



The Commission of Inquiry into QPS responses to domestic and family violence

Submission to Commission of Inquiry PO Box 12264 George Street Qld 4003

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Brisbane Rape and Incest Survivors' Support Centre

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BRISSC Submission to police enquiry on police culture in responding to violence against women in Queensland (08/07/2022)

The Brisbane Rape & Incest Survivors Support Centre (BRISSC) acknowledge that sexual violence in Australia has one of the highest acquittal and the lowest criminal prosecution rates compared to other crimes. We also acknowledge that at a community level, responses, in general, tend to make victims of rape feel not believed or blamed for the violence experienced.

Negative responses from the community and the justice system, including the police, make women survivors feel isolated and undignified. Such circumstances discourage women to speak, come forward, report and seek justice. It is important to change the culture of impunity for violence against women. This is not only a local concern. It is a national concern too and it needs to be addressed by all stakeholders and justice institutions primarily.

BRISSC methodology in identifying concerns, gaps, lessons learned and best practices from victims/survivors of SV, experiences

The Brisbane Rape & Incest Survivors Support Centre (BRISSC) has developed in recent years' advocacy individual support and social action groups that enabled women survivors to speak, discuss and raise common concerns about justice for sexual violence survivors. These discussions helped BRISSC to understand the obstacles and barriers women survivors experience when reporting or disclosing sexual violence and seeking justice.

During this period, we have heard many women express hurt and rage at the injustices caused by negative responses from the justice system and the community. In this submission, we will try to highlight the most relevant concerns, lessons learned and best practices, taking into account women survivor's experiences compiled during a series of group sessions.

Police response, investigation and charging of sexual offences

Women survivors had expressed feeling very isolated and confused in the process of police investigation. Women have felt particularly triggered when asked to make various amendments to their initial statement to inform the investigation process. In some cases, their files are transferred to different police officers who were not part of the initial complaint process.

Time and energy spent before and after reporting had a detrimental effect on victims' lives, not only emotionally, but physically and financially as well. Many women expressed how frustrating it was for them to wait several months after reporting, to be categorically informed that the case is not relevant for investigation and/or will be dismissed due to lack of evidence.

Women survivors have also felt misinformed about their rights as victims. The Queensland's Charter of Victims' Rights is not adequately promoted, discussed or enforced. These

circumstances prevent women from seeking help, deciding to report or make the right decisions when initiating police investigation. At the end, women decide not to report to the police, not as a personal decision or choice, but because they fear the system will let them down. It is concerning to notice here, that women survivors fear they will never access justice, or justice will never be provided at all.

Here are some messages heard from women survivors, compiled from BRISSC group discussions:

"[Police should know that:] It takes on average 20-30 years for people to disclose abuse".

"Police should be trauma informed".

About waiting while the police investigation process a woman stated: *"I felt I was doing time [...] I had to repeat my story over and over again, just to be told to wait".*

"There should be the same level response and support for all victims! There should be no bad experiences through the reporting and court processes".

"Police response should be consistent. Police should address issues about poor behaviour and bad attitudes towards sexual violence victims".

"Police should believe victims of sexual violence".

"The statistics of false reports is so low that no women and/or victim would put themselves through all of this just to cry-rape/cry-wolf".

"Bad experiences through reporting can occur, but should be an exception and not the rule".

"Give women information!"

BRISSC Advocacy work case studies

We would like to share three case study drafted by BRISSC workers while supporting women in their disclosure and reporting of SV. These case studies are from year 2022, and summarise women's experiences while coming to BRISSC for ongoing support:

Case study 1: H - a victim of IPSV (Intimate Partner Sexual Violence) disclosed that her ex-partner and father of their two children, sexually assaulted her and the children over many years. BRISSC provided H with information on how to report to her local police station and ask to speak to a CIB officer. H called the police station to arrange a time to make a statement, the police officer told her not to bring a support person and that she did not need to prepare any written information. This response contradicts the Queensland's Charter of Victims' Rights.

Case study 2: An underage young woman disclosed experiences of sexual assault and grooming from her adult employer in a large business. There were witnesses that she

reported at the time and the company did transfer the worker to a different location. When reporting assault to the police, the young woman was told that there was nothing they could do because of her age, and when the survivor insisted about this complaint, police told they could not possibly prosecute for digital penetration. the incident was not investigated at all.

Case study 3: L is a survivor of incest abused by her step father during an 8- year period as a child. A family relative reported him to the police. Police in uniform came to her classroom and pulled her out of her class to “interrogate” her. L felt ashamed and could not ratify or give any statement, naturally. After many years of working through memories and trauma, L decided to report her alleged perpetrator 2.5 years ago. Police investigation is not progressing as expected. L understood that it was going to take a while, but it’s now been 3 years and police in charge of investigation had communicated, that her case hasn’t been able to progress because of other priorities. Going through reporting and waiting period, has left L exhausted, frustrated, dealing with stress and anxiety. Lately, she described feeling hopeless and depressed.

Key concerns raised by women when complaining of sexual violence to QPS:

- Lack of follow up, particularly information about initial court appearances and adjournments. Police will tell women that perpetrators are appearing on a certain date but not make contact for months following.
- Lack of response when women do try to get updates, leave messages or email police for information.
- Cases often get reassigned with no warning until women hear from a different police officer months down the track, often after no responses as above.
- In early stages of investigations, police will turn up at women’s homes with NO warning at inappropriate times, after hours or extremely early in the morning, to ask questions and follow up. Women report that this is quite distressing, particularly after a recent experience when they may already be feeling hyper-vigilant, not want surprise visits or men they are unfamiliar with on their doorstep while they’re alone.
- Women expressed strong perceptions and positions of a “racialized justice”. It is noted that statistics for First Nation’s people in jail compared to non-indigenous are overwhelmingly unfair.

Additional to these experiences, we are hereby presenting two videos made by women survivors during the social action groups, which exemplify their experiences when reporting to the police. Please follow the links to watch the videos:

Video 1:

https://drive.google.com/file/d/1HVVn5fkUOA9kpHMjWMr_TKgzaMu1NC3x/view?usp=sharing

Video 2:

https://drive.google.com/file/d/1t8eoGg5yEXrr5743UBkd_RsDV-kf6ql6/view?usp=sharing

Police best practices identified by BRISSC

For more than four decades working with survivors, BRISSC has identified best practices by police, while working advocating for women victims/survivors of sexual violence. We would like to share these stories and experiences and highlight the importance to continue and expand these efforts by QPS:

Case study 1: R began accessing BRISSC support in April 2020 after she was assaulted in an Uber by the driver a month earlier. R does not recollect everything that happened during this incident but she reported to Police the following day and underwent medical and forensic exams with the SART at the RBWH.

In May, Police Officers investigating the case visited R unannounced at night and informed her that they did not have sufficient evidence to pursue charges against the perpetrator. During this visit the Police Officer made statements that amounted to victim blaming and questioned R's level of intoxication on the night, made comments about how she appeared on CCTV footage prior and when asked about arriving at her home unannounced said she was lucky they attended in person at all.

R's mental health declined directly following this encounter. R reported feeling not believed and suicidal. Due to COVID-19 restrictions and underlying health issues R was becoming more isolated and fearful about leaving her home. BRISSC supported R to engage with a psychologist via her GP and began directly supporting R to follow up regarding the Police response and her options.

R asked for support to formulate a complaint about the Police Officer who made the inappropriate comments and make inquiries into how the closure of the investigation had been handled.

This has led to a meeting with R, a BRISSC support worker and a senior Officer investigating the complaint. As a result of this meeting, the Officer was able to validate R's experience and after listening to recordings of interactions from the officer's body cam, provide recommendations for further training for the original Officer involved. A recommendation was also made, and followed up, to re-open the original complaint.

R reported feeling believed and supported through this process. She has begun to reintegrate herself into activities outside of her home and is attending BRISSC support groups.

Unfortunately, during the reinvestigation and second interview with the Police, (two officers interviewed her, one female, one male) R shared, when asked, that she had five drinks, she was further asked about having gone into the city to drink alone. Questions like "Is it usual for you to go into town without other friends or people?" "How much did you

have to drink?"; and a comment from the female police officer, "If I drank that much I'd be on my ass". This investigation was also closed and has left R feeling like there is little to be gained from reporting to Police and that the Officers on the frontline do not have insight into victim blaming behaviours or the effects of sexual violence.

BRISSC has identified that the process of complaint via Police and/or Victim Assist Queensland has generated opportunities to learn from lessons on how to resource and better support victim of SV, not only at individual and organisational level but also as whole-of-system approach/level, as well.

BRISSC anticipates the development of the role of the Sexual Violence Liaison Officer recently created by QPS as a great opportunity to strengthen communication with police and work towards improving victims of sexual violence access to justice in Queensland.

Another relevant best practice identified as part of the Sexual Assault Sector Community is the relationship police has with Gold Coast CASV, and the MoU with police that looks at the sexual assault organisation roles and responsibilities, and QPS roles and responsibilities as well. The MoU has brought opportunity to allow effective communication channels between the sexual assault service and police by establishing regular meetings, with other local organisations. These relationship allows communication and the identification of issues raised by victims and the identification of early intervention solutions (Australian Centre for the study of sexual assault, 2010).

Other examples of current and effective channels of communication between police and Sexual Assault Services on behalf of women victims/survivors:

BRISSC values opportunities that enable us to connect with police as a way to address barriers, advocate the concerns of victim/survivors and influence cultural change, such as:

- Brisbane Regional Interagency meetings – organised by SART where NGO Sexual Assault Services increase understanding of current policy issues, and enables effective communication with officers in the Sex Crimes Taskforce; DPP office; forensic unit; work on project together / policy reform like Protocols.
- Indigenous, community and police interagency group held at Zillmere.
 - Discussion of local concerns, raise systemic issues, and discuss reform.

These opportunities are rare for NGO's in the sexual assault support sector.

Some recommendations: Re-imagining better responses from the community and justice system

Through the process of discussion, BRISSC worked with victims/survivors to re-imagine better responses and outcomes from the community and the justice system.

Victims/survivors shared experiences, hopes, and expectations and outlined a new story of

justice. We have included two type of responses, because we believe that police responses intersect with current community attitudes and vice versa:

Police responses:

- Consistent information for survivors of sexual violence is accurately communicated and promoted at all levels of the Police.
- The Charter of Victims' Rights is effectively communicated and integrated in practice.
- Investigations are held in a reasonable timeline.
- Victims are informed about procedures for investigating.
- Police response is trauma-informed in responding to sexual violence, particularly at first time disclosing.
- Police response does not reproduce racism and stigmatization of First Nation's, LGBTIQ, and people of CALD.
- There is consistent guidance and advocacy for survivors.
- Mental health of survivors is not used against them before, while disclosing/reporting and/or during court proceedings.
- Women are not discouraged to report sexual violence.

Community responses:

- Community validate victims' stories, and value the dignity of survivors.
 - Community support and acknowledge victims' experiences, struggles and acts of resistance.
 - Community is informed and educated.
 - Community has an active role in preventing sexual violence in all sectors of society, including schools, church, universities, and NGO's.
 - There are protocols for media to report about sexual violence.
 - Victims' rights and support for survivors are promoted in the community.
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