



QUEENSLAND POLICE SERVICE SUBMISSION TO THE WOMEN'S SAFETY AND JUSTICE TASKFORCE

Discussion Paper 2: Women and girls' experience of the
criminal justice system (proposed focus areas)

1. INTRODUCTION

The Queensland Police Service (QPS) welcomes the opportunity to provide this submission to the Women's Safety and Justice Taskforce (the Taskforce) with respect to Discussion Paper 2: *Women and girls' experience of the criminal justice system (proposed focus areas)* (Discussion Paper 2).

The QPS notes the content within its previous submission to the Taskforce with respect to Discussion Paper 1: *Options for legislating against coercive control and the creation of a standalone domestic violence offence* (Discussion Paper 1) may also be relevant to issues raised in this paper.

The prevalence of crimes committed against women and girls is glaring and confronting and provides a compelling basis for evidence-based change across the criminal justice system to more effectively protect women and girls. The evidence is clear, women are disproportionately experiencing harm and suffering as victims of domestic and family violence (DFV) and sexual abuse:

- 76% of domestic violence orders (DVO) protect a female aggrieved;¹
- 74% of QPS QPRIME computer system recorded occurrences currently identify a female as an aggrieved person;
- 86.8% of DVO breaches are committed by a male respondent²;
- 76.8% of victims of intimate partner homicide were female³.

Over a five-year period, between 2015 to 2020 there were 28,762 sexual assault offences reported to police in Queensland. Of those sexual assault offences:

- 82% of victims were female;
- the average age of victims of sexual assault offences was 19.3 years; and
- 22% of victims were of Aboriginal or Torres Strait Islander background.

The QPS continues to improve how it responds to allegations of DFV and sexual offences, particularly following the release of the (then) Crime and Misconduct Commission 2003 report *Seeking justice: an inquiry into the handling of sexual offences by the Queensland criminal justice system*⁴ (Seeking Justice report) and the *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland (Not Now, Not Ever)* report in 2015. Many of the interventions implemented since these reports which are aimed at preventing offending, improving the policing response, including enhancing attitudes both within policing and the community, are outlined within this submission.

In order to achieve positive transformational change, it is imperative we make ending abuse against women and girls everyone's responsibility. This includes the community, employers, health services, the judiciary, police and support services. We all have an important and enduring role to play.

The QPS provides a commitment to strive towards delivering a victim-centric and trauma-informed response to DFV and sexual abuse, to enhance the protection of our community, strengthen public confidence and build on Queensland and National responses to these heinous crimes. QPS members play an important role within the DFV and sexual abuse response but are nonetheless only one part of a broader integrated service system. Holistic, whole-of-government and community solutions are required to provide long-term, systemic and sustainable reforms and effective outcomes.

Positively, despite an increase in the number of reported sexual assault offences over the last five-year period, the proportion of withdrawn and unfounded matters is reducing exponentially (see Figure 1⁵). QPRIME data reveals the proportion of sexual assault offences recorded as being withdrawn or unfounded (where the victim was 16 years or older) has decreased from 46% in 2016 to 35% in 2020, with a steady decline of around four percent each year during this period. In the same period, sexual

¹ Queensland Courts Data 2021, available at <https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>.

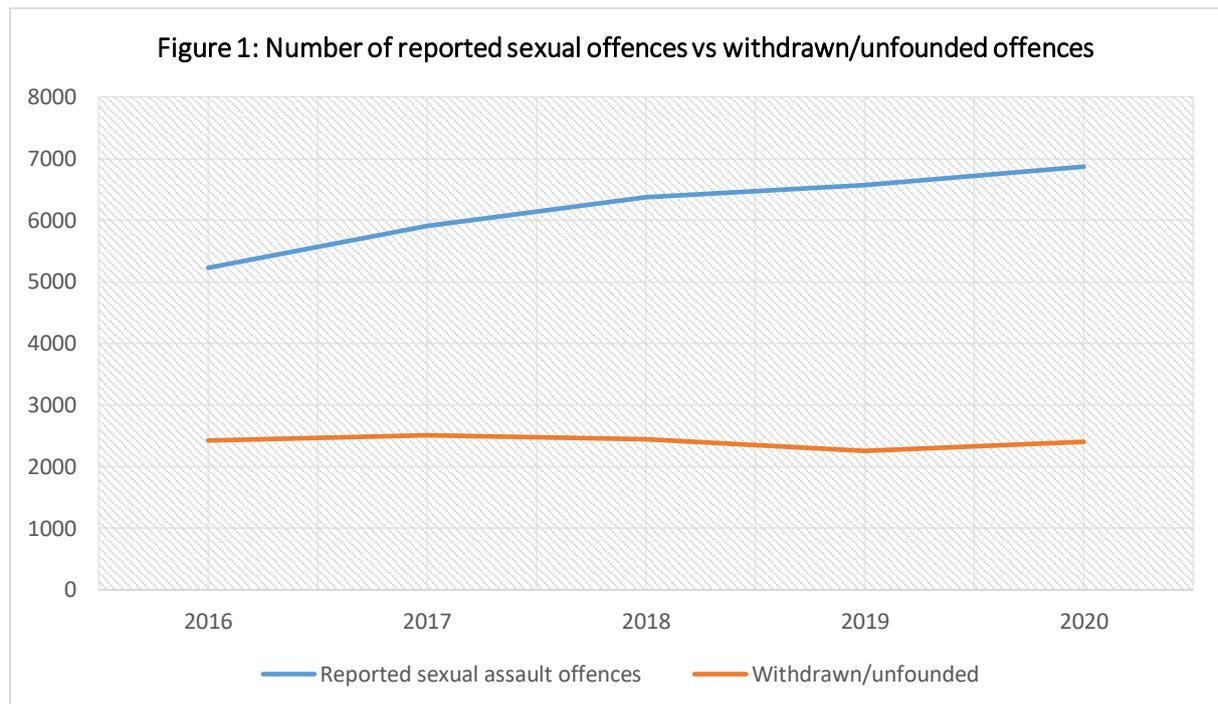
² Queensland Government Statistician's Office report 2021

³ Queensland Death Review Advisory Board Annual Report 2019/20, available at <https://www.courts.qld.gov.au/__data/assets/pdf_file/0008/663632/domestic-and-family-violence-death-review-and-advisory-board-annual-report-2019-20.pdf>

⁴ Crime and Misconduct Commission, 'Seeking Justice. An Inquiry into how sexual offences are handled by the criminal justice system' (2003) <<https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Sexual-offence-matters/Seeking-justice-Report-2003.pdf>>

⁵ Figure 1 refers to QPRIME data for victims aged 16 years or older.

assault offences reported to the QPS (where the victim was 16 years or older) increased by 31%, averaging a seven percent increase each year.⁶



The causal reasons for this decline are difficult to specify with any exactness, but may be attributable to improved police and court practices, legislative changes, improved public awareness, and the effects of significant inquiries such as *Not Now, Not Ever* and the Royal Commission into Institutional Responses to Child Sexual Abuse.

Although this decline in withdrawn and unfounded matters is positive, the QPS acknowledges that a significant proportion of both DFV and sexual abuse continues to remain unreported to police⁷ and there is the need for continuous improvement. Practices, policies, laws, attitudes and cultures must continue to evolve and reflect the expectations of the Queensland community. Through greater confidence in police and criminal justice system, we are able to hold more perpetrators accountable via the courts and sufficiently resourced and evaluated rehabilitative programs.

Many of the significant issues identified in Discussion Paper 2 have previously been examined in detail via a range of discrete State and National review and/or inquiries. For example, *Prevent. Support. Believe. Queensland's Framework to address Sexual Violence* (Sexual Violence Framework) has already acknowledged the need to create cultural change across communities. In addition to implementing the recommendations of the *Seeking Justice* report, the QPS is also implementing actions and recommendations derived from numerous government strategies, action plans and other inquiries. Given the finite time the Taskforce has to examine the matters within its terms of reference, the QPS maintains there is inherent value in examining, 'what works, what's promising and what doesn't'⁸ in terms of the prevention and response to DFV and sexual abuse within the context of the various recommendations posited within recent reviews and inquiries.

The QPS concurs with the following statement contained within the Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (United Kingdom), 'Interim Report: Inspection into how effectively the police engage with women and girls', there '*needs to be a seamless approach across the criminal justice system to make sure that the best support is in place for the victim; investigations are*

⁶ 'Sexual offences' is defined for these statistics as all sexual offence codes under 'sexual offences' except online report (sexual assault), indecent treatment of children, and unlawful carnal knowledge.

⁷ Australian Bureau of Statistics' 2016 Personal Safety Survey (PSS) estimates that 87% of sexual assaults are never reported to the police

⁸ Sherman, L, Gottfredson, D, MacKenzie, D, Eck, J, Reuter, P, Bushway, S (1998), Preventing Crime: What Works, What Doesn't, What's Promising. Research in Brief. National Institute of Justice.

*timely and robust, and strong cases are built; and the perpetrator is brought to justice.*⁹ However, this report also relevantly highlights, the criminal justice system alone cannot solve everything.¹⁰

To achieve a whole-of-system approach aimed at reducing and preventing crimes which disproportionately impact women and girls we must hear and learn from victims and survivors. We must also obtain insights from the many dedicated and experienced professionals at the frontline who have the ability and unwavering desire to change the lives of women and girls for the better.

2. CROSS-CUTTING ISSUES

The QPS welcomes the Taskforce's commitment to considering the wide array of 'cross-cutting issues' which apply across the themes of Discussion Paper 2. The issues listed by the Taskforce, which are neither exhaustive nor mutually exclusive, are undoubtedly complex.

Other factors such as socio-economic status, age, employment status, immigration status, care-giving responsibilities and previous involvement with the legal system (e.g. criminal justice, child safety, family law, and domestic and family violence) are also salient considerations. Significantly, the imperative of providing holistic responses to vulnerable cohorts, including First Nations, CALD, LGBTQIA+ and women with disability, is the role and responsibility of all government agencies, irrespective of whether an individual enters the system as an alleged offender or victim of crime.

When examining the nature and culture of the criminal justice system and alternative justice models, the QPS maintains there are benefits in the Taskforce also examining alternative models and pathways of reporting criminal offending, including whether a criminal justice response is in fact always the most effective remedy. The systems, laws, policies, practices and processes that underpin the criminal justice system need to be responsive and inclusive to the needs of all members of our communities.

When considering protecting and promoting human rights and the need to achieve just outcomes, the QPS proposes the Taskforce should also consider the right of recognition and equality before the law and the interplay of this right and the availability of government services, including the provision of justice services, in areas outside of urban centres.

3. WOMEN AND GIRLS' EXPERIENCE OF THE CRIMINAL JUSTICE SYSTEM AS VICTIM-SURVIVORS

As Discussion Paper 2 highlights, women and girls' experiences in the criminal justice system are significantly different to the experiences of men and boys. In acknowledging that women and girls are significantly overrepresented as victims of sexual offences, and the actual or perceived barriers for victims to report sexual offences, the QPS emphatically supports the Taskforce focusing on sexual offending against women and girls. The QPS highlights the 2014 *Queensland Government Interagency Guidelines for Responding to People who have Experienced Sexual Assault* (Interagency Guidelines) and submits there is also utility in the Taskforce undertaking a review of these guidelines.

The QPS notes victim experiences may be shaped by the ability of police, within the parameters of the law, to identify and gather sufficient and admissible evidence to satisfy the elements of an offence. In the prosecution of criminal offences, the prosecuting authority must particularise the legal elements of the relevant offence, so an accused is aware of, and is able to respond to the case against them. The decision to prosecute must be considered against relevant and admissible evidence, prevailing laws and the Director of Public Prosecutions' Guidelines.

Theme 1: Community understanding of sexual offending and barriers to reporting

Community understanding of sexual offending

The need for cultural and attitudinal change within the community has been identified and is documented in the *Sexual Violence Framework* and the *Domestic and Family Violence Prevention*

⁹ Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, 'Interim Report: Inspection into how effectively the police engage with women and girls' (2021) p 2.

¹⁰ Ibid.

Strategy 2016-2026. Changing community attitudes and culture, as well as individual and organisational understanding of sexual assault, is necessary to address the perpetuation of rape myths.¹¹

The QPS considers the threshold question, of whether there is an identified need for cultural and attitudinal change across all sectors of society, has been in many respects answered. Alternatively, the QPS observed greater benefits in the Taskforce identifying best practice for effecting the identified need for change and whether current strategies and actions meet this standard. Equally, the QPS observes merit in the Taskforce examining ongoing initiatives by all government departments with a mandated responsibility to address these issues.

Similarly, the question of whether the attitudes and beliefs of employees will influence an organisation's or profession's culture would seem to have also been answered in the affirmative, by many contemporary government-initiated reviews and empirical research. The desire and need for enhanced culture towards DFV and sexual abuse is not only applicable for police, the legal profession and judicial officers, but also for medical professionals, counsellors and other support service providers who come into contact with victims. Targeted assessment and mapping of these distinct cultures are required in order to identify strategies to build and sustain professional and resilient cultures, aligned to community expectations.

Discussion Paper 2 identified the Queensland Government is examining whether existing education adequately addresses sexual consent and reporting. The QPS observes benefits in the Taskforce considering the existing sexual and reproductive health curriculum delivered to children and young people within our education system. It also supports the Taskforce examining whether education about sexual consent and reporting is needed in demographics outside of school-aged children and what form this could take. The 'unacceptable culture of normalised sexual violence amongst Australian teenagers' identified in Discussion Paper 2 provides a mandate for a broader focus to deliver and sustain attitudinal and behaviour change.

Factors influencing current community attitudes and beliefs, such as online pornography, should form part of any educational efforts, informed by an analysis of cultural contexts, gender role stereotypes and incorrect beliefs about sexual assault. Focusing on one particular factor, without rigorous justification, could result in simplistic responses.

In addition to action on organisational culture, concerted effort to improve community attitudes and beliefs may assist the progress of victims' cases through discretionary phases of the criminal justice system and reduce attrition. Concomitantly, considerations of the likelihood of securing a conviction are influenced by the assumptions of decision-makers about the beliefs of the wider community, including juries.¹²

While Discussion Paper 2 identifies dating apps as an emerging facilitator of offending, the growth in such emerging technologies is also influencing attitudes and behaviours and will therefore require targeted attention. The QPS is continuing its efforts to develop a strategic partnership with the international parent company for major dating apps, as well as other policing jurisdictions, to devise nuanced approaches to reach and deliver collaborative and positive messaging about safe and healthy sexual attitudes and behaviours, promoting safety among these online communities. This strategy is specifically designed to move with societal norms and continue to reinforce consistent awareness, safety and prevention messaging in a mode and language relevant to our communities.

Actual or perceived barriers to reporting

The QPS supports the Taskforce examining actual or perceived barriers to reporting and actions to overcome these, including the examination of alternative reporting options. The QPS has utilised alternative reporting options for sexual offences over many years. The QPS welcomes Taskforce examination of best practice alternative reporting options to inform future QPS developments in enhancing victim experiences and outcomes.

The QPS acknowledges its important role as a gateway for victims into the criminal justice system. The QPS also highlights the influence third parties can assume in a victim/survivor's decision to report to

¹¹ Wall, L. and Tarczon, C., 'True or false? The contested terrain of false allegations' (2013) Australian Institute of Family Studies, p 11.

¹² Ibid p 3.

police and/or participate in the criminal justice system, as acknowledged by the Taskforce when it notes: '[community-based sexual violence support services] can also support victims to make an informed decision about reporting a matter to police'.

The frequency in which preliminary complaint evidence is relied upon in sexual offence investigations reinforces this conclusion. Given the known effects of traumatic events upon victims, including DFV victims, QPS suggests that the Taskforce could consider the examination of extending the admissibility of preliminary complaint evidence to also capture DFV related offences.

Barriers may also be borne out of actual or perceived actions and potential reactions linked to other departments; for example, government child protection policies and practises influencing fears about having children removed if reporting violence. Accordingly, it is submitted the Taskforce should holistically consider barriers to reporting.

Alternative Reporting Options

In 2003, the *Seeking Justice* report identified difficulties surrounding the criminal prosecution of sexual offences necessitated the consideration of alternative pathways of victim redress other than just the criminal justice system.

In 2007, the QPS' Sexual Crime Unit (SCU), in response to that report, implemented Project USA (Unreported Sexual Assault) in partnership with community sexual assault support services. This project gave victims of sexual assault reporting options other than a formal complaint to police. It involved posting a package to sexual assault services, containing a form for completion by victims of sexual assault identifying details of the crime and return via post to the SCU.

In 2009, Project USA was expanded and renamed Project ARO (Alternative Reporting Options) and socialised with various non-government organisations and advocacy groups. Electronic forms were developed, and victims of sexual violence were able to access the forms via the QPS public facing webpage¹³.

During this time, the QPS ran a community information campaign with information about reporting options, support services and the court process under the banner of 'adult sexual assault'. A QPS 'adult sexual assault' website was created along with information distributed to the community and police stations. Broad communication with adult sexual assault services promoting the campaign also occurred.

In 2018, as a result of community consultation and recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse, the SCU commenced consultation with Policelink to develop online reporting for complaints of adult sexual assault. During consultation with Policelink it was identified that ARO could also be implemented by Policelink into a fully online reporting system. The development of a refreshed ARO form went live on 25 August 2020, alongside the online sexual assault reporting form.

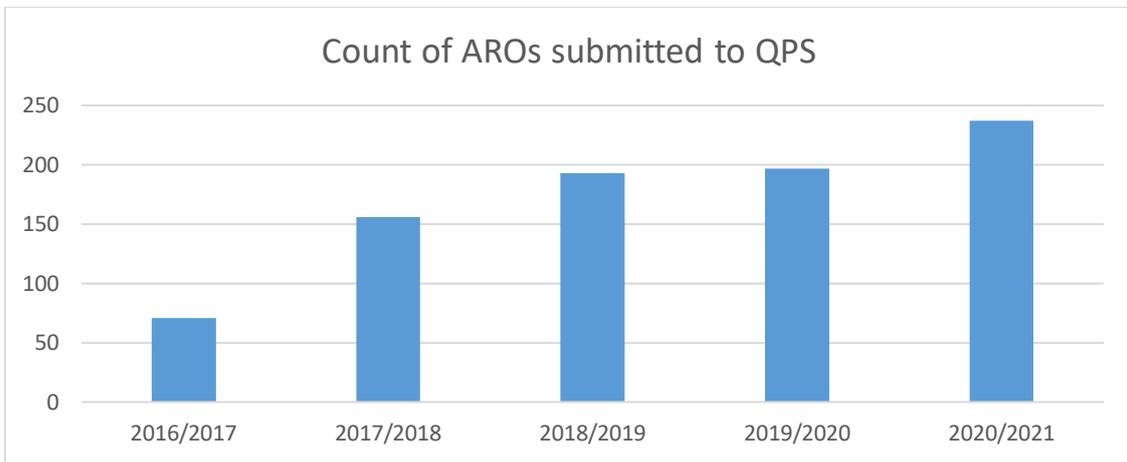
The alternative online reporting option developed by the QPS is an important avenue for victims of sexual assault to anonymously report offences. It allows police to gather crucial intelligence on sexual violence, which is used by specialist investigators in conjunction with behavioural analysts to match information to proactively identify patterns of offending, including serial offending. Since going live on 25 August 2020, the QPS has received 219 ARO reports¹⁴. As a result of the received ARO reports, 17 reports have been formally investigated at the request of the complainant.

As detailed in Figure 2¹⁵ below, ARO reports have continued to increase over the last five-year period.

¹³www.police.qld.gov.au

¹⁴Data provided as of 1 July 2021

¹⁵ Figure 2 refers to ARO data.



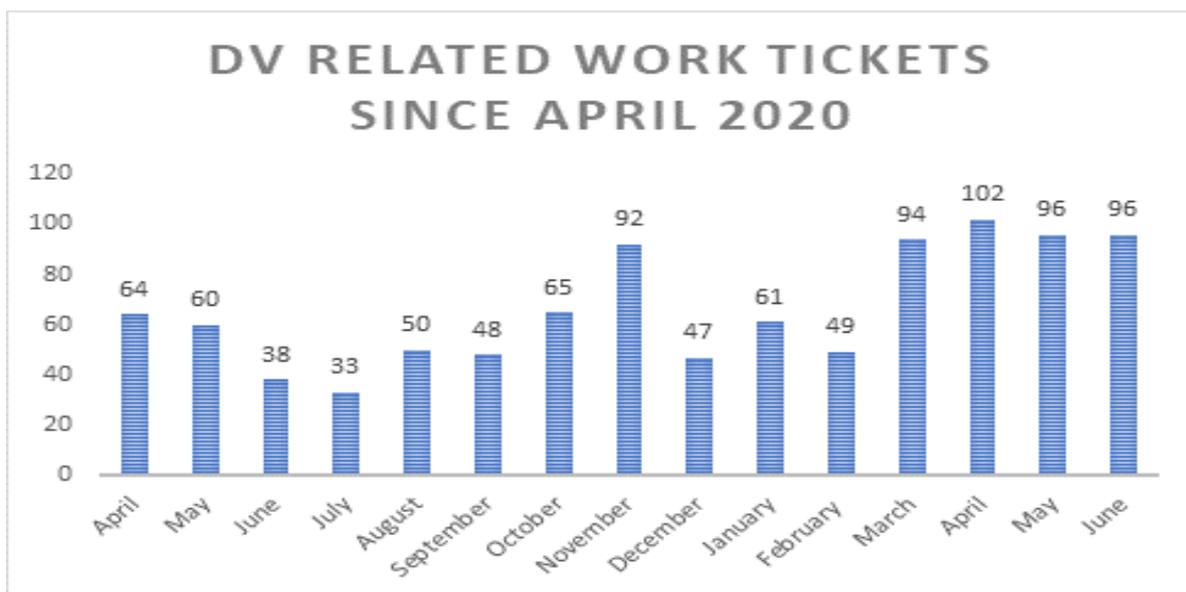
'Disclaimer – these figures are not official Service statistics. Official Police Service statistics are released only through Research and Analytics, Organisational Capability Command after available data is collected, classified and collated in accordance with nationally accepted rules.'

Online reporting of Domestic and Family Violence (DFV)

During March 2020, the QPS observed an initial decline in police and private applications for DVOs and reported breaches of DVOs, in contrast to the reported rise in demand being experienced by DFV support services. Quarantine and self-isolation presented a significant barrier for victims to report DFV to police.

In consultation with the QPS Executive and Policelink, the QPS State Domestic, Family Violence and Vulnerable Persons Unit delivered two alternative reporting options for DFV through the development of a DFV online portal and a DFV SMS registration for vulnerable victims of DFV. The online portal, which went live on 3 April 2020, provides an avenue for a victim to request non-urgent contact with the QPS. Its design allows victims and survivors of DFV to discreetly provide their reason for making contact, their preferred contact method and an option to request a specific police officer who may already be familiar with them (e.g. existing or previous investigation or case under management). The portal has a quick exit button which allows users to instantly close the website.

Figure 3¹⁶ below details the online reports assessed as DFV-related and requiring a work ticket¹⁷ to be created and sent to Police Communications Centre for an operational crew to attend and investigate.



'Disclaimer – these figures are not official Service statistics. Official Police Service statistics are released only through Research and Analytics, Organisational Capability Command after available data is collected, classified and collated in accordance with nationally accepted rules.'

¹⁶ Figure 3 refers to DFV online reports requiring a work ticket.

¹⁷ A work ticket occurs where an online report was reviewed and assessed by Policelink, determining it to be a domestic violence incident and requiring an operational crew to attend and investigate.

Media

The QPS Media Unit and the Child Abuse and Sexual Crime Group (CASCG) are presently drafting a communication strategy, which includes external media and communication. This has been developed to provide information and resources to the community in relation to:

- increase community awareness of sexual violence and its underreporting;
- encourage more victims to come forward by highlighting the choices available to them, including the traditional and alternative reporting options available;
- highlight how the QPS is taking meaningful action to better meet the needs of victims;
- raise awareness of the QPS' role in responding to sexual violence, including how the QPS supports and assists victims and collaborates with partners.

Theme 2: Police response, investigation and charging of sexual offences

Police responses, investigation and decisions to charge

The Interagency Guidelines outline key principles and a best practice framework for working with people who have experienced sexual assault. The QPS notes this framework has not been updated since 2014 and contends there is value in the Taskforce examining whether it is still fit for purpose.

The guidelines stipulate that the QPS has three main functions in relation to sexual assault cases, that is to:

1. investigate complaints of sexual assault and establish whether an offence of sexual assault has been committed;
2. protect victims of sexual assault; and
3. identify, apprehend and prosecute offenders.

The QPS submits its role is broader than this. Police assume a critical role for victims during a highly traumatic time, often within an unfamiliar criminal justice system, including:

- **Identify** – Provide avenues for victims to report sexual violence;
- **Investigate** – Investigate allegations, gather evidence, identify the suspect/offender;
- **Protect** – Protect the victim from further harm;
- **Prosecute** – Prosecute the offender;
- **Support** – Support the victim through the investigation and court process, refer victim to appropriate external support services, keep the victim informed, provide safety advice as appropriate;
- **Educate** – Deliver community education and awareness campaigns, as well as inform and promote partner agency information and education campaigns;
- **Prevent** – Leverage intelligence and research to promote primary, secondary and tertiary prevention messages and strategies to promote community safety; and
- **Disrupt** – Develop targeted strategies to interrupt facilitators of crime and/or patterns in offending to promote the safety of identifiable populations in defined situations and/or at risk of victimisation.

All reports of offending will result in some form of police action. Police action is a broad descriptor and should be used in the context of an investigation rather than the final outcome. The QPS appreciates this terminology is used in publications outside of Discussion Paper 2; however, it does not acknowledge the investigative efforts of police to inform decisions about whether to proceed with charges.

There are a multitude of factors which influence whether an individual is charged. The QPS decision to prefer charges represents one factor, which is based on legal and policy considerations, including the sufficiency of evidence and public interest tests. The QPS also notes research is currently underway regarding the way police and prosecutors make decisions about the prosecution of child sexual assault.¹⁸

¹⁸ Australian Research Council, Threshold Decisions in Determining Whether to Prosecute Child Sexual Abuse <<https://dataportal.arc.gov.au/NCGP/Web/Grant/Grant/DP160103688>>. Accessed 15 July 2021.

The QPS welcomes consideration of the variety of valid reasons why complainants withdraw from making a criminal complaint, and what could be done to improve the experiences of women and girls and reduce the number of withdrawals, including why matters may progress past the QPS (i.e. through committal stage) but subsequently do not proceed any further (i.e. to trial or sentence) after reaching the Office of the Director of Public Prosecutions. The QPS is concerned limited examination of this complex issue, which frequently has been based upon a range of intersecting reasons, has the potential to lead to non-evidence-based recommendations. Factors influencing system and victim decision making are multi-faceted, and a systematic and broad examination including through in-depth quantitative analysis and qualitative interviews with victims and survivors, as well as frontline professionals, should be undertaken.

Discussion Paper 2 is silent on the methodology which will be used by the Taskforce to examine the 'actions and attitudes' of police during the investigation process. The QPS is highly supportive and welcomes such an important examination, though is concerned an over-reliance on small sample unstructured qualitative evidence is unlikely to support statistically reliable and whole of community reflective findings. The usefulness of anecdotal evidence will be influenced by factors such as the date on which the interaction with police occurred, the location in which the interaction occurred and the relevant legislative framework in which any police action could be made. A methodologically robust approach is required to ensure valid and reliable conclusions can be drawn. Importantly, contextual factors also need consideration, as police actions will be influenced by many and varied factors linked to investigative, prosecutorial and forensic requirements.

An example of empirically based research which all Australian policing jurisdictions contribute to and are measured is the *National Survey of Community Satisfaction with Policing*¹⁹ (NSCSP) as part of the Australian New Zealand Policing Advisory Agency. The NSCSP is a key source of performance information on topics including public satisfaction with police services and perceptions of police.

Figure 4: NSCSP survey results

NSCSP Questions	Queensland					Australia
	2016-17	2017-18	2018-19	2019-20	2020-21	2020-21
Satisfied in general with police	78.5%	80.3%	81.4%	80.9%	82.4%	80.7%
Police are professional	87.2%	86.1%	87.1%	86.0%	87.7%	85.5%
Police treat people fairly and equally	75.0%	75.8%	74.5%	71.8%	72.9%	68.5%
Police are honest	76.0%	75.0%	74.0%	73.0%	72.7%	70.7%
Satisfied with most recent contact with police	86.2%	83.8%	84.5%	81.7%	82.5%	81.9%
Satisfied with police response to emergencies and disasters	84.8%	82.6%	83.5%	85.5%	83.8%	83.0%

The QPS is attuned to the concerns of the communities it serves and is committed to continuously improving its service delivery and approaches towards repeat victimisation. The Queensland Crime Harm Index (QCHI) pioneered by the QPS in partnership with Griffith University, is an example of this ongoing commitment. The QCHI is utilised in strategic and operational assessments on and/or related to sexual offending areas along with other variables to inform decision making and build situational awareness.

¹⁹ National Survey of Community Satisfaction with Policing

The QPS further highlights to the Taskforce activities already underway to address some of the issues identified in Discussion Paper 2. For example, the QPS has commenced implementation of all QPS specific recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse Criminal Justice Report:

- Recommendations 3, 7, 9, 12 and 13 relate to the development and delivery of specialist training (as mentioned below) which is being rolled-out from August 2021;
- Recommendations 4, 5 and 6 were addressed through the implementation of the online sexual assault reporting form; and
- Recommendations 10, 14 and 15 relate to police practice and policies, with 10 and 15 being complete and 14 commenced and due to be completed in 2021.

The QPS Sexual Violence Prevention Working Group, composed of senior representatives from each police Region and Command, has also been established to:

- identify and share information in relation to place-based responses to sexual violence;
- coordinate QPS responses to sexual violence, including by reducing duplication of effort across regions and districts; and
- implement and champion cultural change within the QPS in responding to sexual violence.

The working group supports the implementation of the QPS Prevention Together Strategy, which encompasses three key pillars of victimology, engagement and evidence-based intervention as foundational pieces to the QPS service delivery model. This strategy is led by the QPS Communications, Culture and Engagement Division.

Sexual Violence Framework

The Sexual Violence Framework outlines the Queensland Government's approach to preventing and responding to sexual violence by setting priorities for action that will guide responses to sexual violence. It identified three priority areas: prevention; support and healing; and accountability and justice.

The QPS has responsibility for three action items under priority three (accountability and justice):

1. to develop an online reporting form to provide another avenue for victims of sexual assault to make reports to police;
2. to provide victim-centric and trauma-informed training to all police officers; and
3. to conduct a pilot program of a dedicated Sexual Violence Liaison Officer (SVLO) within the Townsville District, and to conduct a comprehensive evaluation to determine the feasibility of the model and resourcing needs for expansion across all districts. Logan District was also added as a trial site during implementation.

The QPS will deliver new and updated victim-centric and trauma-informed training products to members of the service from August 2021, to improve the QPS response to victims of sexual violence at all levels. This training package has been developed in partnership with the University of Queensland and aligns with the 'start by believing' philosophy, as noted in Discussion Paper 2 (at page 16).

The QPS is on track to launch two new online learning products in 2021, namely:

- Child Sexual Abuse Fundamentals Education (CSAFE), directed at all police officers from the rank of Constable to Inspector and Counter Service Officers and addresses:
 - Understanding institutional child sexual abuse;
 - Understanding trauma;
 - Survivors from diverse backgrounds (Aboriginal and Torres Strait Islander survivors; Culturally and Linguistically Diverse survivors, survivors with disability);
 - Child development;
 - Being effective communicators (how to take a disclosure).
- Generalist investigators training – child sexual abuse, sexual violence, and domestic and family violence, directed at generalist investigators and covering:
 - Biases and decision-making;
 - Myths and misperceptions of child sexual abuse, sexual violence, and domestic and family violence;
 - Trauma and complex trauma;

- Vicarious trauma and self-care.

The QPS currently operates specialist training for investigators, including:

- Child Protection and Youth Justice Specialist Investigator's (CPYJ) Course;
- Interviewing Children and Recording Evidence (ICARE) Course;
- Investigating Sexual Assault – Corroborating and Understanding Relationship Evidence (ISACURE) Course;
- Fundamentals of Child Interviewing Skills (FoCIS) Course;
- QPS Investigative Interviewing Course.

The CPYJ and ICARE courses will be updated in 2022 to ensure they continue to meet best practice in line with the recommendations of the Royal Commission.

An evaluation of the ISACURE course identified that as a result of the training, it significantly changed investigators' knowledge and perceptions of their role and approach to victims of sexual assault, leading to improved investigative practices. Investigations undertaken by members who had completed the ISACURE course, compared to investigations by members who had not completed the course, achieved significantly greater proportions of solved sexual offences, significantly lower unfounded sexual offences and significantly reduced withdrawals (for rape and attempted rape).

QPS strategy to respond to sexual violence

The QPS is currently developing a new strategy to guide the QPS response to sexual violence. The strategy aligns with the *QPS Strategic Plan 2021-2025* and the Sexual Violence Framework.

The underpinning principle of the strategy is that 'together we prevent, disrupt, respond and investigate sexual violence by putting victims first and holding perpetrators accountable.' Its vision is 'a victim-centric and trauma-informed sexual violence response that protects the community, strengthens public confidence, and contributes to the Queensland and National Integrated action plan.'

To achieve this, the strategy has four priorities:

1. Advance our people – advance our workforce toward a victim-centric, trauma-informed approach when responding to sexual violence;
2. Enhance our response – enhance our capability to prevent, disrupt, respond and investigate sexual violence in Queensland;
3. Empower our community – empower the Queensland community and reduce community harm through proactive engagement and education, and promoting access to victim support services; and
4. Maximise our relationships – maximise partnerships with government and non-government agencies, and academia to achieve our vision.

The four strategic priorities and their relevant strategies establish a coordinated framework for the QPS to advance improvements in its response to victims and survivors of sexual assault and violence.

Sexual Assault Response Team (SART)

The Townsville Sexual Assault Response Team (SART) is comprised of a multidisciplinary, specialised team of stakeholders from four agencies, all of which respond directly with victims upon a report of sexual assault on a 24/7 basis. The SART representatives are the:

- Sexual Assault Support Service (SASS) by The Women's Centre;
- QPS, Townsville Child Abuse and Sexual Crime Unit (expanded unit for the duration of trial);
- Queensland Health Clinical Forensic Medicine Unit (CFMU); and
- Townsville Hospital and Health Service (HHS).

SART resulted from a Queensland government funded two-year trial (2017-2019) for the North Queensland Combined Women's Centre (the Women's Centre). The aim of the trial was:

'to work in partnership with QPS Sexual Crimes Unit, Townsville HHS and CFMU to deliver a coordinated Townsville SART trial. The SART model will consist of sexual assault support counsellors providing on-call responses 24 hours per day and delivering outreach to victims

affected by sexual violence as soon as it occurs, including supporting victims aged 15 years and over through the process of forensic examinations and reporting to police.²⁰

The Townsville SART provides 24-hour interagency victim-centred and trauma-informed response for sexual assaults including ongoing information and victim support. As a part of developing a more trauma-informed response to victims, rape complaints cannot formally be withdrawn within 14 days (unless extraordinary circumstances exist and are approved by a supervisor).

A review of the Townsville SART initiative revealed victim consent for forensic examinations increased substantially due to the integrated response received at the hospital (i.e. minimal waiting times). There was also increased reporting of sexual assaults to QPS and fewer withdrawn complaints. Victims conveyed a high level of approval for the SART response, including staying informed, being fairly treated, being respected (heard and believed), timeliness, having their own choices about the services they received, and having the right support to help in their recovery.

The evaluation of the two-year trial found the Townsville SART response reflected best practice principles for responding to sexual assault, as it:

- is victim-centred, violence and trauma-informed;
- focuses on integrated care and wraparound support;
- enables choice and empowerment of the victim;
- provides information and support at the earliest opportunity, and continues that support based on victim needs;
- delivers a 24/7 response through partner agencies working within clear, streamlined pathways;
- has in place governance structures, protocols and procedures;
- is composed of partner agencies who are specialists in their area who have clarity around their respective roles and responsibilities;
- obviates the victim having to navigate the system: the relevant agencies go to where the victim is and work in partnership to avoid the victim re-telling their story;
- offers information, practical and emotional support during the initial engagement, with ongoing support available.

The SART model is still active in Townsville and the QPS responsibility lies with the Officer in Charge (OIC) of the Criminal Investigation Branch (CIB). The SART model functions effectively and continues to be driven by the SASS and is supported by Queensland Health (QH) and QPS.

The QPS would welcome consideration of the transferability of this model to other parts of Queensland by the Taskforce.

Sexual Violence Liaison Officers

In 2020, the QPS conducted a 12-month trial of dedicated Sexual Violence Liaison Officers (SVLOs) in the Townsville and Logan Districts as part of the implementation of the Sexual Violence Framework.

As the Townsville District had existing multi-agency processes set up to respond to sexual violence through the SART initiative, Logan District was added as a trial site for comparison.

The SVLO trial sought to ensure the QPS provided a victim-centric response to victims of sexual violence, built and maintained relationships with SASSs to identify and address issues, and accurately and consistently communicated with victims.

It was decided the SVLO would be a 'role' rather than a position, therefore, the OIC of the CIB or the Child Protection Investigation Unit was designated as the SVLO.

The functions of the SVLO during the trial were to:

- establish procedures to ensure first responders and station counter staff immediately referred reports of sexual assault to the SVLO to facilitate appropriately trained investigators to engage with the victim at the earliest opportunity to provide advice, take complaints and conduct any investigations of allegations of sexual assault;

²⁰ Lovatt, H., McDermott, L., Honorato, B., 'Evaluation of the North Queensland Combined Women's Service Sexual Assault Response Team Trial: Final Report' (2019).

- ensure compliance with the QPS Operational Procedures Manual, the Charter of Victims' Rights and the *Human Rights Act 2019* in relation to meeting QPS responsibilities to victims;
- monitor and apply specific timeframes for obtaining withdrawals from victims. This included specific assessments if matters were being withdrawn in shorter timeframes;
- to facilitate appropriate training, mentoring and support to frontline Client Service Officers, general duties police and investigating officers to deliver a victim-centric, trauma informed response to sexual assault victims;
- provide consistent points of contact for victims of sexual assault and sexual assault support services to deliver timely and accurate information, and address concerns or issues as they arose. This included the SVLO contacting victims themselves in addition to normal contact by the investigating officer;
- build relationships and maintain proactive engagement with non-government organisations and SASSs to improve the level of satisfaction with police and the QPS responses provided to victims of sexual assault; and
- enhance referrals to SASSs.

The SVLO trial evaluation identified there was an increase of reported sexual violence occurrences and a decrease of withdrawn and unfounded occurrences in both trial sites. The evaluation also reported that the SVLO trial improved perceptions of the QPS response to victims and enhanced the already developing relationship between QPS and the SASS in Logan. There was no evidence it had an impact in Townsville, which may be attributed to the existing SART model.

In Logan, where no previous model existed, the SVLO trial improved contact with victims at the initial point of contact. Following SART implementation in Townsville, a 24/7 mobile number was used for sexual assault complaints where no relevant investigator was available upon receipt of the report. Following initial implementation issues in determining a similar process, Logan utilised the existing OIC on-call phone number, which was found to be effective in addressing some issues previously raised by victims upon reporting to police. Logan District also embedded a process where, following a report of a sexual assault, the investigator was the first contact with the victim. This was positively received, as it reduced the number of times a victim repeated details of the incident, thus reducing trauma.

CASCG has recently proposed a number of options to roll out a state-wide SVLO model. These options are still under consideration.

One of the key responsibilities of SVLOs will be to establish a local escalation process, where the SVLO is the first point of contact should a victim of sexual violence or SASS employee wish to raise an issue concerning the response provided by the investigator or the QPS, including a decision not to charge.

Sex Worker Liaison Officer

The QPS has nominated a senior officer to be the State Sex Worker Liaison Officer (SWLO). The SWLO acts as a key point of contact for sex workers to raise any issues they have regarding the way police are responding to their reported crime. The SWLO has recently put mechanisms in place to ensure timely responses by police to complaints made by sex workers. The role is supported by local SWLOs who have been nominated within select police districts to provide an additional point of contact for local sex worker industries.

Just in Case (JIC) examinations

JIC examinations were introduced via a Health Service Directive²¹ issued by QH on 19 July 2019, directed at all HHSs in Queensland, with an effective date of Monday 22 July 2019. The introduction of JIC examinations and changes to procedures governing forensic medical examinations will be governed by local procedures put in place by each HHS.

The directive also introduced the option for an adult, who had not previously reported their assault to police, to have a forensic examination just in case they decide to make a complaint to police later. Special custody arrangements have been introduced for samples collected from the JIC forensic examinations, which will be stored, untested for up to 12 months. JIC examinations are the responsibility

²¹ Queensland Health, 'Health Service Directive: Caring for People Disclosing Sexual Assault' (2019). <https://www.health.qld.gov.au/__data/assets/pdf_file/0022/855031/qh-hsd-051.pdf>.

of individual HHSs, with police not being involved. These examinations can be provided to the QPS with the complainant's consent if they wish to pursue a criminal complaint.

The delivery of timely and adequate forensic medical services within QH has been an ongoing challenge for police investigations, particularly in regional areas, with delays potentially contributing to victims withdrawing complaints.²²

Support provided to victims during the police investigation process

The Sexual Violence Framework notes experiencing sexual violence can have devastating and long-lasting impacts on the health, well-being and life outcomes of victims. Access to timely and culturally responsive services, tailored to the specific needs of a victim, in the immediate aftermath of sexual violence, together with ongoing support services to aid long-term recovery and healing can mitigate the impact of experiencing sexual violence.

The QPS acknowledges its important role in providing support to a victim. But it cannot, by itself, fill the gaps in the current service response system. Victims have specific and sometimes complex needs. Police are, understandably, not always best placed or sought by victims to provide the required support.²³

An adequately resourced specialist support service sector is needed to ensure victims are supported at the initial reporting and throughout the investigation and prosecution process. This conclusion is supported by the consultation findings undertaken in the development of the Sexual Violence Framework, as well as the SVLO and SART evaluation reports. During the SVLO trial it was identified, particularly in Logan, that there were issues relating to resourcing and funding allocated to the SASSs. Those services' inability to respond to victims was a common theme throughout the trial and was unable to be addressed. It was noted the SASSs had no capacity to accept referrals from QPS, were not able to be present to support victims as they provided police statements, or be present when victims were considering withdrawing matters or were advised a prosecution was not able to progress.

The importance of an adequately resourced support service sector is abundantly clear, as there is a current gap in some services' ability to provide timely and appropriate support to victims. Improving the experience of women in the criminal justice system must involve a resource commitment for both support services and forensic services.

Further to this, consideration of a multi-disciplinary service to create a safe and more nurturing space for victims of sexual violence and DFV to report offences should be considered by the Taskforce. Although this approach would need to be carefully managed, it would assist in reducing victim trauma and improve women's experiences in the criminal justice system, giving them one easily accessible central location for reporting, investigation and support services for sexual violence and DFV matters.

Police Referrals System

The QPS has previously provided the Taskforce with information about the Police Referral System. The support services to whom police refer victims, for numerous reasons, are sometimes unable to provide the immediate, ongoing and often complex support victims require. These support services are not funded by the QPS to provide support for at risk and vulnerable persons referred via Police Referrals. Rather, these police referred requests for victim support are voluntarily provided alongside the core business of the service provider.

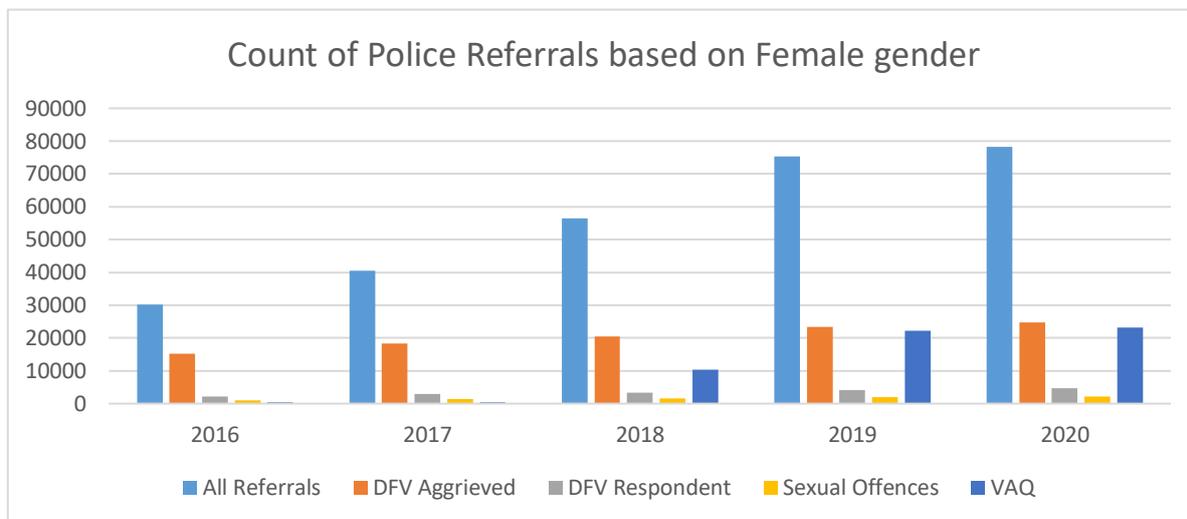
As at 28 July 2021, Police Referrals have 78 providers across the state at a local, regional and state-wide level providing support to those persons referred for victim support: sexual offences. These service providers are not funded by the QPS; therefore, the volume of support agencies can fluctuate significantly due to their capacity to continue to accept Police Referrals from the QPS alongside their funded core business. All these factors have the propensity to influence a victim's experience within the QPS service delivery model.

²² Queensland Audit Office, 'Delivering forensic services (Report 21: 2018-19)' (2019) p 5.

²³ Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, 'Interim Report: Inspection into how effectively the police engage with women and girls' (2021) p 9.

The Police Referrals System also connects victims of crime, including victims of sexual assault, to Victims Assist Queensland, which provides financial assistance and access to support services such as counselling.

As detailed in Figure 5²⁴ below, Police Referrals have continued to increase over the last five-year period.



Disclaimer – these figures are not official Service statistics. Official Police Service statistics are released only through Research and Analytics, Organisational Capability Command after available data is collected, classified and collated in accordance with nationally accepted rules.

Charter of Victims' Rights

The Charter of Victims' Rights contained in schedule 1AA of the *Victims of Crime Assistance Act 2009* seeks to recognise and promote the rights of victims of crime. The charter sets out the general rights of victims, as well as specific rights relating to the criminal justice system. When dealing with a victim of crime, officers must comply with the provisions of the charter.

The role of police prosecutors in supporting charges for sexual offences

In cases of rape and sexual assault, investigating officers will, wherever possible, liaise with the allocated QPS prosecutor (or where no prosecutor has been allocated, with the OIC of the relevant prosecutions corps) to:

1. introduce the victim to the prosecutor;
2. give the victim an opportunity to become familiar with the layout of the courtroom before the trial begins;
3. give the victim an opportunity to see a trial in progress;
4. advise the victim of their automatic recognition as a special witness and the protections available to them during the court process
5. explain legislation, including the provisions of section 21A (Evidence of special witnesses) and Part 2, Division 6 (Cross-examination of protected witnesses) of the *Evidence Act 1977* to help the victim become familiar with the trial process and their role as a special witness;
6. advise the victim that court support officers are available to assist them.

Where a victim indicates they need support during the court process, a Police Referral will be made.

Theme 3: Legal and court process for sexual offences

Adequacy of current sexual offences

The legislative landscape has a significant influence on policing responses to women's safety, and directly impacts on interviewing victims, collecting evidence and preparing briefs of evidence.

The QPS acknowledges the need for review of the adequacy of current sexual offences in Queensland, including whether additional offences are required to fill gaps in existing legislation and whether

²⁴ Figure 5 refers to Police Referrals data.

additional legislative reform with respect to consent and mistake of fact is warranted. There has been significant cultural and social change since many of the sexual offences within the Criminal Code were enacted.

The QPS notes the Queensland Law Reform Commission required approximately nine months to examine consent and mistake of fact. The Taskforce's proposal is considerably broader than this and requires significant dedicated resources and sufficient time for stakeholders to provide considered views on the range of complex issues such a review would give rise to. The QPS notes that by the time submissions on Discussion Paper 2 are closed, the Taskforce has only approximately seven months remaining to deliver its findings.

Accordingly, the QPS is of the firm view this level of statutory review should be undertaken by the Queensland Law Reform Commission or another dedicated review body, supported by its own specific legislative focussed terms of reference.

Role of the Office of the Director of Public Prosecutions (ODPP)

The Director of Public Prosecutions represents the community and the ODPP operates in accordance with the Director's Guidelines. The decision to prosecute is based on the sufficiency of evidence and the public interest. Sexual offences such as rape or attempted rape are a gross personal violation and are clearly serious offences.

The decision to discontinue a prosecution or to substantially reduce charges on the basis of insufficient evidence is only made in consultation with the ODPP Legal Practice Manager or the Principal Crown Prosecutor, in lieu of the Legal Practice Manager.

The ODPP case lawyer or prosecutor will liaise with the arresting officer on relevant matters and must also seek the views of a victim whenever serious consideration is given to discontinuing a prosecution for sexual offences.

The Royal Commission into Institutional Responses to Child Sexual Abuse identified much-needed change within state government prosecution arms, providing seven recommendations to improve their responses to victims.

Memorandum of understanding about communications in sexual offence prosecutions

The ODPP and QPS have entered into a memorandum of understanding (MOU) to complement the Director's Guidelines about how both agencies will communicate with each other during sexual offence prosecutions. The MOU recognises the independence of the agencies, their different responsibilities and that effective communications are necessary to facilitate investigation and prosecution. Once a matter has been referred to the ODPP, contact information will be exchanged between the relevant ODPP officers and the investigating officer. The ODPP officers will share information with the investigating officer about the need for further investigative steps and the progress in any court proceeding relating to the matter. The ODPP will notify the investigating officer of a decision to discontinue or substantially reduce charges, and to provide reasons for doing so.

Failed Sexual Offence Prosecutions Working Group

Following the release of a second report from the (then) Crime and Misconduct Commission in 2008, *How the criminal justice system handles allegations of sexual abuse: A review of the implementation of the recommendations of the Seeking Justice report*, the QPS and ODPP established a Failed Sexual Offence Prosecutions Working Group (working group) to address the recommendations of the (then) Crime and Misconduct Commission in April 2009.

It was identified in August 2020 by CASCAG this working group was not presently meeting and subsequently it has been reinvigorated and will recommence regular reviews in the second half of 2021.

In line with its original purpose, the working group will comprise members of the QPS (CASCAG, Crime and Intelligence Command, Prosecution Services and Legal Unit) and the ODPP. The working group will seek to gather information about and discuss failed prosecutions, identify good practice, enhance the operation of the investigation and prosecution process for sexual offences, and identify systemic issues that need to be addressed by QPS or ODPP.

Section 3.15.2 of the QPS Operational Procedures Manual, which outlines the remit of the previous working group, will be updated to reflect the reinvigorated working group.

The trial process and special measures for victims during the court process, including alternative justice models

The QPS supports the Taskforce examining the trial process and special measures for victims during the court process. The QPS also supports the Taskforce examining the nature and culture of the court process and alternative justice models.

The QPS supports the greater utilisation of pre-recorded evidence for victims of DFV and sexual offences. The QPS notes this was recommended in 2010.²⁵ This was also discussed in the QPS submission to Discussion Paper 1. The QPS further discussed in its first submission to the Taskforce that it had experienced prosecutions where the respondent was permitted to personally cross-examine the victim, causing further trauma, and recommended action be taken to address this issue. This issue arises because the protected witness provisions in Part 2, Division 6 (Cross-examination of protected witnesses) of the *Evidence Act 1977* do not apply to summary proceedings under the *Justices Act 1886*.

The QPS notes issues concerning privileged counselling communications are currently addressed through the Sexual Assault Counselling Privilege Working Group, which is comprised of senior officers from Legal Aid Queensland and Women's Legal Service Queensland (who operate Counselling Notes Protect), ODPP, QPS and the Department of Justice and Attorney-General. Issues about the operation of the procedural legislation have been the subject of discussion at working group meetings, as has QPS operational policy and its implementation. A review of QPS operational policy concerning the sexual assault counselling privilege was undertaken in early 2021, in consultation with the working group. The QPS also notes Counselling Notes Protect was the subject of a recent independent evaluation. The QPS suggests detailed focus on the sexual assault counselling privilege may be unnecessary.

4. WOMEN AND GIRLS' EXPERIENCE OF THE CRIMINAL JUSTICE SYSTEM AS ACCUSED PERSONS

Theme 4: Why women and girls come into contact with the criminal justice system and their engagement with police and the legal system

The QPS supports the Taskforce examining the underlying causes of offending and the role of police in relation to women and girls accused of offences.

In particular, the QPS encourages examination of offence categories disproportionately impacting women and girls as offenders, and the strategies designed to address these. For example, examining current diversion options (such as drug diversion) if these groups are overrepresented.

The QPS notes other issues mentioned in the Australia's National Research Organisation for Women's Safety research report 'Accurately identifying the person most in need of protection in domestic and family violence law,' include magistrates being equally resource-constrained as police,²⁶ the pinball effect of decision-makers (including magistrates) deferring to each other and not resolving the issue of misidentification,²⁷ and confusion as to whether magistrates have the power to strike out inappropriate applications.²⁸ The report also notes that its findings were consistent with problems identified in other jurisdictions, and no Australian jurisdiction is well-placed to provide a model of police and court practice to effectively address misidentification.²⁹

Earlier in this submission, the QPS cautioned against the over-reliance on subjective, and limited qualitative evidence. This is particularly relevant in the case of the Taskforce's proposed consideration of whether the motives for police decision-making involve racism and misogyny. The QPS maintains there are significant benefits in the Taskforce focussing efforts on attempting to achieve practical and evidence-based outcomes for all victims.

Should the Taskforce solely focus on the organisational culture of the QPS, as one element of the system without comparable effort into other stakeholders, such as courts, ODPP, QH, Queensland

²⁵ Australian Law Reform Commission, 'Family Violence – A National Legal Response (ALRC Report 114)' (2010) <<https://www.alrc.gov.au/publication/family-violence-a-national-legal-response-alrc-report-114/26-reporting-prosecution-and-pre-trial-processes-2/pre-recorded-evidence-2>> (accessed 16 July 2021).

²⁶ Nancarrow, H., Thomas, K., Ringland, V., and Modini, T. (2020). Accurately identifying the "person most in need of protection" in domestic and family violence law (Research report, 23/2020). Sydney: ANROWS, 81.

²⁷ Ibid 81.

²⁸ Ibid 82.

²⁹ Ibid 12.

Ambulance Service and Queensland Corrective Services, it will fail to deliver recommendations which result in systemic change for women and girls.

Theme 5: Women and girls' experience of imprisonment and release into the community

The QPS welcomes consideration of the reasons for the increasing incarceration rate for women and girls, including alternatives for detention for those held on remand. The QPS acknowledges the significant flow-on effect to families and communities when women are held in remand and/or detention.

The QPS encourages the Taskforce to consider services available to support prisoners in the lead up and after their release, to prevent re-offending and promote re-integration into the community.

ACRONYMS AND ABBREVIATIONS

ARO	Alternative Reporting Options
CALD	Culturally and linguistically diverse people
CASCG	Child Abuse and Sexual Crime Group
CFMU	Clinical Forensic Medicine Unit
CIB	Criminal Investigation Branch
CPYJ	Child Protection and Youth Justice
CSAFE	Child Sexual Abuse Fundamentals Education
DFV	Domestic and Family Violence
DVO	Domestic violence order
FoCIS	Fundamentals of Child Interviewing Skills
HHS	Hospital and Health Service
ICARE	Interviewing Children and Recording Evidence
Interagency Guidelines	<i>Queensland Government Interagency Guidelines for Responding to People who have Experienced Sexual Assault</i>
ISACURE	Investigating Sexual Assault – Corroborating and Understanding Relationship Evidence
JIC	Just in Case Examination
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer, intersex and asexual
MOU	Memorandum of understanding
NSCSP	<i>National Survey of Community Satisfaction with Policing</i>
ODPP	Office of the Director of Public Prosecutions
OIC	Officer in Charge
QCHI	Queensland Crime Harm Index
QH	Queensland Health
QPS	Queensland Police Service

SART	Sexual Assault Response Team
SASS	Sexual assault support service
SCU	Sexual Crime Unit
Seeking Justice report	<i>Seeking justice: an inquiry into the handling of sexual offences by the Queensland criminal justice system</i>
Sexual Violence Framework	<i>Prevent. Support. Believe. Queensland's Framework to address Sexual Violence</i>
Sexual Violence Response Strategy	<i>Sexual Violence Response Strategy 2021-2023</i>
SVLO	Sexual Violence Liaison Officer
SWLO	Sex Worker Liaison Officer
Taskforce	Women's Safety and Justice Taskforce
USA	Unreported Sexual Assault

[end]