of child sexual abuse in an institutional context?

Please include details of the year(s) and location(s) of your experience. If you were reporting that you had suffered child sexual abuse, please indicate whether you reported the abuse as a child or as an adult.

A number of submissions described negative experiences of reporting institutional child sexual abuse to police.

Some submissions described attempts to report abuse to police which they say resulted in physical abuse from police. Other submissions described victims disclosing abuse to police when police found them after they had run away from the institution, but not being believed by police and instead being returned to the institution where the abuse continued.

Some submissions said that, when they reported abuse to police, they were told that they would not be able to prove what they were alleging. A number of submissions described police discouraging them from making formal reports or complaints. They said that their reports were dismissed, or that they received disparaging comments from police. A woman who reported as an 11 year old said police told her to 'go home and put it [the sexual abuse] behind you'. A woman who reported abuse by a priest when she was 13 years old says police told her 'you consented so what are you coming to us for?'. A 19 year old woman who reported abuse she suffered between the ages of seven and 10 said police told her to 'get over it'.

Some submissions said that police took no action and refused to investigate the allegations because they did not believe them. Some submissions expressed the view that there was a police culture of not believing when child sexual abuse was reported to them. Some submissions said that police told them their allegations would not be investigated because of insufficient evidence.

Other submissions said that police investigations only commenced because of their persistence, and in some cases, they only commenced properly years after the initial complaint was made.

Some submissions reported having to attend police stations on a number of occasions, and in some cases attending a number of different police stations, before they were able to make a formal complaint about the abuse they had suffered. Some submissions told of poor practice in taking

statements. For example, one person told us they reported abuse to police as a child in 1979 and had to give their statements in a corner of the main room rather than in an interview room.

Most of the personal submissions related to reporting by adults of child sexual abuse that had occurred years, or sometimes decades, earlier. Submissions suggested that there was a general reluctance among police to investigate historical allegations of child sexual abuse. Some submissions said police told them they were wasting their time and the perpetrators were probably dead. Others said they were told there was no point as the perpetrators were too old to be charged or to go to gaol.

Some submissions related to children or parents of children reporting to police close to the time the abuse occurred. Some submissions say that police told them it is hard to accept the word of a child. However, these submissions related to reports made to police some decades ago. Some submissions relating to more recent reports to police expressed concern about how young children were interviewed by police. One submission said that, in 2009, a six year old child was interviewed by police for five hours without the child having a parent present to support them.

Some submissions reported positive experiences with police, or at least some positive aspects of their experiences with police. The few submissions where people were quickly put in contact with a specialist police unit reported more positive experiences, such as feeling that they were believed and taken seriously, and that they were treated with respect and compassion during the interview. A few submissions told of positive experiences in reporting historical child sexual abuse in more recent years.

Most submissions related to circumstances where the victim or survivor, or the victim's family, approached police seeking a response. A few submissions arose from circumstances where the victim or survivor was approached by police in circumstances where police were already investigating an alleged perpetrator. These submissions reported positive experiences with police, including making statements and participating in the investigation.

3.2 Aspects of reporting to police, police investigations and police responses to reports

Issues Paper 8 asked those with personal experiences of police responses:

What aspects of reporting to police, police investigations and responses to reports worked well? What aspects of reporting to police, police investigations and responses to reports did not work well?

The positive comments about police responses in personal submissions tended to relate to the person's favourable interactions with particular police officers. Some submissions said they had affirming, helpful and positive interactions with particular police officers.

Submissions relating to experiences with specialist police units reported supportive and encouraging interactions with police. Some submissions commented that they felt the specialist response, with

police officers trained and experienced in child sexual abuse matters, was much better than a response from general police.

Some submissions said that they felt the particular police officers they dealt with treated them sensitively. Some submissions said that they were treated with understanding and compassion during the police interviews, which could last for hours at a time.

A number of submissions indicated positive experiences with police arising from the feeling that police believed them, and that sometimes this was the first time they felt they had finally been believed about the allegations.

Some submissions commented favourably on police investigations, saying that they were very thorough.

Some submissions commented positively on the support they received from a particular police officer who was part of the police process from the initial report and investigation right through to the prosecution.

A number of submissions raised the issue of communication with the police. Some submissions said that they were kept well informed by particular detectives and were given the information they needed to understand what was happening.

Some submissions reported mixed responses, with an initial positive experience that deteriorated over time. Some said that delays and 'broken promises' about progress caused frustration and concern. Some said that the initial police officers involved started investigations and were pursuing allegations, but were then stopped by their superiors.

Some submissions reported negative experiences, particularly arising from how victims and survivors felt that they were being treated. A lack of warmth, empathy or support was raised in a number of submissions, and some submissions said that they felt they were being a nuisance or were 'fobbed off' by police from the start. Some submissions raised concerns that the police did not offer any support or counselling, or referrals to appropriate services.

A few submissions described participating in a 'pretext' call to the alleged perpetrator as part of the police investigation. These submissions expressed a range of views, from a lack of guidance from police and the traumatic nature of the experience, through to satisfaction that the call, while difficult, was necessary for the investigation.

Some submissions raised concerns that the police involved did not understand child sexual abuse and did not understand the ways in which children make disclosures of abuse. Some submissions also raised concerns that the questioning of victims and survivors was inadequate, with some submissions saying that providing detailed descriptions of discrete events in isolation misses the true story of child sexual abuse.

A number of submissions raised concerns about police communication with the victim or survivor. These concerns ranged from a lack of response and communication when victims or survivors provided additional information, through to the means of communication. For example, some submissions said that they should not be told of significant steps, such as a prosecution not proceeding, over the telephone. Many submissions said that police did not keep them informed of the progress of the investigation, and that it is vital for victims and survivors to feel they are kept 'in the loop' about the investigation and case.

A number of submissions expressed concerns about delay, including the length of time between their report to police and the prosecution. There were also concerns about changes in the police officers assigned to their case, or the absence of particular police officers at important times during the process.

Some submissions suggested that police should be more proactive in identifying and finding additional victims and locating additional witnesses.

Some submissions raised concerns that police funding constrained some investigations and prevented some matters from proceeding. Some submissions expressed concerns that police were overworked and under-resourced for each case, and so they cannot pursue all avenues that should be pursued in an investigation.

4. Suggestions for improvements to police responses

Issues Paper 8 asked those with personal experiences of police responses:

Do you have any suggestions for improvements or reforms to police processes for receiving reports of allegations, and investigating and responding to reports?

The personal submissions responding to Issues Paper 8 contained many suggestions for improvements and reforms to police processes for receiving reports of allegations of child sexual abuse and investigating and responding to those reports. Many of the suggestions for reform were directed at improving the things that did not work well in the person's own interactions with police.

Many submissions said that the victim or survivor should not have to retell the story of their abuse over and over again to every relevant authority. Submissions suggested a number of ways in which this could be achieved. For example, cases should be dealt with by one detective or team of investigators so that the victim or survivor does not have to recount their story multiple times. Further, the location of the investigator should not change during the investigation.

Some submissions said that the process for taking a statement from a victim would be improved if it occurred over a number of sittings because this would allow for a better rapport to develop between the victim and the investigating police officer, as it is difficult to give very personal information to someone you are not familiar with.

Those who make a complaint about child sexual abuse may not have had prior interaction with police. A number of submissions recommended providing victims and survivors with more information about police processes. Some submissions stated that victims and survivors should also be given information about the process from start to finish – including prosecution processes – in their initial contact with police. Some submissions also recommended that victims and survivors be given information about how to move on with their lives after making a police statement, and about the support services for survivors that they could seek help from.

A number of submissions recommended that police receive specialist training about both responding to allegations of child sexual abuse and the impact child sexual abuse has on a person's life. A number of submissions suggested that police should receive training about managing and responding to allegations of child sexual abuse and that there should be specifically trained police to deal exclusively with allegations of child sexual abuse. Submissions recommended that police – and prosecutors – receive training and information to make them properly aware of the trauma that results from child sexual abuse.

A number of submissions recommended that only specialist police should investigate allegations of child sexual abuse, even if the initial report is made to general police.

A number of suggestions for improvement of police processes related to how police respond personally to victims and survivors. The suggestions focused on: the need for police to believe the victim or survivor; to follow up on complaints quickly and not put them in the 'too hard basket'; and to treat all those who come forward with allegations of child sexual abuse with dignity and respect.

Submissions emphasised the importance of taking all reports of child sexual abuse seriously, regardless of the ages of the children involved or the likelihood of a prosecution.

Some submissions recommended that police should not be responsible for interviewing very young children. Other submissions suggested that other professionals – such as those trained in psychology or social work – or independent observers should be present in all interviews with children. Some submissions said that victims and survivors should be able to have a support person of their choice present during all their interactions with police, including when they make statements or are interviewed.

A few submissions made suggestions about an independent body to investigate police officers who are the alleged perpetrators of child sexual abuse, and to oversee police investigations of child sexual abuse and determine appeals from individuals who are dissatisfied with police investigations of child sexual abuse.

Other suggestions for improvements and reform included the following:

- sanctions for police who fail to adhere to police guidelines or standard operating procedures related to the investigation of child sexual abuse
- a national database of convicted sex offenders as perpetrators of child sexual abuse can move interstate
- where there are multiple trials for multiple offences against an alleged offender, more time should be spent gathering information and consulting with other witnesses
- victims and survivors of child sexual abuse should be asked if they have a preference to be interviewed by a male or female detective
- when a complaint is giving a statement about child sexual abuse, the police should not take telephone calls in the interview room
- a complaint should be interviewed in the area where they live, rather than the area in which the abuse occurred
- there should not be long delays in the investigation process as it adds to the stress of the witnesses
- funds should always be available for police to travel to other states to arrest perpetrators – justice should not be reliant on money being available
- if the alleged perpetrator is retired or no longer connected to the institution in which the abuse took place, the police should not assume that the person is no longer a risk to children.

Some submissions also made recommendations about reforms to institutions in which child sexual abuse may occur. Suggestions included rigorous screening processes to minimise the risk of offenders having access to children, training of staff to recognise when sexual abuse may be occurring and to require action be taken to protect children by removing suspected offenders. Some submissions also suggested that children should receive education about what is sexual abuse and how and who they can safely report it to.

5. Personal experiences of prosecution responses

Issues Paper 8 asked three questions about people's personal experiences of prosecutions processes in relation to charges relating to child sexual abuse in an institutional context. An overview of submitted responses to those three questions is set out below.

5.1 Experiences of prosecution processes

Issues Paper 8 asked those with personal experiences of prosecution responses:

What was your experience of prosecution processes (including preparation for court, the trial and any sentencing or appeal processes) in relation to charges relating to child sexual abuse in an institutional context?

Please include details of the year(s) and location(s) of your experience.

As noted above, fewer of the personal submissions gave accounts of personal experiences of prosecution responses, and there was more diversity reported in people's experiences of prosecution responses.

A number of submissions reported poor communication between the prosecution team and the complainant. Some said they did not receive information about the court process, and others said that they were not kept informed about what was happening. Some expressed concern that they were not given information about the sentencing hearing, or the particular sentence that was imposed. Some expressed concern that they were advised of a significant step in the prosecution – the withdrawal of charges – over the telephone.

A number of submissions reported negatively on their experiences of prosecutions not proceeding. In some cases, prosecutions did not proceed even though the accused had been committed to stand trial. In some cases, charges in relation to the particular complainant were dismissed at the committal, even though the prosecution proceeded in relation to other charges. In some cases, charges did not proceed in relation to the particular complainant after the accused was convicted of charges in relation to other complainants.

Some submissions raised concerns about the particular prosecutor involved in their case. Some said that the prosecutor seemed overwhelmed and did not do a good enough job in court, including in intervening when the defence counsel was cross-examining the complainant.

Some submissions raised concerns about the Director of Public Prosecutions generally being under-resourced, so that matters were not adequately staffed or some matters did not proceed because of resourcing issues.

Some submissions raised concerns about a lack of continuity in the prosecution team, with the person having carriage of the file changing a number of times. For example, in one case, a submission said the complainant's matter was assigned to a new prosecutor only a few days before the trial began.

Some submissions reported negative experiences of trials, which did not necessarily involve the prosecution response itself. In particular, a number of submissions raised the issue of delay and having multiple court dates before the trial. Other submissions expressed concern that they had had to wait in the general area of the court with the accused and his supporters, and that there were not adequate private facilities in the court building to allow the complainant to stay away from the accused.

Some submissions also raised issues with the broader criminal justice system and the nature of criminal trials. Submissions said that there was inequity between the accused and the complainant, and that it is not fair that the accused is not compelled to give evidence and be cross-examined when the complainant is subjected to the trauma of giving evidence. Difficulties were also identified because the complainant and their family are not legally represented in a trial.

5.2 Experiences of witness support services

Issues Paper 8 asked those with personal experiences of prosecution responses:

Did you have any involvement with a witness support service? If you did, what was your experience of it?

Some submissions reported involvement with witness support services. Others reported that such services were not available at the time their matters were prosecuted or they were not offered them. Some submissions said that they declined the offer of support, and others said that they arranged their own support through sexual assault counselling services.

Those who reported positive experiences with witness support services generally indicated that they considered them to be very important services that provided excellent support. Submissions reported on the witness support staff keeping them informed and up-to-date and responding to their questions quickly. They also provided information about the legal process and what to expect in the trial and any re-trials. A number of submissions commented on the importance of the court familiarisation information witness support staff provided, including knowing where to sit in the court room. Some submissions said that the witness support staff organised ongoing counselling for them, which was appreciated.

A number of submissions referred to the benefit of continuity in having the same witness support officer throughout the prosecution. A number of submissions that reported negative experiences with witness support services referred to changes in the witness support officer being a real disappointment.

A few submissions reported negative experiences with particular witness support officers. In particular, some said that they had to initiate all the contact with the witness support officer, and some said that they felt the particular witness support officer did not have a good attitude towards them. Some said they were given inadequate time to prepare a victim impact statement, and that the witness support officer did not really support them.

A few submissions referred to the lack of contact or support from witness support officers after the prosecution ended.

5.3 Aspects of prosecution processes

Issues Paper 8 asked those with personal experiences of prosecution responses:

What aspects of prosecution processes worked well? What aspects of prosecution processes did not work well?

Only a few submissions identified aspects of the prosecution process that worked well. These positive aspects included:

- continuity in the prosecution team, including where there is a re-trial
- good communication from the prosecution service in explaining court procedure
- good trial preparation, including a meeting a few weeks before the trial and being given an opportunity to ask questions and to discuss what to expect
- the prosecutor offering them the opportunity to give evidence from a separate room so as not to be with the accused
- the experience and ability of the particular prosecutor assigned to the case
- satisfaction with the particular prosecutor, who was said to have steadfastly and vehemently pursued a just outcome
- good written communication from the prosecution service after each court appearance.

Submissions also expressed satisfaction with aspects of the trial process, including: having a joint trial where there is more than one complainant; the priority given to trials involving children; and empanelling additional jurors in case some were unable to finish the trial. Some submissions also expressed satisfaction with the provisions allowing victim impact statements to be given.

Some submissions also expressed satisfaction with the broader criminal justice system, particularly where convictions were secured in relation to the abuse they suffered. Some submissions expressed satisfaction or relief that the perpetrator was convicted in relation to abusing other children, although they were disappointed that charges in relation to the abuse they suffered did not proceed or were not successful. Some submissions also expressed satisfaction with the public aspect of the criminal justice system, so that the abuse and (in some cases) the identity of the accused could be reported.

A number of submissions reported on aspects of the prosecution process that did not work well. These negative aspects included:

- charging decisions, including withdrawing or downgrading charges, which some said did not reflect the seriousness of the conduct
- poor communication in relation to charging decisions, including late communication of the withdrawal or downgrading of charges on the morning of the trial

- decisions not to prosecute on the basis that the prosecution would not be in the public interest – for example, because there was said to be a low level of criminality, or the offences were ‘stale’, or any penalty would be ‘negligible’
- poor communication and a lack of interaction with the prosecution team generally
- inadequate preparation of the complainant for trial and inadequate information about court processes, sentencing and appeals
- inadequate explanation of what was occurring in the trial, including legal issues and where charges were thrown out on ‘technicalities’
- inadequate resourcing, reflected in inadequate preparation by particular prosecutors and reliance on inexperienced prosecutors
- disagreement with how the prosecutor conducted the trial
- a lack of support and empathy from the prosecution team through the prosecution process.

Many submissions raised concerns about the delays in the prosecution process and how long it took to complete – for example, one submission referred to it being like ‘a never ending battle’.

A number of submissions also identified cross-examination and how the complainant is treated by defence counsel as a very negative aspect of trials. A number of submissions referred to cross-examination being menacing and intimidating, ruthless and aggressive. Some submissions said the trial process itself constituted abuse.

Some submissions also raised concerns about inadequate sentencing, including sentences that are served concurrently. Such sentences were said to discourage other complainants from coming forward.

6. Suggestions for improvements to prosecution processes

Issues Paper 8 asked those with personal experiences of prosecution responses:

Do you have any suggestions for improvements or reforms to prosecution processes?

The personal submissions responding to Issues Paper 8 contained many suggestions for improvements and reforms to prosecution processes. Many of the suggestions for reform were directed at improving the things that did not work well in the person's own experience of the prosecution process.

Many suggestions for improvement related to communication between the complainant and prosecution. There was strong support expressed for prosecutors – and police – to be in regular contact with the complainant, and that the complainant should not need to initiate this contact. Submissions also recommended that complainants be given clear and accurate information about prosecution processes, including to allow complainants to make an informed decision about whether or not to continue with the prosecution.

Recommendations were also made for improvements to communication of decisions to discontinue a prosecution or to downgrade charges. Submissions suggested that the complainant should receive a written statement with reasons for the decision to discontinue or downgrade, and that these decisions should not be made without proper consultation with the complainant.

A number of submissions suggested that prosecutors should receive training and information to make them aware of the trauma that results from child sexual abuse. Some submissions suggested that prosecutors should also be given training on interpersonal skills. Some submissions also suggested that training should be provided to witness support officers to give them an understanding of the profound psychological effect that child sexual abuse has on victims.

A few submissions said that the prosecution should be resourced to match the defence and the institutions. Submissions said this would be reflected in the prosecutor being as senior and experienced as the defence counsel, and the prosecution having the same resources as the churches and other institutions where the abuse happened.

Some submissions expressed strong support for joint trials where there are multiple complainants.

A number of submissions recommended reform of the cross-examination process. Recommendations were made to introduce tighter controls on how defence counsel behave towards the complainant in court and how they are allowed to question the complainant.

A number of submissions said that greater support ought to be given to the complainants in court, throughout the entire criminal justice process, and after it finishes. Some submissions said that victim support services should provide access to independent legal advice for the complainant if required.

Other suggestions for improvement or reform included the following:

- child sexual abuse cases should be heard in a specialised court by judicial officers with specialist training in child sexual assault, and the process should be inquisitorial rather than adversarial
- the public needs to be better informed about child sexual abuse to ensure they can participate appropriately as jurors
- the alleged perpetrator should not be in the court room when the victim is giving evidence
- the perpetrator should be made to take the witness box and answer questions in court
- courts give too much weight to the forensic disadvantage to an accused arising from delay, as this forensic disadvantage also applies to complainants
- jurors should be informed when their decisions are overturned on points of law and retrials on points of law should be minimised because some complainants will be too frightened to take the risk of going through another traumatising trial
- victims and their families should receive apologies from the courts when procedural mistakes result in retrials or dismissals and there should be a process for the public to make complaints about court officials
- perpetrators of child sexual abuse should be publicly identified and the media should be allowed to attend and report on all trials as it is in the public interest and serves to better protect other children from child sexual assault
- there should be a process for reactivating complaints where a complainant's parents decide to withdraw so that the child, when older, can still choose to pursue the matter.

Some submissions also commented on post-sentencing issues, included the need to place convicted offenders under violence restraint orders in relation to their victims and the victims' families, when they are released from prison.

7. Conclusion

The personal submissions to Issues Paper 8 will help to inform the Royal Commission's work on criminal justice issues. The submissions demonstrate a diverse range of experiences with police and prosecution responses, and they make many suggestions for improvements or reforms. Commissioners appreciate the contribution of all those who made personal submissions to Issues Paper 8.

The Royal Commission acknowledges, and regrets, that some of those who made personal submissions will be disappointed that their submissions are not being published. However, for the reasons given in section 1.2 above, providing this overview is the best way of presenting a fair account of the positive and negative experiences those who made personal submissions have had with police and prosecution responses.