

Submission to Crime and the Community: Victims, Offenders, and Fear of Crime

Introduction

This submission is drawn from the experiences of the individual agencies which make up the Victorian CASA Forum who, between us have contacts with thousands of victim/survivors of sexual assault each year. Our claim to expertise relies on what those victim/survivors tell us about their experience of sexual assault, institutional responses, including the criminal justice system and the impact of sexual assault on their lives.

The submission first describes who we are and what we do, then addresses a number of terms of reference:

- Types of crime
- Perpetrators of crime and their motives
- Fear of Crime in the community
- Impact of being a victim of crime
- Strategies to support victims and reduce crime and
- Apprehension Rates

Who we are

The Victorian CASA Forum is the legally incorporated peak body of the 15 Centres Against Sexual Assault (CASAs) in Victoria. The Forum acts as a formal network for the discussion of issues such as crisis care, advocacy and research and development. Statewide Standards of Practice for Centres Against Sexual Assault providing guidelines for the conduct and organisation of the CASA's have been endorsed by the Department of Human Services.

Services Provided

This service network provides 24 hour access to counselling, support, advocacy and crisis care throughout the state. The CASA's have protocols and partnerships with a wide range of agencies and organisations that are also involved in dealing with victim/survivors of sexual assault.

There are 6 CASA's in the metropolitan area and 9 in rural and regional Victoria

A Sexual Assault Crisis Line (After Hours) Service, coordinates crisis care (an immediate face to face response to women, children and men who have recently been sexually assaulted) across the state for all CASA's and provides after hours telephone counselling, support and advocacy for victim/survivors. To assist victim/survivors in rural areas the service has an 1800 freecall system which operates after hours, at weekends and on public holidays.

Three Centres Against Sexual Assault provide an after hours service for victims of family violence. In addition, the Gatehouse Centre and South Eastern CASA offer a paediatric forensic medical service for child victims of sexual and physical assault. The Gatehouse Centre also offers a specialist service for abused and neglected children and their families.

The existing response from the 15 CASAs includes

- 24 hour crisis care response including the coordination of police, forensic physicians and any other services that may be required to respond to the individual needs of the victim/survivor (This model has been described by a Detective (Peter Sturman) from the British Home Office as world's best practice)

- Short, medium and long term counselling for victim/survivors of recent and past sexual assault
- Advocacy for victim/survivors of sexual assault
- Support groups for adult survivors of sexual assault, non offending parents and caregivers, male partners of sexual assault victim/survivors and children
- A specialist response to children and young people victim/survivors of sexual assault and other forms of child abuse, their parents and other family members is provided by Gatehouse Centre
- 24 hour paediatric forensic medical service for physically and sexually abused children is provided by SECASA and the Gatehouse Centre
- a program for children with sexually aggressive behaviours
- After hours response to victims of family violence
- A specialist service for male victims of sexual assault
- A specialist legal clinic in conjunction with a community legal service
- Outreach targeted to marginalised young people
- Consultation, advice, information and training is provided for a range of professionals and community based service providers such as general practitioners, foster and residential care providers and drug and alcohol workers.
- Policy and research development that aims to improve the social and legal responses to victim/survivors of sexual assault.
- Community education
- Resource development

Types of crime committed against Australians

CASAs define sexual assault broadly as:

Sexual assault is any sexual behaviour that makes you feel uncomfortable, frightened or threatened. It is sexual activity that you have not agreed to, where another person uses physical or emotional force against you. It happens more frequently than many people realise, and can include anything from sexual harassment through to life-threatening rape. (Where Can I Go To If I Have Been Sexually Assaulted?, Victorian CASA Forum, 1996)

This definition includes behaviours which are not defined as criminal, such as leering, ogling or wolf whistling. It covers behaviours which would be classified under the umbrella of sexual harassment and are covered by state equal opportunity legislation or the Commonwealth Sex Discrimination Act. It also covers behaviours identified as sexual assault from indecent assault to rape.

The only major survey which has considered the issue of sexual assault against adults, the ABS Women's Safety Survey found that in Victoria, around 34,000 women had experienced sexual violence or the threat of sexual violence over a period of twelve months. That is more than 60 women a day in Victoria. The survey also indicated that around 15% of women aged 18 years or over had experienced some form of sexual violence or threat since the age of 15. However, the report identified that women were unlikely to make a report to police, with only 11% of those identifying as having experienced sexual violence reporting the crime to the police. This indicates the danger of relying solely on police reports to identify the incidence of sexual assault in the community. The incidence of sexual assault is likely to increase as the degree of marginalisation through disability, socio-economic status, race, culture or ethnicity increases. Anecdotal evidence and the limited empirical evidence there is also indicates that membership of a marginalised group will mitigate against making a report to the police.

The available data indicates clearly that sexual assault is a gendered crime. A snapshot of services (NASASV snapshot 1996) throughout Australia working with victim/survivors of sexual assault found that:

- 85% of victims provided with a service were female and 9% male.
- Most commonly the location of the sexual assault was in the victim's home (1139 or 64%)
- Only 7% of the sexual assaults were perpetrated by a stranger, in the majority of cases the victim knew the offender and most commonly, the offender was a member of the victim's family

Police reports consistently show that over 80% of reported sexual assaults were perpetrated by a male against a female.

Perpetrators of crime and motives.

It is generally accepted that crimes of sexual assault are not primarily motivated by sex but rather are an expression of imbalances of power between the perpetrator and the victim. As a South Australian community worker once put it:

If you hit someone over the head with a spade, you don't call it gardening

While we acknowledge that women can be perpetrators of sexual assault, overwhelmingly, the crime is a gendered one. Studies (ABS Women's Safety Survey 1996, CASA House Speaking the Unspeakable 1999, NASASV Snapshot Data Collection 2000) indicate that:

- Over 95% of perpetrators of sexual assault are male. The victims are overwhelmingly women and children
- At least 80% of women who are sexually assaulted and over 80% of children who are sexually assaulted know the man who violates them.

Many sexually abusive behaviours are evident in children before/around the age of 9 years – often the victim is a younger sibling. Evidence suggests that by the time these perpetrators reach adolescence they may have as many as 4 victims, at home and in the school environment and that the sexually offensive behaviour is becoming ingrained. It is important to note here that there is no clear evidence linking sex offending behaviour with a history of past sexual assault. This is clearly illustrated when comparing the preponderance of young women as victims and yet. As already noted, it is generally men who are the perpetrators of sexual assault against women, children and men.

Funding needs to be made available to:

- Further research into motivation in both child and adult perpetrators of sexual assault
- Establish and evaluate training and programs to work with young perpetrators to change behaviours.

A current very public example of abuse of power is the ongoing exposures of sexual abuse within organised religion. Where traditional places of trust and safety, such as the church, appear to be policing their own issues in respect of such criminal acts then it is even less likely that victims will feel able to report these crimes.

A concerning trend of which services are increasingly aware is the planned and premeditated nature of drug facilitated sexual assaults. In a four month period to June this year CASA House and the Sexual Assault Crisis Line have identified 87 reports to their service of women who believe they were administered drugs (including alcohol) for the purpose of sexual assault. A number of these women reported offences that involved multiple offenders. This indicates a pattern of men who very deliberately set out to incapacitate women for the express purpose of sexually assaulting them.

Impact of Being a Victim and Fear of Crime

This section focuses on the impacts of sexual assault on victim/survivors. However, it should also be remembered that partners, friends and family members are also effected by the victim/survivors experience of and response to sexual assault,

While we can identify common patterns of victim/survivors' responses to sexual assault it is important to remember that:

Each victim/survivor has her own individual, personal and private experience of sexual assault. Each individual woman who is sexually assaulted will respond according to her own background and past experiences, and will call upon her own combination of strengths and skills in order to survive her situation. (Breaking the Silence, CASA House, 1995)

Sexual assault can impact of on every facet of a victim/survivor's life with consequences for their long term emotional and psychological wellbeing, their education and career options, their financial well being and their family life. In a survey for the Victorian CASA Forum, (CASA House, Speaking the Unspeakable, 1999) 343 adult victim/survivors of sexual assault identified the following impacts of sexual assault:

- low self esteem, depression, anger and rage and a sense of guilt were all commonly identified as a consequence of sexual assault.
- 61% identified problems with touch
- 59% identified fear of intimate relationships
- 66% identified that their education had been effected

- 33% identified decreased work performance
- 29% had to take time off work with no pay
- at least 20% had incurred costs through having to change residence, counselling expenses and medical treatment.

Social impacts were described by victim/survivors as:

I found myself losing my self identity which resulted in me withdrawing from the community and my willingness to participate in social activities

I'm too scared to be really close to people. Have relocated and worked a lot to avoid relationships

Our experience indicates that ante-natal care and childbirth can be traumatising for victim/survivors and they are more likely to suffer post natal depression. Being sexually assaulted as a child may also prevent women from access health care. As an example, a pilot study has identified that the experience of sexual assault as a child has a significant impact on women's ability to access screening for cervical cancer.

One of the impacts of the drug facilitated sexual assault is an increase in the confusion and sense of guilt for victim/survivors. Many have no memory or very unclear memories of the assaults perpetrated against them. Reports of losing time, of gaining consciousness in strange places and finding themselves without clothes are common. Often the approach to a service is an attempt to find out through medical testing exactly what has happened. However, given the lapse of time between the assault, regaining consciousness, identifying that a sexual assault may have taken place and seeking support or reporting to police, drug screening is often ineffective.

Strategies to support victims and reduce crime

While in Victoria we have a well integrated service system, we are constantly struggling to meet the demands on our services. Critical to an effective response is timely access. Thus, most services in Victoria provide 24 hour immediate crisis intervention for women, children and men who have been recently sexually assaulted. However there are some regional areas which are not funded to provide that service. Most victim/survivors who are not in crisis and do not meet criteria for priority may have to wait up to 12 weeks for access to ongoing counselling

It is also important to recognise that the consequences of sexual are not always addressed through one course of access to support and counselling. Victim/survivors have identified the importance of having support available where and when needed – throughout the life cycle.

When asked in the survey conducted in 1999 when they needed support 74% identified 'at the time of the assault' , 19% identified 'immediately after the assault' , and 6% identified the need for support when becoming a parent.

In the words of the participants they required support:

Immediately after the assault happened. I didn't get support then – that's why I need it now

Immediately after the sexual assault, when I reported to police and all the time since the incident happened

When I started remembering because when it is happening and when it stops I forgot for some years, or I just did not remember. Then one day it hit me and that is when support is needed.

When asked about the type of support, the recurring theme was 'someone to talk to' who:

- believed them
- helped them understand that they were not to blame
- could help them understand what they were experiencing

- could provide them with a safe place
- could provide practical support, with finance and accommodation, for instance.

While the CASA service system is well established, has standards of practice, it is important to recognise that only a small percentage of victim/survivors will seek support from a specialist service. To ensure that victim/survivors receive an appropriate and effective response wherever they seek help it is important to have the following elements in place.:

- education of professionals and generalist service providers
- targeting of culturally and linguistically diverse communities
- culturally appropriate services for Aboriginal and Torres Strait Islanders

Reduction of crime

When discussing strategies to prevent sexual assault our research (CASA House Right To Party Safely, 2000) and experience indicate that women have a range of individual strategies to ensure their own safety. What is required is that the community as a whole take responsibility to work towards the elimination of sexual violence.

All Victorian CASAS undertake work to prevent the recurrence of sexual assault and eliminate sexual violence. The work includes professional and community education, project which address particular groups such as older women or young women attending licensed venues, people with intellectual disabilities and schools. However, as already noted we are struggling to meet the demands on our services and must prioritize service provision to victim/survivors. There is a \n urgent need to develop:

- preventive campaigns, targeted to particular communities or groups
- programs targeted to people across the age spectrum
- programs which focus on rights of all people to live free from fear of violence and responsibility of offender rather than focus on expecting potential victim/survivors to take responsibility for prevention

Apprehension rates

It is important that the community has confidence in the criminal justice system. However it is very clear to those of us working on the field that is rarely the case in relation to sexual assault. This is evidenced by the lack of any significant increase in the reporting of sexual assault over the last decade despite considerable work on law reform. It still appears all too often, that those responsible for dispensing justice are all too ready to discredit women's accounts of sexual assault or to hold them responsible in some way for the crime committed against them.

A critical starting point for increasing apprehension of sex offenders through encouraging more victims to report is to ensure that they can be guaranteed that they will be treated with respect and dignity at all levels of the police response and investigation. A factor in this can be the gender of people responding. It is the case in Victoria that women reporting sexual offences may have to give their account to two male police officers, a male detective and have the medical forensic examination conducted by a male doctor. It does not take much imagination to understand that this may discourage women from reporting. It is important, therefore to ensure a gender balance at all levels.

The system of laying charges for sexual assault relies heavily on facts such as, incidence, day, date, time and place. Remembering specific dates, times and places of incidents that may have happened over a period of years would be difficult for anyone but it would be doubly difficult for a child traumatised by those experiences. For child victims of sexual assault, these concepts are meaningless and the children are therefore seen as "unreliable" witnesses to their own assault. Evidence suggests that the vast majority of children tell the truth about their being assaulted.)

An important element of the experience of the criminal justice system is that victims are reduced to being witnesses in their own crime and have no-one within the system that is specifically allocated to support them. The CASA Forum strongly supports proposals for having independent advocates

in the system who could ensure that victims are informed at all stages of the investigation and prosecution process and are protected from being retraumatised in court.

The Victorian model provides a good example of a response where the roles of CASAs, police and forensic medical officers are clearly articulated and the response is coordinated and integrated. However we have identified the following factors which will contribute to increased confidence in the criminal justice system and therefore increased reporting:

- need for increased education and training for police is evident in different response of SOCAUs with specialist training and general duties and criminal investigators with limited specialist training. The training should particularly address:
 - The prevalence of beliefs in the community which hold the victims responsible for the crime committed against them
 - The gendered nature of sexual assault, consequences for the victim and strategies for handling an investigation which respect and affirm the victim and promotes women's safety as a paramount consideration
 - The social context in which sexual assaults take place
- A more consistent and active Police response to breaches of intervention orders

Effectiveness of sentencing

Because of the reliance on precise time and date evidence, sexual assault charges against children are often reduced to lesser offences to ensure some sort of conviction. The result of this process is evident in a recent case in Geelong where a paedophile charged with 15 counts of assault was given a three-year sentence and will probably be back on the streets in just over one year.

We recognise and support judicial discretion in sentencing. However, patterns suggest that there is little understanding by the judiciary of impact of sexual assault. This is evidenced by practice in courts where procedures to lessen the trauma of giving evidence are rarely used and sentences for sexual assault rarely reflect the seriousness of the offence or the impact on the victim/survivor and the community. Light sentences give a message to the community that the system does not see sexual offences as serious or recognise the impact and consequences already described/

Conclusion

We have attempted in this submission to provide a brief overview of the nature and impact of sexual assault and the critical factors to address to increase confidence in the criminal justice system. We acknowledge that there has been significant law reform and improvements in police practice and procedures over the last two decades. However, our experience constantly reinforces that there is still a significant lack of confidence in the criminal justice system which inhibits the reporting of sex offences and therefore the opportunity to apprehend offenders.

Sexual assault has far reaching and often devastating economic and social impacts on the community and there is an urgent need for a coordinated approach from the Commonwealth, States and Territories and regional and local levels.

We would appreciate the opportunity to address the committee further.