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MEDIA RELEASE

Criminal justice response to sexual assault victims

Sexual assault victims who report the offence to police and give evidence in the prosecution of alleged offenders are generally satisfied with the response of the police and sexual assault centres but tend to be critical of the Prosecution and Court Services.

This is the main finding from a new report released by the NSW Bureau of Crime Statistics and Research on the Criminal Justice Response to Sexual Assault Victims.

The report details the results of a survey of 43 victims of sexual assault whose cases were dealt with by the NSW District Court between 19th September 1994 and the 30th of June 1995.

The main findings of the study were:

Respondents were very favourable in their overall assessment of services provided by the police. For example, most respondents perceived police as 'sympathetic' (88.2%), with only four respondents (11.8%) stating that police were only sympathetic 'sometimes'.

Respondents were also very positive in their overall assessment of Sexual Assault Services. For example, most respondents (82.8%) found counselling services helpful, all respondents who used the court preparation service found it helpful, and all but one respondent who used the court support service found it helpful.

Respondents, however, expressed least satisfaction with services provided by the Office of the Director of Public Prosecution (DPP) and court services. For example, 42.9 per cent of respondents stated that they did not feel 'adequately' consulted by the DPP. Furthermore, the majority (57.6%) of recommendations by respondents for the improvement of services provided to sexual assault victims related to the court and court services.

The study identified a number of departures from police, Sexual Assault Services and DPP guidelines pertaining to provision of services to sexual assault victims. (N.B. The study evaluated the agencies' guidelines at the time the survey was designed (1994), not the current guidelines which were published in 1995.) In addition, the study identified a number of other issues, which did not represent departures from guidelines, but which were nonetheless of concern.

Some of the more notable departures from police service guidelines were:

- almost one-third of respondents were not given the option of being interviewed by a police officer of the same gender;
- 17.6 per cent of complainants did not find the interviewing room comfortable and 34.4 per cent reported experiencing interruptions while the statement was being taken;
- 47.1 per cent of respondents stated that police did not inform them that they could have a support person present during the interview;
- four complainants said they were not given a copy of the statement; and
- 48.1 per cent of respondents claimed they were not informed about how long it would take to make a written statement.

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Another issue of concern, not related to police guidelines, which emerged from the study concerned provision of information by the police. For example, 32.3 per cent of respondents felt that police did not provide sufficient information regarding the process of taking the complaint to court; 55.9 per cent felt they were not given sufficient information about the progress of the case; and 31.0 per cent said they were not provided with information about the offender's bail arrangements.

Some of the more notable departures from Sexual Assault Services guidelines were:

- 31.6 per cent of respondents stated that they waited more than an hour before they were medically examined;
- 38.9 per cent of respondents said they were not informed that they could have a support person with them during the medical examination;
- 30.0 per cent of respondents reported interruptions to the medical examination; and
- 15.0 per cent of respondents said that the room in which the medical examination took place was not comfortable.

Other issues of concern, not related to Sexual Assault Service guidelines, included not being given sufficient information (e.g. 30.0% said they had not received sufficient information about test results, 23.5% said they had not received sufficient information about sexually transmitted diseases); and in three cases, the unavailability of counselling due to long waiting lists.

Departures from instructions set out in a memorandum to the DPP included:

- of respondents who attended court as a witness, 13.8 per cent had never met with the DPP solicitor before the court case, and one respondent had never met with the Crown Prosecutor; and
- 37.9 per cent said they had not received adequate information about the roles of people in the courtroom, 34.5 per cent said they had not received adequate information about what would happen in court and 13.8 per cent said they had not been informed that they could have a support person with them during the trial.

Another issue of concern, not related to the instructions issued to officers of the DPP, was that 27.8 per cent of respondents did not understand all or most of what happened in court.

One of the most distressing aspects of complainants' experience while at court related to seeing the offender or the offender's family or friends. All respondents who did not feel comfortable in the waiting area cited this as a reason for their discomfort. Furthermore, 85.2 per cent of respondents endorsed seeing the offender as one of the 'worst features' of their experience in the courtroom.

The following recommendations were most commonly cited by respondents when they were asked about how services to sexual assault victims could be improved:

- provision of support (at every stage of the process) for sexual assault complainants and their families;
- provision of, and adequate access to, counselling services;
- tougher penalties for sexual assault offenders;
- making cross-examination of complainants less stressful;
- elimination of contact between complainants and offenders at court;
- education for the community in relation to the issue of sexual assault, with the aim of encouraging victims to report sexual assault and to gain the support of the community at large for victims of sexual assault.

Commenting on the findings of the study, the Director of the Bureau, Dr Don Weatherburn, said that, while they were based on a small sample of respondents, they suggested the need for a review of the needs of victims of sexual assault, particularly as they pertain to Prosecution and Court Services.

'It is therefore heartening to see that the Attorney General has recently approved the formation of a Vulnerable Witnesses Taskforce. The Taskforce has a mandate to consider the giving of evidence by vulnerable witnesses and, in particular, to examine the appropriateness of extending closed circuit television facilities to these persons'.

'Since the completion of the research the Office of the Director of Public Prosecutions has joined with the NSW Police Service and the NSW Health Department to prepare a set of detailed interagency guidelines for responding to adult victims of sexual assault'.

'It is also encouraging to see that the NSW Department of Attorney General intends to release a detailed policy statement on community access to court premises and facilities by October 1996.'

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