



Royal Commission into Institutional Responses to Child Sexual Abuse

ISSUES PAPER 8

Released 1 May 2015

EXPERIENCES OF POLICE AND PROSECUTION RESPONSES

ISSUE

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.

All states and territories, and the Commonwealth, have police forces, prosecution services and courts that respond to allegations of child sexual offences. While there are some differences between the criminal justice systems, there are also broad similarities throughout Australia.

The Royal Commission has commissioned research in relation to various police and prosecution issues. Information is also being obtained through relevant case studies and other processes of the Royal Commission. We will consult widely on this work in 2016.

In addition to being informed by external and in-house research, the Royal Commission is concerned to ensure that our work in criminal justice is also directly informed by the experiences and views of those who have been involved in criminal justice processes in connection with child sexual abuse in institutional contexts.

In private sessions, Commissioners have heard accounts of survivors' experiences of police and prosecution processes in responding to institutional child sexual abuse. These accounts will help to inform our work in criminal justice.

The Royal Commission now seeks submissions on people's experiences of:

- reporting institutional child sexual abuse to police

- how police responded to the report
- the police investigation process
- interacting with prosecutors, if charges were laid
- preparation for court
- the trial and any sentencing or appeal processes.

Submissions from those who have personally experienced police and prosecution responses are particularly welcome. This experience might have been as a complainant, family member, witness, support person or affected institution. Submissions are also welcome from those who have professional experience of police and prosecution responses, including as legal representatives, service providers or researchers.

The specific questions below are divided between those directed to people with personal experiences, and those directed to people with professional experiences.

SUBMISSIONS

Personal experiences

The Royal Commission is particularly interested to hear from those people who have personally experienced police and prosecution responses in relation to allegations of child sexual abuse in an institutional context as to the following:

1. 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.
2. 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?
3. Do you have any suggestions for improvements or reforms to police processes for receiving reports of allegations, and investigating and responding to reports?
4. 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.
5. Did you have any involvement with a witness support service? If you did, what was your experience of it?

6. What aspects of prosecution processes worked well? What aspects of prosecution processes did not work well?
7. Do you have any suggestions for improvements or reforms to prosecution processes?

Professional experiences

The Royal Commission is particularly interested to hear from those people who have experience in a professional capacity of police and prosecution responses in relation to allegations of child sexual abuse in an institutional context as to the following:

8. What are your observations of, and suggestions for improvements or reforms to, police processes for receiving reports of allegations, and investigating and responding to reports in relation to allegations of child sexual abuse in an institutional context?
9. What are your observations of, and suggestions for improvements or reforms to, prosecution processes in relation to charges relating to child sexual abuse in an institutional context?

Submissions are welcomed on any aspects of police or prosecution processes as they relate to responses to allegations of child sexual abuse in institutional contexts.

Submissions will be made public unless the person making the submission requests that it not be made public or the Royal Commission considers it should not be made public. That will usually only occur for reasons associated with fairness.

Submissions should be made by Monday 15 June 2015 , preferably electronically, to criminaljustice@childabuseroyalcommission.gov.au , otherwise in writing to GPO Box 5283, Sydney NSW 2001
