



The Commission of Inquiry into Police
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7th July 2022

Dear Sir/ Madam,

RE: INQUIRY RESPONSE

Thank you for the opportunity to respond to this Inquiry.

Who are we?

The Queensland Sexual Assault Network (QSAN) is the peak body for sexual violence prevention and support organisations in Queensland. We have 21 member services, including specialist services for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with intellectual disability, young women, men and children and our membership are located throughout Queensland, including in rural and regional locations.

Our network of non-Government services is funded to provide specialist sexual assault counselling, support, and prevention programs in Queensland. QSAN is committed to working towards ensuring all Queenslanders who experience sexual violence recently or historically, regardless of age, gender, sexual orientation, cultural background receive a high-quality response in line with best practice, client-centred principles. Our work and analysis of sexual violence is from a feminist perspective and addressed within a "trauma-informed framework".

We are committed to engaging with government and other bodies to raise systemic issues of concern and to ensure the voices and experiences of our clients are considered in the formulation of policy and legislation that impacts on sexual violence victims in Queensland.

Why are sexual violence services responding to an inquiry on DFV?

QSAN services respond to issues of sexual violence in domestic and family violence relationships every day. The perpetrators can be intimate partners, brothers, cousins, fathers, stepfathers, uncles, and the broad range of other family relationships.

Of course, and importantly, our services also respond to survivors in the range of circumstances in which sexual violence occurs outside intimate partner and 'family' relationships such as neighbours, friends, acquaintances, dating, work colleagues, carers, and strangers.

As most sexual violence is unreported to the police, our services are at the frontline of providing specialised and expert assistance and support to those impacted by sexual violence in Queensland.

Sexual violence can include a variety of immediate and long-term impacts on the survivor's emotional, psychological, and physical condition and health. The experience of sexual assault or abuse at any age can have devastating effects on every aspect of a person's life and wellbeing. The experience, especially if it was experienced long term can commonly manifest in mental health conditions, such as post-traumatic stress disorder, dissociation, depression, flashbacks, sleeping difficulties, CPTSD, dissociative identify disorder, borderline personality disorder, self-harm, suicidality, and other complex issues. Sexual violence services respond to these issues with long term and specialised trauma counselling. The complexity increases if the crimes have occurred on multiples occasions, have occurred during childhood, have occurred in relationships where there was supposed to be trust, reliance or a difference in power.

The work we undertake every day is a lifeline for those who have been subjected to these horrific crimes, sometimes on multiple occasions and sometimes over a life course.

All the work that services undertake in relation to intimate partner sexual violence and family violence is in the context that it is high risk, as the existence of sexual violence is a recognised high-risk indicator of serious injury and potentially lethal domestic and family violence.

Why do some survivors attend a sexual violence service rather than a DFV service?

Survivors of intimate partner sexual violence may identify that the aspect of the abuse that is having the most impact on them is the sexual violence and seek out a sexual violence service for this reason.

On other occasions, survivors may be referred to a sexual violence service from a DFV service or another generalist service, after disclosing sexual violence. Sexual violence is recognised as specialist work and sexual violence services have traditionally been able to provide longer term trauma counselling, as opposed to short term crisis interventions.

Family violence has generally not been a focus area of DFV services, so sexual violence in this context has traditionally been responded to by sexual violence services and because of their specialist knowledge and ability to provide longer term trauma counselling.

Inadequate inquiry timeframes

The 4-month time frame for this important inquiry is totally inadequate and undermines its ability to fully investigate the issues and other leads as they arise, analyse, and appropriately respond to the evidence. We acknowledge the setting of the time frame was outside the control of the Independent Commission.

Although the Inquiry has access to the Women's Safety and Justice Taskforce submissions, the terms of reference and the focus of the Taskforce was different. There would be survivors who would want to respond to this Inquiry if they had time and if they knew about it.

The statistics on sexual violence

1 in 5 women (18%) has experienced sexual violence since the age of 15.¹

1 in 3 women (31.1%) has experienced physical and/or sexual violence perpetrated by a man they know.²

1 in 4 women (23%) has experienced physical or sexual violence by a current or former intimate partner since age 15.³

The most dangerous age for women being subjected to sexual violence is between the ages of 15 and 19 years.⁴

The rates of sexual assault victimisation recorded by Police, report a consistent annual increase per 100,000 of the Australian population over the last decade, where most reported victims have continued to be female (84.2 per cent female in the most recent 2020 data release)⁵.

The **prevalence** of sexual assault **increased between 2012 and 2016 for women** but not for men.⁶

Both women and men were **more likely** to experience **sexual assault by a known person** than by a stranger.

For women, the most common perpetrator was an intimate partner⁷.

60% of women and 51% of men who experienced sexual assault experienced it **more than once**.⁸

There was a 19% increase in reporting of sexual violence/ rape to the Queensland police last year and a 41.2% increase over 9 years⁹.

*Prevent. Support. Believe. Queensland's Framework to address Sexual Violence*¹⁰ references evidence that 87% of women who experienced sexual assault by a male since the age of 15 did not report their most recent incident to police. Of the women who did report, only 27% reported their perpetrator was charged; even fewer reports result in conviction. Sexual violence is a significant issue in our community.

¹ Australian Bureau of Statistics (ABS). 2017. *Personal Safety Survey, Australia, 2016* (ABS cat. no. 4906.0). Canberra, ACT: ABS.

² Australia's National Research Organisation for Women's Safety (ANROWS). 2018. *Violence against women: Accurate use of key statistics* (ANROWS Insights 05/2018). Sydney, NSW: ANROWS.

³ Australian Bureau of Statistics (ABS). 2017. *Personal Safety Survey, Australia, 2016* (ABS cat. no. 4906.0). Canberra, ACT: ABS

⁴ [Sexual Violence - Victimisation | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/sexual-violence-victimisation)

⁵ The Australian Bureau of Statistics' ('ABS') Recorded Crime – Victims (2020) data, reported in <https://www.dss.gov.au/women-publications-articles/reducing-sexual-violence-research-informing-the-development-of-a-national-campaign>

⁶ [Sexual Violence - Victimisation | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/sexual-violence-victimisation)

⁷ [Sexual Violence - Victimisation | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/sexual-violence-victimisation)

⁸ [Sexual Violence - Victimisation | Australian Bureau of Statistics \(abs.gov.au\)](https://www.abs.gov.au/sexual-violence-victimisation)

⁹ Crime Report QLD 2020-2021

¹⁰ Department of Child Safety, Youth and Women, Queensland Government (2019). *Prevent. Support. Believe. Queensland's Framework to address Sexual Violence*, p.6.

Despite the low conviction rates of perpetrators of sexual abuse, research shows us that women and children rarely make false allegations of rape and sexual assault¹¹. This is important as many survivors face complete disbelief or complete disinterest when reporting sexual violence to the police. Sexual violence is a crime and has been since the Criminal Code was enacted – this response is attitudinal and may be based on unwritten rules (a “culture”) of what is a “real crime”, who is a “true victim” and what “warrants police time and resources”.

Why are police responses so important?

There is little doubt the disbelief of survivors or disinterest in the importance or impact of sexual violence on survivors is shared by many members in our society and not only by the police. However, the role of police in sexual violence is extremely important, as they are the gatekeepers to the criminal justice system.

They also have a primary function in the civil and protective response to domestic and family violence and to survivors finding safety. How a police officer on the front counter of a police station responds to a survivor can impact on the trajectory of the victim’s entire matter –will they proceed, return home, and not pursue the matters, will it entrench feelings of disbelief and shame, will referrals be made to important support and legal services who might assist? In rural areas, where there may be no or limited services, the police are often the only service that women can turn to for their safety.

Importantly, police action/inaction can impact on downstream legal proceedings, including in child protection, domestic and family violence proceedings, victim assist applications and in the family courts. An inadequate or dismissive response can place the responsibility for stopping the violence solely on the survivor. Without police evidence gathering or investigation, these latter proceedings become very much a “he said vs she said” and can result in quite negative outcomes for women’s safety and of particular concern, for children’s safety.

Police inaction and negative attitudes towards women reporting gendered violence can also have deadly consequences, as exemplified in the recent Dorreen Langham Inquest.

Police attitudes

“Domestic Violence and the Police: Who is being protected?” A Rural View by Lyla Coorey, a Master’s Thesis in the Department of Social Work in the University of Sydney¹² written in 1988, though written 35 years ago, sadly provides important insights into policing domestic violence.

Although there has been a profound shift in our community since 1988 from viewing domestic violence as a private issue to an issue of significant public issue of concern, there are still attitudinal issues that drive police decision making that ‘it isn’t a policing matter’, which in turn excuses inaction and/or being

¹¹ Joint report to the Director of Public Prosecutions by Alison Levitt QC, Principal Legal Advisor, and the Crown Prosecution Service Equality and Diversity Unit (2013). Charging Perverting the Course of Justice and Wasting Police Time in Cases Involving Allegedly False Rape and Domestic Violence Allegations.

¹² [Domestic Violence and the Police Who is Being Protected? A Rural Australian View \(aic.gov.au\)](http://aic.gov.au)

dismissive of DFV and/or sexual violence reports and allegations. These findings therefore are still relevant indeed, many were apparent in the Langham Inquest findings.

13 police officers, 15 victims and numerous (helpers – agencies and individuals that helped domestic violence victims) were interviewed in the Coorey study including observations of interactions at a rural police station.

The research sought to answer an important question and one still relevant today.

That is, why is domestic violence legislation not enforced by police?

The relevant findings are summarised below:

- A **focus on the individual** ensured that the problem **remained private**, supporting the view that **the state should not interfere in matters that occur within the privacy of the home**. It **permitted** the use of male violence towards women **without the constraint of the law, and it did not address the unequal power relations between women and men** or the difficulties women have in getting away from violent situations. In this respect, police and other workers were **perpetuating the traditional ideology of the family** that places men at the head of the household with the right to chastise their female partner.
- Whilst police were given wider powers to intervene into domestic disputes, the study showed that there was still a reluctance to use -these powers. **Police used their discretion** to define what was domestic violence **independently of the women's statements** about what had occurred and **independently of the legal definition of domestic violence**.
- An examination of those cases of domestic violence that went to court in 1985 indicated that **police were likely to proceed with a prosecution when the offender was well known to them through his criminal history** (that is, they were likely to succeed in getting a conviction) and **perhaps when the victim was articulate and socially and financially prominent in the community**.
- In those cases that did not go to court, it appeared that **despite the severity of the injuries** to the women, **police considered each case individually** and **took other factors into consideration**. **These included the precipitants (alcohol, arguments over custody of children, etcetera)** that lead to the dispute between the couple, **the women's reluctance to press charges against their partner and the credibility of the witness**. Interviews with the abused women confirmed the police practice of dealing with each case individually and of not taking any action to stop the violence despite women's requests of them to do so.
- According to the women, police had instead **discounted their experiences of violence and terror** in many ways. They stated police would not charge their partners when they were personally known to them or held prominent positions in the town; when their partners were intoxicated; and when the police thought their injuries were not severe enough. Very often they were told to

leave town, sort it out themselves, that there was nothing they could do, or that they were not able to remove a man from his own home.

- The police were **unable to understand why the women would not 'cooperate'** and why they did not leave their violent partner. They also could not understand how the women would continue to allow the men to return to the home or why they stated they did not want them removed when they called to the house. Interviews with the women on these matters clarified this apparent ambivalence on their part and indicated that there were no simple answers to these questions. A multitude of factors operated to limit their choices. Overwhelmingly the main reason for inaction on the part of the women was their fear of their partners. Women were absolutely terrified of and intimidated by these men. Their accounts of horrific violence (physical, sexual, emotional and psychological) were supported by the evidence in their medical records of not only severe physical injuries (broken bones, cuts, bruises, miscarriages, concussion, haematomas) but of histories of psychosomatic illnesses, gastrointestinal ailments, suicide attempts, depression, headaches, etcetera. These entries in their files suggested that battered women had been living under conditions of stress for long periods. Women stated that their partners made threats and carried out acts of violence against them if they attempted to leave them or take legal action against them. They took these threats seriously.
- The police acted as **'gate-keepers'** by their prevention of women's access to the legal system and other services that could assist them with making decisions about their future. Despite their responsibility to ensure the legislation was being enforced, they frequently prevented cases from going to court and rarely applied for the ADVO on behalf of women who feared ongoing attacks by their partner.
- Another feature of police power **was their apparent identification with the men** when they determined whether violent behaviour was criminal or not. **The women perceived an alliance between the police and their partner based on the officers' tendency to believe the men despite their obvious injuries** and the fact that they often knew the men and some socialised with them. Despite police claims of objectivity in their dealings with domestic violence cases, women reported differently and believed police were protecting men from adverse publicity in the town by not prosecuting them. Women saw negative and positive sides to police knowing their partner (and them) and to what they interpreted as officers' subjective individual responses to their partner's violent behaviour.
- They regarded **the violence as a marital problem rather than as a criminal offence** and often saw their role to **keep the peace rather than make an arrest**. Some women's experiences of police in both public and private places suggested that police found it easier to enforce the law when the assault took place in public.
- Women stated **they got the impression from the police that they disapproved of them**, believed women **deserved to be bashed** and that **they were not worthy of their assistance**. The section on

'Deserving the Label "Victim" exposed some disparaging remarks by some of the police officers about women who took their partner back or who were intoxicated at the time of the assault etcetera.

- Through the use of their discretionary powers **police made their own decision independently of the legislation, to define what constituted 'violence'**. Factors other severity of the injuries were taken into consideration. Injuries were either played down when recorded, completely discounted or minimalised in front of the victims to justify a non-arrest of the offender. **Labelling the assault as a 'domestic' or a 'disturbance of the peace' enabled the police to employ their welfare, peace-keeping role in lieu of arrest.** ** In current times many DFV incidents are downgraded to "no dv" thus not requiring a police response or follow up.
- The likelihood of a successful prosecution was another factor taken into consideration by the police. **A criminal history of the offender and the plausibility of the witness** seemed to play an important part in the decision to proceed with a charge of assault. Very few of the offenders had a criminal record reducing the chances of their being given a sentence appropriate to the crime.
- The **element of mateship** was very strong in this community. Police socialised with some of the offenders particularly at clubs and at sport activities. A number of the women believed that this **familiarity with their partners was the reason they were not charged**. Despite their claims of objectivity, there was certainly a police alliance with the men reflecting the common views of the male being the head of the household and of men's right to chastise women. This was apparent from such comments by the police as 'If she was my wife, I'd do it to her too', 'We can't remove a man from his home. A man's home is his castle'. Blaming the women for the violence enabled the police to shift the responsibility for the offence away from the men thereby justifying in another way, their reasons for not enforcing the law.

These findings are consistent with current research of Queensland police attitudes:

- "More specifically, **some police officers possibly perceive DFV incidents as an interpersonal issue rather than an act of crime**, which may significantly influence the response to DVF. In their comparative study of American and Australian police attitudes toward DFV, McPhedran et al. (2017) revealed that **most of the officers think that DFV calls often waste too much time and effort of officers, that DFV calls are mostly for verbal disputes, and that repeated calls from the same address are a major problem**. DeJong et al. (2008) identified several negative attitudes among police officers, including **limited knowledge of the dynamics of DFV, victim blaming, patriarchal attitudes toward women, and an expectation that victims will be uncooperative**. Research also demonstrated that **police decision-making may be affected by the victim's level of commitment to formal proceedings**, and that officers are less likely to take firm actions against the perpetrator unless they are fully convinced of the victim's strong commitment to the prosecution process (Dawson and Hotton 2014, Douglas 2019, Gracia et al. 2014, Johnson and Dai 2016, Lee et al. 2013, Maple and Kebbell 2021, Meyer and Reeves 2021). **Police officers with**

unsupportive attitudes about DFV may not view DFV in the same way as other offenses, thereby reacting leniently in response to DFV situations (Lockwood and Prohaska 2015).¹³

- “However, one interesting finding is that **senior officers reported less willingness to make DVO applications than junior officers**. It seems that experienced officers viewed DVO applications as troublesome jobs or less appropriate for offenders, although this finding will require further examination. This finding is consistent with another study that has revealed that newer officers report higher ratings of sanctions (fines, hard labour, and incarceration) for domestic violence offenders (Logan et al. 2006)”.
- The findings that junior officers may initially be more enthusiastic about proactively responding to DFV before being “enculturated” in the “way we do things” is consistent with anecdotal evidence from QSAN members.

Is more training the answer?

Possibly not.

Research findings on outcomes of a values-based training program provided to QPS recruits in 2015 concluded that values (racism, sexism, diversity, empathy) in the non-controlled group that received “standard training” became worse during the Academy training and in the control group, the most that the specialised “values based” training offered was a “buffer against” these attitudes declining.¹⁴

The authors concluded:

“Quite apart from the testing effects of the V4V programme, the more basic question comes from tracking recruit attitudes about diversity without the programme. Why did those attitudes show such clear declines? Was it caused by a peer culture that develops during the recruit course? Was it caused by implicit or explicit messages of the instructors? Was it caused by the way in which the recruits were treated by their friends and neighbours when the news spread about their appointment to the Police Service? This study is unable to answer those questions. Yet the evidence the study reports shows how urgent those questions may be. Until there is a further and broader line of research completed, not just in Queensland but around the world, many police professionals will wonder what there is about police academies that may make them a major issue in the quest for police legitimacy.”

QSAN feedback

Relevant responses that concern police attitudes and culture have been taken from QSAN’s response to the Women’s Safety and Justice Taskforce and have been summarised below:

¹³ Nexus between police attitudes and responses to domestic and family violence in Australia: does training matter? Md Jahirul Islam and Paul Mazerolle, *Policing and Society*, 2022 p. 2

¹⁴ [Platz et al 2017.pdf](#) page 277.

Aboriginal and Torres Strait Islander Women

QSAN consulted with its own specialist sexual violence member service, Murrigunyah and we now provide the following insights.

Firstly, It is acknowledged that Aboriginal and Torres Strait Islander women’s experience of sexual violence occurs in an historical context of colonisation; dispossession; loss of culture resulting in the breakdown of kinship systems and of traditional law; racism; and government policies of forced removal of children from families.¹⁵

The *Wiyi Yani U Thangani (Women’s Voices) Securing Our Rights, Securing Our Future Report* provides data and contextual backdrop to understanding Aboriginal and Torres Strait Islander women’s experiences and some of this is set out below.

Compounding issues of poverty, discrimination and failure to access basic rights impact on safety

“I have heard from our women and girls that they are living within a system that does not recognise their basic rights to things like housing, education, health and financial security. This ingrained systems deficit perpetuates cycles of discrimination, poverty and trauma in our communities and further entrenches disadvantage and inequality. Women and girls tell me how these unsafe environments undermine and deny the full realisation of their rights and prevent them from breaking cycles of harm.”¹⁶

Regional and remote

Comparatively, we make up 25.3% of the total population in remote areas, with some of our most remote communities being almost exclusively Aboriginal and Torres Strait Islander populations. This means that issues affecting remote and very remote communities disproportionately affect Aboriginal and Torres Strait Islander peoples.¹⁷

Disability

Almost half (45%) of Aboriginal and Torres Strait Islander peoples aged 15 years and over live with one or more disabilities or restrictive long-term health conditions. Disability is more prevalent among our women than our men, 47% compared with 43%.¹⁸

Young population

The median age of the Aboriginal and Torres Strait Islander population is 23 years old (compared to 37.8 years old for the non-Indigenous population). The Aboriginal and Torres Strait Islander population has a relatively larger proportion of young people and a smaller proportion of older people compared to the non-Indigenous population.¹⁹

¹⁵ [ourwatch reporting on a-ts family violence aa v1.pdf\(1800respect.org.au\)](#)

¹⁶ [ahrc wiyi yani u thangani report 2020 \(1\).pdf](#) page 37

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

Violence against women

Aboriginal and Torres Strait Islander people are between 2 and 5 times more likely than other Australians to experience violence as victims or offenders.

Aboriginal and Torres Strait Islander women are 5 times as likely to experience physical violence, and 3 times as likely to experience sexual violence, than other Australian women²⁰.

Barriers to reporting:

- Murrigunyah works in a way to provide the women a choice about reporting.
- Many of the women will say what's the point in reporting as the process is so lengthy and he may only get a slap on the wrist anyway, if he is found guilty and they will be victim blamed through the process.
- The caseload involves a lot of sexual abuse by partners and the women are worried if they report their children will be taken from them.
- Any if they do report there is no support, and the women worry about confidentiality and where the story will go and who will support them after the process has finalised.
- The way the system is now, many women choose to just do the counselling. They come into the service for the cultural healing.
- **Many are also worried about racial discrimination from the police if they report.**
- Some women have reported about other issues and because of the lack of support including court support, then the women do not want to report again. They give up and say, "been down the road, been to police, gets nowhere".
- Women report no trust in the system.
- The service can help woman report as they have strong relationship with police liaison, but they just don't want to do it because of the way the system is now.

When women do report – the experience is not good

- A woman reported her own rape to a male detective and they told her to go back home (to the perpetrator) and record a conversation with him admitting he committed the rape on a recording device. The woman interpreted this as the detectives not caring as they wanted her to return to an unsafe situation. They did not offer to help her with the reported rape or the proposed recording of the admission. The matter never proceeded.
- Murrigunyah report that his approach of the police asking the woman to go back into an unsafe situation and 'get the necessary evidence' is not uncommon.
- A mother reported the rape of her 11 yo child. Her daughter was interviewed, and a statement taken with two male police officers in a room for 3 hours. This was traumatising for the child and unacceptable.
- There is a need for more female trained police officers to be visible in the community to report sexual violence crimes.

²⁰ [ourwatch reporting on a-ts family violence aa v1.pdf \(1800respect.org.au\)](#)

- Police communication is sporadic with the women about the investigation and court process.
- Police take too long to act which gives time for the perpetrators to get threaten the complainants before the police act.
- Victims can get scared and may not act against the perpetrator but then blame themselves if others are hurt by the same perpetrator. However, the inaccessibility of the system has really failed them.
- Complex issues and can involve inter-generational perpetrators in the one family with failures to act by a range of authorities.
- Some women have complex trauma histories and have been sexually assaulted by multiple perpetrators with no action has been taken against any of them.
- Police promised support to the woman when she reported but the police never provided any. The woman reached out to Murrigunyah herself.
- Women and girls are sitting with their trauma for years as the process takes so long. It is not healthy for them.
- The failure of the justice system means that families may take “justice” into their own hands.

Family Court – downstream impacts of a failed response

- When there is a failure in the criminal justice system to respond to child sexual abuse there are downstream impacts in the family law system.
- A case example, Murrigunyah assisted two children who were young teenagers who had raped their whole life by father. Mother escaped and the father started family court proceedings for overnight contact. He would rape the mother in front of the children. Very violent and had kidnapped the children previously. Younger child was made to go on contact, but the older child refused. When court ordered contact recommenced, the father groomed the child for first few months and then raped her again. This time contact was stopped. The criminal matter is still on foot.
- The family court will ask the families what is going on with the police investigation, but the families often do not know. There is no police communication to the courts.

What improvements are needed?

- Murrigunyah agrees with the idea of women’s police station (note not just dv police stations and staffed by women) for reporting sexual violence and domestic violence. Needs to be easily accessible on the train line. Women would come forward for the support. Current police stations can be confronting. The women are worried about reporting at police stations because of the likelihood of a friend or someone coming in for bail and seeing them. The idea of a women’s police station solely focussed on women is appealing.
- It was suggested by a survivor that it would need to be a safe house in the community otherwise perpetrators will know and will wait and stalk the women.
- More female police presence is required. Have more on the front lines and women will feel safer to come forward. Have female detectives come to the services and build trust and rapport with the women.

Lack of trauma informed practice and failure to follow OPMs, interagency guidelines

- Little to no trauma informed approaches in the sexual violence system response in Queensland.
- The experiences of QSAN services in general is that CIB do not provide updates or information, won't say if they dropped case, if services or the woman follows up for an update, they may get a short response that they are not proceeding with the matter and the reason that is provided is "not enough evidence".
- There is little transparency around decision making to not proceed.
- If support worker rings – CIB don't work in an integrated way – "who are you?"
- They do not follow their own OPMs or interagency guidelines or Victim's Charter to keep the victim informed every step of the way and work in a trauma informed way.
- Women are discouraged at every step of the way – even from reporting. "Don't take a statement", the police officer said to the woman "don't bother, your case isn't that serious"
- A woman had difficulty in understanding the police during the interview, nonverbal, couldn't understand the Auslan interpreter, assumptions were made by the police around disability. An intermediary would have been helpful in this matter.
- Police turning up – woman had gone to hospital and discussed sexual assault and social worker helped with online report. Next thing the police turned up on the doorstep and the woman was very shocked by this.
- Woman went into a station and VPU said she needed to undertake a 93A, she couldn't remember if she had done a statement, she had literacy issues. She couldn't remember doing the statement. The woman was very confused and unsure what had occurred.
- The women may be discouraged from proceeding but at other times the police can want to proceed, and the police can then be very coercive – threatened perjury.
- In another case a young woman was groomed, sexually assaulted, fell pregnant and police said, "if you don't make a statement, we will report you to child safety".
- In another case a young woman reported, and the police turned up at 9pm at night on a Sunday to take a statement unannounced. This was very intimidating, and she had not prepared herself for this.

Why do women withdraw their complaints or not report?

- Pressure from family.
- Taking too long.
- Perpetrator convinces them it is their fault
- Social pressure of not being believed.
- Too hard.
- Threatened to lose accommodation, support – if the family has money.
- Judgement and victim blaming from investigating officer.
- Impact on stress and mental health and how stressful it is.
- Judgement on her mental health and not want to proceed.
- Never report again after being cross examined.
- The police talk women out of reporting – if not so many delays.

- They said it's your word against his and not anything you can do.
- Grooming – hold affection for the perpetrator – send them messages – you went on a date afterwards – how are the police going to prosecute?
- Police will say how it will be perceived badly in court with actions the woman has taken or not taken. Eg. Judgement from the police because the victim didn't change her number
- A victim-survivor with an intellectual disability kept meeting with him – misunderstanding– not understanding her to cut off contact.
- Shame, unknown legal and justice system, being judged, unsure of the system. Different country and unsure of the system.
- One of four girls in a CALD family, rape, did not report because it would reflect poorly on family, perceptions that it would harm her chances of marriage in the future.
- Thinks that they won't be believed or don't have enough evidence.

Victim blaming, not believed, assumptions made about 'certain women'.

- Women react to subtle messaging from police and victim blaming “are you sure you want to proceed”
- Another international student – assaulted by friend, did not report to medical practitioner however, her sister was a medical practitioner and she collected evidence. When the woman reported the police said, “Do you want to proceed this would harm your reputation?” – After this response from the police the woman did not proceed.
- Feedback from a service that responds to young women is that the response of police to their clients is poor as the police play into myths and is especially poor if the sexual experience involved intimate partner violence or dating violence.
- Police will ask the worker who is supporting the young woman – “Does she know the difference between rape and just regretting sex?”
- “Buyer's remorse” – There is an immediate reaction from police that she probably got drunk, she probably consented and now she regrets her decision to have sex and is reporting rape.
- Police will ask – “Are they reliable?” and young women after such encounters and attitudes are dissuaded from proceeding.
- Women are left feeling that “their words are not enough”.
- They will not proceed generally if women have been criminalised or mental health issues, even more reason not to proceed.
- Very different police response for women who have been attacked in public place, one off incident, physical trauma, and evidence. Very poor response to women with a history of criminalisation, mental health history, drug usage, Aboriginal and Torres Strait Islander or CALD women.
- Mixed responses from the police mean it is very difficult to give accurate advice to women about their likely experience of reporting.
- Powerful messages are sent to woman by the police when they do not proceed. They say to the woman “there is not enough evidence” but the woman thinks I have failed. “I didn't do enough; it is my fault”. The police may lecture women about online safety and give the impression of blaming the victim.
- Police also do not make referrals when they could be of assistance.

- Police can say things like it isn't that serious when she is reporting. In other circumstances they say to women "you aren't willing to mediate or hear him out" – this was workplace sexual harassment.
- A client reported sexual assault in childhood – police were good, but police called the sexual assault worker to ask if she was telling the truth? The police said to the worker "it was very long time without telling someone "And she presented to the police whilst giving the statement as "very agitated". These officers were in the VPU.
- If she made a statement previously but withdrew it the police assume she must have been lying about the assault rather than considering the whole range of circumstances, why she might have withdrawn a statement.
- Also, a woman with an intellectual disability may report to the police, not understand the question at the time and she agrees with the proposition being put to her. Later on, she talks to her support worker and then understands the question better – police can jump to the conclusion she is lying. However, it does not mean she is lying if she changes her answer. She just didn't understand the question at the time.
- Police threatened to charge a client with an intellectual disability with nuisance because of frequent calls to the police.
- The online reporting form currently used by police and which they encourage the use of –has a question that asks what clothes were they wearing?
- A Detective told a woman with disability that she shouldn't be dating because of her mental health issues.
- A woman with a speech impediment reported a sexual assault – police said in front of the client she is not very bright.
- Across the service sector people (police, psychologists, GPs, lawyers) with intellectual disability are not believed, assumed they are prone to fantasy, couldn't be credible in making a complaint.
- Community misunderstanding about grooming is – think a positive relationship rather than being targeted and displaying concerning behaviour.
- There is a community belief that people with intellectual disabilities are unable to have sexual lives.
- High level of inconsistency – one day say come down and then next day say no can't help.

Women not told of the outcome of the investigation by police

- A CALD client reported to the police, the worker followed, waiting time was very stressful for client, followed up again with the police by a new worker but no information, no communication from the police. The service has now decided with the woman to not follow up any further as the client needs to move on with her life. It has been over a year and the woman has heard nothing.
- The women live throughout this time as they are waiting for the outcome with a heightened state of unknown and uncertainty, which is very debilitating.
- A CALD woman reported a sexual assault in 2018 and did not hear back from police. August 2021 – followed up – January 2022 – followed up again and the police said they will check with the local station – the service has closed the file.

- People with intellectual disability are more likely to be criminalised and women with disability at increased risk of sexual violence however their disclosures can be less likely to be taken seriously because they have a criminal history.

Barriers

- The barriers to reporting can be different for historical cases and acute presentations. For historical matters there are the feelings of not being believed, “your word against his” and internalised rape myths.
- For acute cases the system’s response can be the barrier. After reporting women can become disillusioned very quickly with the system. They are made to feel their case is not worthy and therefore they are not worthy.
- A woman in a rural location reported an assault to the local police. She had a number of historical issues that she had worked on. Wanted to report the latest assault. She went to counter and advised a senior policeman who was still sitting and did not get up to greet her that she wanted to report an assault. He shouts out from the desk to her – “sexual, physical what? She had to say sexual assault. There were people in the police station behind her. He then went behind the panel and said to the police officers there – “I’ve got a sexual assault, lady want to report a sexual assault, who will do it?” The woman proceeded with the complaint only because she was linked in with a service who had prepared her that the police response may not be entirely positive, and she was able to speak to and get support from the worker after this experience.

Complex trauma

- Many of our clients (disability sexual violence service) have been sexually assaulted numerous times – 3 times within a year – as far as looking like a reliable witness, the police response to the woman was “you have reported twice before and maybe you are just crying wolf”. She couldn’t give a clear timeline therefore it was assumed she was not telling the truth.
- Victims of multiple and compound trauma also have this used against them. Very challenging for DPP and police. A lot of advocacy by services to get them to take the matter seriously and proceed with charges. They believe the person is ‘crying wolf’, not believing her reports, the system thinks she is a ‘serial complainer’. No knowledge or expert understanding that these women can be the most vulnerable and can be the most vulnerable to further assaults.

Interpreters

- Detectives have refused to use interpreters when a woman was reporting a sexual assault. She had conversational English but was traumatised and could not communicate well in the formal approach of a police interview. For example, she did not know what “penetrated” meant and the worker had to explain in another way for her to understand.
- Detectives who are not qualified to make the assessment of whether an interpreter is required or not routinely makes these assessments.
- Police can say bring a friend. Friends can be judgemental in the interviews and say to the women “don’t say that”.

- Police sometimes use PLO (police liaison officers) – again, they are not interpreters. They can also be judgemental of women as their job is to be a friend to the community and to have relationships with community leaders who are generally men.
- There has been no change in the uptake of interpreters despite the community constantly raising the issue, it being recommended by countless reports and inquiries and being part of OPMs and good practice guidelines.

Positive police responses

- Several services have reported that CPIU officers seem better trained and the responses in general are better for girls and children under 16 years old. The officers are more trauma informed, work in an integrated way with the support services and family (eg. they may arrange to interview the young woman and ensure the support worker is there), communicate in a more compassionate way, communicate more regularly, and keep the victim-survivor informed of where cases are up to.
- Many years ago, a young woman with an intellectual disability was sexually assaulted the night before, she reported and rang CPIU, told them and they said come down straight away to do the Section 93A interview, they believed her. This is a different experience from the “usual” experience of the service where they can be on the telephone and advocating for 3 hours. The woman was ready, and the statement was done, she did not have to wait and dwell on the issue for 3 weeks.
- SVLOs can be good but they are not 24/7. The other police push all SV onto the SVLOs rather than learning how they do it well and learning and applying this knowledge. This means the SVLOs are highly likely to get burnt out.
- Project Engage on the Gold Coast where female detectives work out of the Gold Coast Centre Against Sexual Violence every Thursday. It is a formal project with a Memorandum of Understanding signed by both parties and has been proving a positive experience both for the clients of the service, the police officers and in improving relationships and understanding between the service and the police.

Recommendations:

- **That all 92 sexual violence recommendations of the Women’s Safety and Justice Taskforce be accepted by the Queensland Government.**
- **Specialist police units for sexual violence that support generalist police, especially in rural and regional areas and OPMs and practice standards require communication with the specialist units.**
- **That a sexual violence peak be funded to continue profile raising issues of sexual violence in Queensland and to allow opportunity for systemic issues of concern to be raised and addressed.**
- **That specialist SV units have oversight over and ability to override decisions by local sergeants when the evidence warrants this.**
- **Regular training on rape myths and cultural training on barriers faced by Aboriginal and Torres Strait Islander women, CALD women, LGBTIQ and women with disability.**
- **That any training be developed independently and by experts.**

- Ongoing oversight and consequences for failure to follow OPMs, legislation and the victim's charter to ensure standards for engagement with victims is at the highest and most professional level.
- Go back to basics – police should introduce themselves, be respectful and take some time to develop rapport with complainants and communicate all outcomes in a timely manner.
- Be “DFV and SV informed” – know the legislation, police responsibilities to respond – engage professionally and respectfully with all victim/survivors.
- Independent oversight of responses to police officers charged with DFV and/or sexual violence that is undertaken by an Independent Police Conduct Commission. We do not think anything less will resolve the issues.
- Oversight of ‘problematic police stations’ where statistics reveal low charging rates for DFV and SV and/or low DVO applications and implement targeted responses to improve standards.
- A new and improved independent complaints process for police complaints.
- Greater openness and transparency including the annual publication of police complaints, tracking the complaints, timeliness, and outcomes.
- Genuine engagement with the need for change and for this to be sustained over a period. If there are roadblocks to change– what are they and what can be done about them? Develop kpis on what success looks like and track progress in annual reports to parliament.
- Are the right people being recruited for DFV and sexual violence work? There needs to be more emphasis in the recruitment process on values including lack of tolerance for racism, sexism, and increasing the capacity for an empathetic response and the need to value diversity.
- We support a trial of women’s police stations in the community for domestic and sexual violence and where the model is built up in partnership with the local community and fully trauma informed. Putting a social worker on the front counter at a police station is simply not enough and will provide them with little power and/or influence in their interactions with the police.