



QUEENSLAND POLICE SERVICE

SUBMISSION TO THE WOMEN'S SAFETY AND JUSTICE TASKFORCE

Discussion Paper 3: Women and girls' experiences across the criminal justice system as victims-survivors of sexual violence and also as accused persons and offenders

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BACKGROUND

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 3: *Women and girls' experiences across the criminal justice system as victims-survivors of sexual violence and also as accused persons and offenders* (Discussion Paper 3).

The QPS notes the content within its previous submissions to the Taskforce with respect to [Discussion Paper 1: Options for legislating against coercive control and the creation of a standalone domestic violence offence](#) and [Discussion Paper 2: Women and girls' experience of the criminal justice system \(proposed focus areas\)](#) (Discussion Paper 2). The QPS response to Discussion Paper 3 builds on the information provided in the two previous submissions and for the sake of brevity will not repeat the responses provided in those submissions, noting Discussion Paper 2 is particularly relevant to the issues raised in this discussion paper.

This submission will not address every question in the Discussion Paper but will focus on key elements that fall within the purview of the QPS. The QPS acknowledges and respects the views of people with lived experience of sexual violence and their support networks, and notes the terms victim, victim-survivor and victims-survivors are used throughout this document.

The Role of the QPS

The QPS is the primary law enforcement agency for the State of Queensland. Section 2.3 of the *Police Service Administration Act 1990* (PSAA) outlines the QPS functions which include the preservation of peace and good order, the prevention and detection of crime, and the protection of all communities in the State and all members of those communities. Officers predominantly exercise powers under the provisions of the *Police Powers and Responsibilities Act 2000* (PPRA) and are guided by policy contained in the [Operational Procedures Manual](#) (OPM). Officers also administer functions and exercise powers under a broad range of State and Commonwealth legislation.

The QPS delivers a 24 hour, seven days a week policing service including a first response to reported crime. This service has continued during a time of rapid population growth and unprecedented health and natural disasters which has increased demands for services and placed pressures on the allocation of available policing resources.

The policing environment in Queensland has entered a phase of significant transformation where traditional policing services are being challenged to meet the increasing complexity of policing demand. This transformation is driven by shifting community expectations and rapid technological innovation impacting policing and service delivery in a broader context¹. The growth of powers and obligations contained in the PPRA demonstrates the expanded legislative responsibilities placed on QPS members since the inception of the PPRA.

The QPS organisational chart (Appendix 1) reflects the depth and breadth of QPS responsibilities. There are seven (7) police regions and 15 police districts, supported by specialist commands including the Crime and Intelligence Command and the Domestic and Family Violence and Vulnerable Persons Command. Each command and region is led and managed by an Assistant Commissioner, to provide a decentralised law enforcement response across the State, to meet the demands of their local communities. [Chapter 1](#) of the OPM, particularly s1.4, details the structure of the Service and the responsibilities of key organisational leaders. As at 30 June 2021, the total number of full-time equivalent staff in the QPS was 15,953². This includes 12,139 sworn officers.

General duties police officers provide the first response to the community supported by specialist investigative resources including district Child Protection and Investigation Units (CPIU) and Criminal Investigation Branches (CIB), and Crime and Intelligence Command crime groups. There are a range of other specialist resources available to support policing responses to the community including Vulnerable Persons units, Domestic and Family Violence units, the First Nations and Multicultural Affairs unit, First

¹ QPS Annual Report 2020-21

² Report on Government Services 2022

Nations police liaison officers and cross-cultural liaison officers.

The Role of the CPIU

The CPIU format is unique in Australia and is staffed by highly trained, skilled and professional investigators. All police regions have CPIU officers who provide a specialist policing response, primarily focused on the investigation of criminal matters pertaining to child protection and youth justice issues. These dedicated officers provide an ongoing response to the safety of children within the community, where a situation has escalated to a point when police are required to respond.

The role of the QPS in the child protection system is principally the investigation of crimes committed against children (up to 16 years old). Generally, investigations fall into the broad categories of sexual abuse, physical abuse, and serious neglect where there is a suspected criminal offence. The CPIU is responsible, in some areas, for the investigation of criminal offences committed by children, including offences committed upon other children. The QPS' primary contribution to the child protection system is the provision of investigative expertise. Where there is no CPIU office available, the local CIB will assume responsibility for the investigation. If there is no CIB office, first response police will undertake the investigation (at least initially) with specialist assistance provided remotely.

The role and functions of the CPIU has grown over time to accommodate government and community expectations. The responsibilities have increased in response to legislative and policy change, responding directly to emerging social issues, and undertaking work on behalf of other agencies, particularly after hours and in rural and remote areas where those agencies have no physical presence.

The evolution of the policing role and function means CPIU investigators now assume responsibility for a wider variety of duties than ever before, including the following:

- Criminal investigations involving children as victims
- Forensic interviewing of child witnesses
- Investigation of general child protection notifications, particularly sexual and physical abuse
- School based investigations
- Child death investigations and internal child death and serious injury reviews
- Child exploitation investigations and other technologically facilitated crime
- Registration and ongoing monitoring of registered child sex offenders
- Suspected Child Abuse and Neglect (SCAN) team core member responsibilities
- Screening and investigation of domestic violence matters involving children
- Blue card services investigations and compliance activities
- Youth justice investigations, including conferences and diversions
- Missing child investigations including amber alerts
- Assistance to interstate counterparts for child protection investigations
- Information management and release of information to other agencies
- Delivery of training and education to internal and external stakeholders
- General policing roles as required, including major events and disaster management policing
- Establishing and maintaining local child protection and youth justice network relationships.

Suspected Child Abuse and Neglect (SCAN) teams

Chapter 5A, Part 3: 'The SCAN system' of the *Child Protection Act 1999* (CPA), establishes the SCAN team system, purpose, membership and core members and the responsibilities of its core members. The purpose of the SCAN team system is to enable a coordinated, multi-agency response to children where statutory intervention is required to assess and meet their protection needs. This is achieved by timely information sharing between SCAN team core members; planning and coordination of actions to assess and respond to the protection needs of children who have experienced harm or risk of harm; and holistic and culturally responsive assessments of children's protection needs.

The Service is a core member of the SCAN system. The criteria for a SCAN team referral is based on s.10: 'Who is a child in need of protection' of the CPA and relates to a child who has suffered harm, is suffering harm or is at unacceptable risk of suffering harm (per s9 CPA); concern that the child does not have a parent able and willing to protect the child from the harm; and a SCAN team core member believes

coordination of multi-agency actions and/or expert advice from more than one core member representative is required to effectively assess and respond to the protection needs of the child.

Technology facilitated crime

As well as a focus on child protection contact offending, CPIUs across the state, with the support of specialist investigators in Argos, also respond to online or technology facilitated child exploitation offences. This includes serial or organised paedophilia, proactive investigation of child sex offenders utilising the internet, possession, production and distribution of child exploitation material as well as self-produced child exploitation material.

Self-generated sexualised imagery, both pictures and videos, amongst teenagers continues to be a source and a concerning trend for CEM production. The most common age of offenders is between 13 and 15 years, predominantly shared via social media messaging applications (i.e. Snap Chat, Kik Messenger). The volume of self-generated CEM propagates the ongoing sexual exploitation of children and creates future vulnerabilities for children to be extorted and exploited.

Identifying the producers of CEM is an essential aspect of the work of the QPS unit dedicated to online child exploitation (Argos) as it most likely leads to rescuing a child from harm, which is the primary objective of that unit.

Significant numbers of images of children being sexually exploited continue to be seized on a regular basis during the course of police investigations into online sex offenders. QPS works with the Australian Centre to Counter Child Exploitation (ACCCE), national and international partners to process this material and analyse it for clues in relation to the identity of those child victims. The team is made up of international experts in the field of investigating online child sexual exploitation and digital media analysis and make the best use of available technology, intelligence and investigative resources to achieve their results. The team provides a response to requests for assistance in relation to child victim identification investigations. They also provide a high level of service, technical expertise and advice for service-wide victim identification strategies.

There are significant challenges faced in relation to technology facilitated sexual violence. The decentralised nature of the internet makes the control of online actions and content extremely difficult as no single governing body has ownership. Instead, each interconnected autonomous network is responsible for the enforcement of bespoke policies and rules based on internal company policies and jurisdictional legislation. With many communications providers based overseas, there are significant delays in seeking investigative information through conventional Mutual Assistance Request (MAR) protocols. With the recent signing of the 'Agreement between the Government of Australia and the government of the United States of America on access to electronic data for the purpose of countering serious crime', it is hoped these investigative delays will be greatly reduced when International Production Orders are introduced in late 2022 or early 2023.

Significant work has been undertaken across Australia in relation to the reporting of cybercrime related incidents. The Australian Signals Directorates (ASD) and the Australian Cyber Security Centre (ACSC) have been established to manage the operation and sustainment of existing cyber capabilities nationally.

The establishment of ReportCyber <https://www.cyber.gov.au/acsc/report> created a portal for members of the public to report cybercrime related incidents. The reporting of any threat or violence against women or children in any situation should be directed to a police officer for an immediate response, however, such reports can and have been reported through the ReportCyber portal including incidents of domestic violence, violence against women and vulnerable persons in general.

All matters reported via the ACSC ReportCyber portal are reviewed and triaged before being referred via the ReportCyber Application Platform to the respective state or territory for incident response. The ReportCyber Application Platform board continues to review and update the capabilities of the application platform to ensure it remains contemporary and responsive to the community needs.

The Financial and Cyber Crime Group within Crime and Intelligence Command is responsible for the receipt of information referred via the ReportCyber Application Platform. Officers attached to the Cyber Reporting Unit review all matters received via this platform with access to the system being available

from both their work and home environments.

All matters are triaged and prioritised against a risk assessment tool which provides a rating with Category 1 being the highest risk to community members.

1	Any report (irrespective of category) with a Threat To Life (TTL) key word match OR victim is under 18 at time of report OR the report is a FKC (Financial Kill Chain) report.
2	Cyber stalking/harassment/bullying OR Online Image Abuse (OIA)
3	Fraud OR Identity Fraud + total loss > 250 000
4	Fraud OR Identity Fraud

Category 1 and 2 matters include matters which references any threats to life, suicide or domestic violence, including coercive control. These matters are dealt with as a matter of urgency and actioned within 12hrs.

The creation of the ReportCyber Application Platform has made it far easier for members of the public to report cyber related offences. The number cybercrime matters reported continues to increase, suggesting both an increase in cybercrime and the likelihood that there exists a greater level of awareness amongst the community to report.

Child Protection / Youth Justice

Traditionally CPIUs have played a major role in investigating and combating juvenile crime. This has been the preferred method of dealing with juvenile offenders, with CPIU staff being specifically trained and possessing a higher level of experience in enacting the provisions of the *Youth Justice Act 1992* (YJA) pertaining to restorative and diversionary justice measures. One of the key emerging issues for CPIU investigators includes the increased complexity and degree of offending by young people. Youth justice investigations have been traditionally conducted by CPIU officers, who consider diversionary options as a first response to a young person's offending behaviour. The investigation of crimes committed by young people requires additional safeguards and procedures to be utilised to ensure the youth justice principles in the YJA.

It is considered there is a significant overlap between children known to both the child protection and youth justice systems. CPIUs have historically tried to maintain a balance between youth justice and child protection work in order to provide a specialist response to all matters in which children have either committed offences or had offences committed against them. However, the time available for CPIUs to devote to youth justice investigations is decreasing as the volume of child protection matters increases. It is noted the implementation of legislative amendments to include 17 year olds in the youth justice system in February 2018 contributed to the increased demands on youth justice responses by the QPS.

The extraneous duties and escalation of CPIU workload as outlined above, means that CPIUs have less opportunity to attend to youth justice investigations and thus may not have the desired degree of interaction and engagement with children in the overlapping child protection and youth justice systems. Working with young people who are involved in both systems allows police to attempt to address deteriorating behaviours at an early stage. The inability to devote time to such matters also means that the 'overflow' of youth justice investigations the CPIU do not have capacity to deal with, are devolved to other police, primarily the CIB and district crime units.

The role of CIB

The CIB is responsible for delivering specialist investigation services across each QPS district in response to serious indictable/criminal offences. The range of offences includes homicide, robbery, arson, property and fraud offences, and personal and sexual violence committed against adults. Increasingly, CIB investigators are also involved in youth justice investigations, particularly when dealing with property offences such as burglary and unlawful use of motor vehicles, and offences of violence committed by young people and as members of criminal street gangs.

Crime and Intelligence Command

The Crime and Intelligence Command (CIC) commenced on 31 August 2020 as a result of the merging of State Crime Command and the intelligence component of the Intelligence and Covert Services Command. The merging of the specialist capabilities of crime and intelligence allows the Command to assist the frontline in protecting our community by delivering integrated and adaptable intelligence and investigative services to prevent, disrupt, respond and investigate crime.

The Command comprises of five (5) specialist crime groups (Child Abuse and Sexual Crime, Drug and Serious Crime, Financial and Cyber Crime, Homicide and Organised Crime Gangs groups) and two (2) intelligence groups (Intelligence Directorate and State Intelligence Group).

The members of CIC are responsible for state-wide provision of specialist crime and investigative expertise; coordination of state-wide and/or major criminal investigations, both within and outside the State; enhancing the Service's approach to intelligence to support serious, major and organised crime investigations and frontline policing operations; liaison with other law enforcement agencies; and representation of the Service both interstate and nationally on crime related matters.

Child Abuse and Sexual Crime Group

The Child Abuse and Sexual Crime Group (CASCg) aims to protect children and the community by identifying, responding to and preventing physical and sexual offending. The Group is led by a Detective Superintendent who is also the QPS Child Safety Director, and comprises of the following units:

- Argos, principally responsible for the investigation of organised paedophilia, child exploitation and computer facilitated child exploitation
- The Child Trauma Unit, which provides assistance in investigative and operational aspects on all sudden unexplained deaths of children (SUDI), suspicious child deaths and serious injury resulting from suspected child abuse and/or neglect
- The Sexual Crime Unit, which reviews unsolved adult rape investigations, investigates serious or complex cases of serial rape and sexual assault, and provides specialist investigative assistance to regional counterparts.
- The Child Protection Offender Registry (CPOR), which assists in the management and investigation of reportable offenders residing within the community. CPOR also includes a team of forensic behavioural analysts to support effective management of reportable offenders
- The Youth Justice Unit, which provides support to regions in relation to youth justice responses
- The Policy and Programs Unit, which fulfils a broad range of operational policy, training and corporate functions to support the Commissioner, the QPS Child Safety Director and regional Child Protection and Investigation Units.

In March 2021, the CASCg assumed responsibility for Service capability in relation to sexual crime, to ensure a coordinated, consistent and collaborative QPS response to sexual violence. The CASCg is responsible for leading the implementation of the QPS [Sexual Violence Response Strategy 2021-23](#).

Specialist Investigative Units Staffing

As of 28 February 2022, the QPS approved permanent positions for CPIU officers (including CPOR investigators) was 640, and substantive headcount^[1] was 608. This is comprised of specialist CPIU officers in each of the 15 QPS districts. Specialist investigators are also located within CIC, and there are 21 SCAN team representatives.

Likewise, the approved and actual strength of CIB units is 841 and 819 respectively. By gender, approximately 23% of CIB officers are female, compared to approximately 45% of CPIU investigators.

These figures are represented in the tables below:

Allocation	Approved Permanent positions	Substantive Headcount
CPIU	640	608

^[1] Approved permanent positions relate to all permanent positions. The substantive person refers to substantive people occupying positions (some could be on leave, does not account for part-time arrangements).

CASCG	78	72
SCAN	22	21
CIB	841	819
CIC (other than CASCG)	405	390
Total	1986	1910

Allocation	Female	Male
CPIU	271 (45%)	337 (55%)
CASCG	31 (43%)	41 (57%)
SCAN	11 (53%)	10 (47%)
CIB	196 (23%)	623 (77%)
CIC (Other than CASCG)	72 (19%)	318 (81%)
Total	581 (30%)	1182 (70%)

When viewed in the context of the vast array of duties undertaken by investigators, these figures demonstrate the responsibility for completing this volume of work rests with a relatively small proportion (approximately 16%) of QPS sworn personnel. This workload presents significant challenges in terms of resource allocation, prioritisation, demand management and the ongoing psychological wellbeing of staff.

The Queensland Government committed to 2025 extra police personnel by the year 2025. The QPS is using part of this allocation to expand its capacity to respond to vulnerable person related crimes. By example, in the 2020/2021 Financial Year the existing 22 regional CPOR officer positions was supplemented by the allocation of an additional 19 permanent positions, increasing the dedicated regional capacity to 41 investigator positions. In 2022, the QPS will give consideration to the allocation of additional officers to other specialist units including CPIU, CIB and DFV VPU's to meet increasing demand.

Training

Training is a pivotal component of police work and is particularly relevant for CPIU and CIB officers due to the specialised nature of their duties. This in itself creates an issue in terms of allocating time to complete such training, maintaining mandatory training qualifications and completing specialised training as the need arises.

Officers selected to perform duty within the CPIU undertake a rigorous and meritorious selection process, including psychometric testing to assess their suitability for the role, and are subject to specialist training to perform the roles of a CPIU officer.

Unless already qualified, on appointment to a designated CPIU or CIB position, officers are required to complete the Detective Training Program as a qualification for appointment to Detective status. This program is mandatory for all staff being selected to undertake plain clothes, investigative roles within the QPS. Officers who successfully complete the program receive an Advanced Diploma of Public Safety (Police Investigations). The program requires an officer to attend three residential phases at the Queensland Police Academy in combination with workplace assessment and competency achievement. On average, a Detective appointment can take up to four years to attain.

In addition to compulsory training, specialist training to CPIU and CIB officers includes:

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

- Child Sexual Abuse Fundamentals Education (CSAFE) Online Learning Product (OLP)
- CPOR OLP.

The People Capability Command (PCAP) Specialist Investigations Team (SIT) has six facilitators and one senior sergeant to deliver specialist training to plain clothes and detectives across the State in specialist and investigative course curriculum.

The SIT officers are also assisting the Domestic and Family Violence and Vulnerable Persons Command (DFVNPC) in the development of training products related to the trial of the use of video recorded evidence of victims of domestic and family violence (DFV). The online and face to face training will focus on trauma and investigative interviewing techniques, in addition to legislative requirements for the trial.

Also considered necessary for investigators are speciality workshops and training in the use of technology to assist investigations relating specifically to 'cyber' crime and technology enabled crime, including the Digital Field Triage Investigators Course (DFTIC) run by CIC, which skills officers to undertake digital evidence collection in-field.

Part 1 – Cross-Cutting Issues

- *Overrepresentation of Aboriginal and Torres Strait Islander women and girls in the criminal justice system as both victims and offenders*
- *Intersecting experiences of disadvantage*
- *Recognising and responding to trauma*
- *Protecting and promoting human rights*
- *Resourcing, investment and value for money*
- *Appropriate governance and accountability mechanisms*

The QPS recognises and acknowledges the significant impact of the cross-cutting issues identified in Discussion Paper 3, not only for women and girls in the criminal justice system, but also for the involved government, private and non-government stakeholders. Where relevant and appropriate, these issues will be addressed elsewhere in this submission. However, it is important to note in this section the legislation, policies and strategies the QPS is committed to ensure awareness of, and respect for, these issues.

Obligations under the *Human Rights Act 2019* (HRA) are embedded through policies, procedures and training products, including compulsory training for all QPS members. Training is also compulsory in relation to inclusion and diversity (relative to culture and gender), domestic and family violence and coercive control.

The QPS Operational Procedures Manual (OPM) provides guidance on application of legislation, policies and best practice policing responses to members of the community. The OPM addresses many of the cross-cutting issues identified in Discussion Paper 3. Relevant chapters of the OPM include:

- [Chapter 2 “Investigative Process”](#) provides direction in relation to specialist investigations including sexual offences. It is noted this section of the OPM is being updated and will be published in June 2022. The updates reflect the additional responsibilities of the Sexual Violence Liaison Officers, and updates current information to reflect the intent of the QPS, through the [Sexual Violence Response Strategy 2021-23](#) in responding to sexual violence. A copy of the revised draft OPM section is attached (Appendix 2)
- [Chapter 5 “Children”](#) outlines the extraordinary practice and procedures in place to respond to young offenders
- [Chapter 6 “Persons who are vulnerable, disabled, or have cultural needs”](#) provides direct links to relevant legislative provisions relating to identified vulnerabilities, and guidance on how to identify and respond to vulnerable members of the community
- [Chapter 7 “Child Harm”](#) relates to children at risk of harm or who have been harmed
- [Chapter 9 “Domestic Violence”](#) outlines policy and procedures for managing domestic violence incidents and providing assistance to members of the community who may be affected by domestic violence.

In addition to the OPM, specialist units and officers are available to assist investigators and first responders to identify and address vulnerability. The Communications, Culture and Engagement Division of the Service (Appendix 1 – Organisational Chart) includes the First Nations and Multicultural Affairs Unit (FNMAU), which aims to promote and maintain effective relationships with our diverse communities based on open communication, mutual understanding, respect, tolerance and trust. Included in this portfolio are Police Liaison Officers, First Nations and Multicultural Networks, and the Police Multicultural Advisory Group. The DFVPC leads Vulnerable Persons Units across the State. The role of the DFVPC and the Vulnerable Persons Units is outlined in QPS response to Discussion Paper 2. The CASC and District CPIUs consider intersecting and cross-cutting issues relating to children, and the QPS SCAN representatives are core members of the SCAN team system, which aims to provide a coordinated multi-agency response to the protection needs of children.

Police Liaison Officers (PLOs) are available to assist in supporting First Nations (FN) victims. In 2021 the Queensland Government committed to supporting growth of 65 new PLO positions. To date, 18 PLO growth positions have been provided to districts, with a staged rollout of the remaining positions throughout 2022/2023. Identification of districts to receive initial PLO growth positions was undertaken in consultation with districts and the Human Resources Unit as well as through community engagement and review of sentiment data.

The QPS launched the campaign “What’s your Story” during Harmony Week (21 to 27 March 2022), encouraging members of the Service to record their cultural background on the Human Resources system. While there is a requirement to meet the government aggregate target of 3%, the primary benefit of this information is that knowing where FN members are located throughout the state will assist in responding to critical or sensitive jobs involving FN issues/matters. These officers will also be able to assist in building relationships and connections with community.

Discrete community specific profiles were developed in 2021 and are able to be shared with regional police officers through engaging FNMAU. Following content review, the profiles will be made available to police through the FNMAU internal web pages.

Also under development is a First Nations Protocol. Following the establishment of a Police First Nations Advisory Group (PFNAG), the PFNAG will lead consultation with community to ensure community support prior to the endorsement and publication of the protocol.

All members of the QPS are obliged to complete the SBS Inclusion Program – Aboriginal and Torres Strait Islander Course, which was introduced on 1 February 2022. This course is designed to assist members in understanding the importance and advantages of Australian indigenous cultural diversity. The course is compulsory for all members of QPS with a due date of 30 June 2022.

The PCAP Recruitment Training unit is also conducting a review of recruit training and will take the opportunity to implement FN Cultural Intelligence training within the current recruitment training curriculum, in consultation with FNMAU and key stakeholders.

Supporting the steps being taken by the QPS, the [Australia New Zealand Policing Advisory Agency](#) (ANZPAA) recently released the *Australia and New Zealand Police Anti-Racism and Cultural Diversity Principles*, which reflect the commitment of all police commissioners to promote and advance anti-racism and cultural diversity.

The QPS recognises people of diverse genders, sexualities and sex characteristics, who are often referred to as lesbian, gay, bisexual, transgender, intersex, queer/questioning, and other identities represented by + in the acronym LGBTIQ+, are not a homogenous group; they have unique and distinct needs with diverse experiences and backgrounds. The QPS acknowledges that the relationship with LGBTIQ+ people, both from a historical and contemporary context, has not always been consistent with professional practice and community expectations. More broadly, people who are perceived to be different, including LGBTIQ+ people, are often subjected to violence, harassment, bullying and discrimination by those who are biased or ill-formed. The QPS is committed to strengthening relationships with the community to stop crime and make the community safer.

The QPS LGBTI Liaison Program began in 1997, to establish and maintain effective liaison between police and LGBTIQ+ communities. The program enables appropriate policies and strategies to be developed to ensure the delivery of an equitable service across the State. Integral to the Program is LGBTI liaison officers, who have completed specific LGBTIQ+ training and undertake their role in a

voluntary capacity in addition to their usual duties. LGBTI liaison officers are located across the State and can assist during investigations and other interactions with LGBTIQ+ people. An LGBTI liaison officer contact list is available for police and community members on the [QPS website](#).

Question 6: How are the impacts of trauma for women and girls understood and exercised at each point across the criminal justice system?

Question 7: How can the impacts of trauma be better recognised and responded to at each point across the criminal justice system?

The issues relating to impacts of trauma were explored in the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). The Royal Commission published its Criminal Justice report in August 2017, which included a number of recommendations to implement victim-centric, trauma informed responses to victims of child sexual abuse. These recommendations included training, alternative reporting options for vulnerable groups, and an intermediary scheme to support witnesses with communication difficulties to give their best evidence.

As mentioned in the QPS response to Discussion Paper 2, the QPS has commenced delivery of new and updated victim-centric and trauma-informed training products, 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 resultant from the Royal Commission and aligns with the ‘start by believing’ philosophy.

Some of the factors that may exacerbate trauma include lack of sentinel support for the victim throughout the course of the criminal justice process and beyond; the complexity of the system and the length of time taken to navigate and complete the process; navigation of forensic examination, including timeliness of the examination; and evidentiary requirements that may seem confronting (e.g. explaining the acts in detail, potentially on multiple occasions) and could be perceived as victim-blaming (e.g. what were you wearing, had you been drinking) but are required in order to prove or support elements of the offence and/or assist in the identification of evidence.

This submission will recommend the implementation of a process to electronically record a victim’s statement at the time of complaint, and to ensure the statement is a free narrative that provides a “whole story”, which can be used in any subsequent proceedings as evidence-in-chief of the witness.

The impacts of trauma can also be seen in children who are placed into care for their own safety, but is sometimes misidentified when the trauma is exhibited through extreme and challenging behaviours and police are called to respond. A recent Community Support and Services Committee [report](#) on the *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021* discussed concerns from stakeholders about the “criminalisation of the care system” when a child is placed into the care of the Department of Children, Youth Justice and Multicultural Affairs (DCYJMA), citing a stakeholder’s submission that “*there is evidence to suggest that for children in care there is a practice of relying on police and the justice system in lieu of adequate behavioural management*”. This issue is raised in this submission, noting that many children entering the care system have experienced trauma, and that a therapeutic response to behaviour borne of trauma is likely to result in better long-term outcomes for the child than a police response, thus preventing entry into the criminal justice system.

Question 8: How are the risks of vicarious trauma and compassion fatigue recognised and addressed by those working in Queensland’s criminal justice system? What works? What needs to be improved?

Primary (Preventative Interventions)

The inaugural QPS Wellbeing Strategy released in 2021 has identified several primary, secondary and tertiary interventions to support our people’s physical, social and psychological wellbeing. The Strategy identifies 24 initial recommendations that aim to provide education and awareness of wellbeing and psychological injuries such as vicarious trauma (VT) and compassion fatigue (CF). Further, there are several recommendations targeted at uplifting our internal health and wellbeing services to provide support for such psychological injuries. Whilst there are no specific recommendations regarding VT and CF, the overarching purpose of the Strategy is to increase awareness, reduce stigma and foster a supportive culture of comradery, where mental health and wellbeing is an organisational priority.

The QPS Psychological Assessment Unit conducts comprehensive, psychological assessments for all police officer applicants upon their entrance to the QPS; with the aim of screening individuals’ suitability

to policing and the inherent stressors in policing that can lead to outcomes such as VT and CF. Similarly, psychological assessments are also conducted as a mandatory requirement to work within identified high risk areas such as CPIU and CASCg.

The need for specific training regarding VT and CF has been recognised in a recent desktop review within the Recruit Training Program. Development of this content is currently underway with subject matter experts from within Safety & Wellbeing and Recruit Training Unit. Psychological injuries similar to VT and CF are explored within the 'Psychological Health and Fitness' OLP. Specifically, recognising the signs and symptoms in oneself and others, as well as help seeking and support options that our members can engage in themselves or via the extensive internal wellbeing support options.

The Senior Psychologists/Senior Social Workers within the QPS Employee Wellbeing unit also provide specific wellbeing workshops to plain clothes officers and detectives during their various training courses, which aim to provide insight into protecting wellbeing from such injuries. These workshops focus on foundationally understanding one's own wellbeing, preventing psychological injury and seeking help early.

The links between physical and mental health are well established in academic literature. The QPS has a team of exercise scientists and dietitians/nutritionists (HealthStart) who aim to provide preventative physical health interventions at a workplace and organisational level which invariably seeks to protect the mental health of our members.

Specialist high risk areas within the QPS including the CASCg and the Electronic Evidence Unit maintain staff wellbeing policies to minimise the risk of harm to its members. Since 2008, the CASCg has adhered to a policy to support the welfare of officers working within the Group, noting the variety of functions undertaken including viewing child exploitation material, direct contact with reportable offenders, investigating child death and serious injury, and investigating sexual offences (current, historical and serial or complex offences against adults). The policy includes a requirement to be psychologically assessed prior to commencement in the Group, and every six or twelve months thereafter; obligations on staff and supervisors to monitor themselves and colleagues and check in regularly; options to self-identify when psychological wellbeing is suffering and be supported to spend time away in another role; and to not view CEM within two hours of the end of their shift.

Secondary (Early Interventions)

The Psychological Assessment Unit also conducts annual Psychological Health Monitoring (PHM) with members of the CASCg, in accordance with the CASCg welfare policy. The intention of the annual PHM is to identify early, signs of poor wellbeing or mental injury in our high-risk areas and subsequently refer them to the appropriate internal and/or external services.

Our voluntary Peer Support Officer (PSO) network receive a comprehensive face-to-face training package which provides them with the tools to be a state-wide internal support option for all staff, but particularly those in high-risk roles. The PSOs can provide early intervention and support to our members and provide a referral to a professional internal wellbeing support option (i.e., Chaplain or Senior Psychologist/Senior Social Worker) or external wellbeing support such as a GP or community support group (i.e., Fortem Australia, LifeLine etc.).

Tertiary (Reactive Interventions)

Employed within the Safety and Wellbeing unit are a number of allied health professionals who are able to provide support to members who are experiencing a psychological illness, injury or significant distress. The QPS employs Senior Psychologists/Senior Social Workers and Chaplains who are able to provide professional, brief mental health intervention and subsequent referral to an appropriate external provider for long-term mental health intervention if required. Our support services have subject matter expertise in psychological illnesses such as VT and CF and can provide bespoke support to members experiencing such.

External support options provided by the QPS include the Early Intervention Treatment Program (EITP), 1800 ASSIST, 1800 4QPS DFV and 1800 Speak Safe. The QPS is also in the final stages of implementing an additional Self Refer program, whereby members can seek completely confidential treatment through external providers contracted to render treatment services, with expertise in first responder matters.

Question 9: What are your experiences or observations about how the rights of women and girls

who are involved in the criminal justice system as either victims-survivors of sexual violence or accused persons or offenders are protected and promoted?

As mentioned previously, the QPS obligations under the HRA are embedded in policies, procedures and training. Similarly, the QPS requires officers to adhere to the Charter of Victims' Rights enshrined in the *Victims of Crime Assistance Act 2009*. The Memorandum of Understanding between the QPS and the Office of the Director of Public Prosecutions (ODPP) respecting the communications between the ODPP and the QPS in sexual offence prosecutions also provides guidance in relation to responsibilities to victims when considering discontinuance of, or substantially reducing, charges against a person accused of sexual crime.

The QPS obligations to victims of crime are reflected throughout the OPM and reinforced in training to police. The training components include understanding sexual crimes, understanding trauma, how to communicate with people with known vulnerabilities including ensuring access to support persons and interpreters, and ensuring the victim understands the criminal justice process and is kept informed of all aspects of the investigation and prosecution.

There are numerous safeguards in legislation and policy to protect and promote the rights of offenders in Queensland. However, these rights and protections are considered gender neutral and apply equally to all offenders. Key safeguards can be found in the *Youth Justice Act 1992* and the *Police Powers and Responsibilities Act 2000*. These safeguards extend to provisions relating to the questioning and interviewing of offenders including special requirements for particular people including Aboriginal peoples and Torres Strait Islander peoples, children, persons with impaired capacity and intoxicated persons. Other safeguards address arrest and custody powers, search warrants, crime scene powers and obtaining personal particulars including DNA from offenders.

Question 10: What are the impacts and implications for women and girls who are victims-survivors of sexual assault if matters are delayed across the criminal justice system?

Evidence shows delays in the criminal justice process can be detrimental to victim-survivors. Anecdotally, there have been instances where victim-survivors have lost faith in the justice system and withdrawn their complaints. There have been instances where delays in investigations, particularly relating to historic and unsolved investigations, has led to the loss of evidence.

As mentioned previously (refer page 11), issues relating to the timeliness of forensic examinations has had a detrimental impact on victim-survivors. From an investigative perspective, the length of time taken to obtain the results of the forensic examination can impact on the time taken to complete an investigation and progress a matter to its conclusion. This can cause frustration for a victim, particularly if they do not have sentinel support to guide them through the criminal justice process. This submission will outline concerns regarding the capacity of the sexual assault support service sector to meet demand, and the impediments to providing consistent and sustained support to a victim from the initial decision whether to make a complaint to police to the conclusion of all proceedings and beyond.

Part 2 - Women and Girls' Experience as Victim-Survivors of Sexual Violence

Community understanding of sexual offending and barriers to reporting

The QPS response to Discussion Paper 2 highlighted the focus of cultural and attitudinal change in the Queensland Government's *Prevent. Support. Believe. Queensland's Framework to Address Sexual Violence* and the *Domestic and Family Violence Prevention Strategy 2016-2026*. The QPS [*Sexual Violence Response Strategy 2021-23*](#) (Strategy) also identifies the importance of engaging the Queensland community, to provide accessible information about sexual violence and the roles of each stakeholder in the criminal justice system.

The aims of the Strategy under the priority of "empower our community" are to:

- Increase community awareness of the QPS role as part of an integrated system response to sexual violence
- Support tailored strategic and evidence-informed prevention activities for diverse population

- groups in collaboration with government and nongovernment agency partners; and
- Increase awareness of identified and anonymous reporting avenues, and alternative justice options

To action these aims, the QPS has implemented a communication strategy (Appendix 3), which includes external media and communication, to provide information and resources to the community 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.

Attitudes to consent including impacts of pornography

It is the QPS' position that the law in respect of rape and sexual assault must be unambiguous and readily enforceable. There must not be any unintended consequences arising from any reform to the current law that may undermine enforceability.

Investigators need to be able to assess the strength of a case based on the available evidence. Clarity in the law ensures there is certainty as to the evidentiary requirements to fulfil the elements of an offence to the required standard.

It is not uncommon for QPS investigators to encounter circumstances where there has been an absence of verbal or physical resistance (including a 'freeze' response) from the victim in a sexual violence case. A lack of resistance does not equate to consent, and the legislation could be clarified by providing explicit recognition of this.

Misinformation about sexual violence is considered a barrier to reporting sexual violence and effective public education campaigns to counter this would be beneficial.

QPS collaboration with Match Group (of which Tinder is a subsidiary) is discussed later in this submission (page 18) and highlights how the QPS is working with stakeholders to educate and better protect the public.

Question 25: Is the current approach in Queensland to the non-consensual sharing of intimate images striking the right balance between criminalising non-consensual behaviour and community education?

In February 2019, new offences relating to the distribution of intimate images came into effect. The sharing of intimate images, commonly referred to as 'sexting', is the act of taking sexually explicit images or videos and distributing the material to partners, friends or anyone else via mobile phone or any other communication method. Once an intimate image is transmitted, the owner of the image or anyone else depicted in the image loses control of it. This means that the recipient of the image, or a person who has accessed the image through other means such as computer hacking, could further distribute the image or upload it to a public forum without the owner's consent. In some cases, recipients of the image might use blackmail for further images or for money by threatening to post the already received image. This can happen to anyone, regardless of the relationship to the recipient.

In Queensland, it is a criminal offence if a person shares an intimate image of another person without their consent in a way that would reasonably cause them distress. It is also illegal if a person threatens to share an intimate image without the person's consent in a way that would cause them fear of the threat being carried out. This applies whether a person threatens the person depicted in the intimate image, or anyone else. This offence applies even if the image does not exist.

Information is provided on the Queensland Government website and on the QPS website for members of the community, with advice to contact the office of the E-Safety Commissioner and seek advice on techniques and strategies to remove the images.

During the development of the *Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018* (Intimate Images Bill), feedback indicated that the sufficiency of Queensland's response to CEM offending by children warranted further consideration.

The issue of concern for stakeholders was that Queensland law does not provide adequate protection for children who engage in sexting within their peer group which prima facie would constitute a CEM offence but lacks predatory-type conduct usually associated with these offences. A child convicted of a CEM offence might also be a reportable offender under the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*.

The QPS undertook to review the charging of children with CEM as part of its implementation of the Queensland Government Youth Justice Strategy, in consultation with the Department of Justice and Attorney-General (DJAG) and the then Department of Youth Justice.

Since the passage of the Intimate Images Bill on 13 February 2019, the QPS undertook significant steps to address those concerns including amending policies (refer section 7.11.3 OPM) in relation to sexting, adding similar policies in relation to intimate images offences and reinforcing the focus upon diversion in accordance with the *Youth Justice Act 1992*.

Between 1 July 2019 and 30 June 2021, a total of 738 children aged 10 to 17 inclusive came to the attention of the QPS for CEM offending. These offences included making, distributing, and possessing CEM under the Queensland Criminal Code and similar Commonwealth offences. Of these, approximately 726 children were dealt with including 44 through no further action, 577 diverted from the criminal justice system through cautioning, 30 receiving community conferencing or 75 via other action, with a focus on educative responses and encouraging children to accept responsibility for the impact of their actions.

A small number of children (11, or 1.5%) were charged with an offence, as they participated either in non-consensual behaviour, very serious offending, including violent offending, or consensual behaviour associated with other offending which led to formal charges.

Following identification of CEM charges relating to footage of assault and robbery (a schoolyard fight), advice was provided to QPS officers on the factors to be considered before charging a child with a CEM offence. These include whether there are more appropriate offence options, whether it is in the public interest to charge the child with CEM offences, the intent and spirit of the child exploitation legislation, and implications for the child including the potential to become a reportable offender if convicted on more than one CEM offence.

The QPS continues to reinforce messaging to specialist police regarding the importance of diversion and educative options for children being investigated for CEM offences and the matters to consider prior to charging children.

Question 26: How do pornography, sexting, dating apps or other emerging uses of technology influence community understanding of consent?

The size and popularity of online dating platforms has impacted dating trends altering, for many, their perceptions of and behaviours associated with these social interactions and relationships. An intelligence assessment examined the introduction of technology and its impact including changing views on sex and relationships. The assessment highlighted changing views as likely contributing to sexual assaults between online dating participants, as expectations of sex-on-demand increased and became reinforced.

The prevalence of online dating websites and apps is reported to be encouraging perceptions of a 'hook-up' culture and casualisation of sex. Research shows consumer behaviour in relation to online dating is different to in-person interactions with conversation on these apps turning sexual quickly, sometimes immediately and unwelcomed. The sexualisation of this communication likely reinforces expectations of sexual activity upon face to-face meetings, even if one of the users clearly articulates they do not want sexual activity.

The dissociated and/or anonymous nature of online dating likely extends opportunities for offenders to target previously out-of-reach victims – victims who, for various reasons, may not be comfortable in traditional dating or social behaviours. This anonymity also likely provides protection for offenders; particularly for sites that don't require identity verification. These platforms also extend offending

opportunities for offenders who have trouble in approaching potential victims in person and/or facilitates multiple approaches to potential victims.

A 2021 QPS intelligence assessment highlighted significant increases in reported internet-facilitated sexual offences between 2008 and 2020. A 2015 Australian Competition and Consumer Commission report indicated the Australian online dating industry was worth around \$113.3 million and recorded more than 4.6 million registrations. Research estimates up to 75% of 'millennials' (18 to 33 years) use online dating with online interactions now representing one of the most common ways of people meeting their partner. Tinder launched in the United States in 2012 before expanding internationally. In January 2020 Tinder recorded an estimated 3 million Australian users. The QPS intelligence assessment identified Tinder as the most prevalent platform (41%). Further information about the QPS collaboration with Tinder is on page 18 of this submission.

Barriers to reporting sexual violence

The QPS acknowledges reporting sexual violence can be a daunting prospect for many and notes that some of this reluctance is based on concerns that police will not believe them. The QPS also acknowledges the criticisms of some police in their handling of sexual violence investigations. There has been a long-standing public perception the police and the justice system are not uniformly meeting the needs of victims in every instance. This is supported by recent events indicating the QPS could further improve its response to victims of sexual violence. These include findings from the Royal Commission identifying inadequacies in the response to victims, such as lack of empathy; failing to adequately address victim needs in a trauma informed way; and victims feeling disempowered during investigation and prosecution processes. Although the report acknowledged police had taken steps to address such issues, negative perceptions remain, resulting in victims not reporting offences. The report recommended policing agencies undertake activities to encourage reporting.

The Queensland Sexual Violence Prevention Framework identified similar concerns, the ABC News published a report which was generally critical of the policing response to sexual assaults, and the Office of Health Ombudsman raised concerns about the quality of some police investigations of health practitioners accused of sexual offences.

In acknowledgement of these criticisms, the QPS is undertaking a range of strategies to improve its response to sexual assault investigations and vulnerable victims including the development and launch of the Sexual Violence Response Strategy with 25 actions, including the statewide rollout of SVLOs, and introduction of online reporting options. The Child Abuse and Sexual Crime Group was appointed as the capability owners for sexual violence, to ensure a consistent statewide response to sexual violence.

The QPS response to Discussion Paper 2 referenced the implementation of the online sexual assault reporting form in August 2020. The QPS implemented a digital solution to enable adult members of the public to report sexual violence online. The new form offers victims – including vulnerable members of the community – an alternative channel to reporting sexual assault.

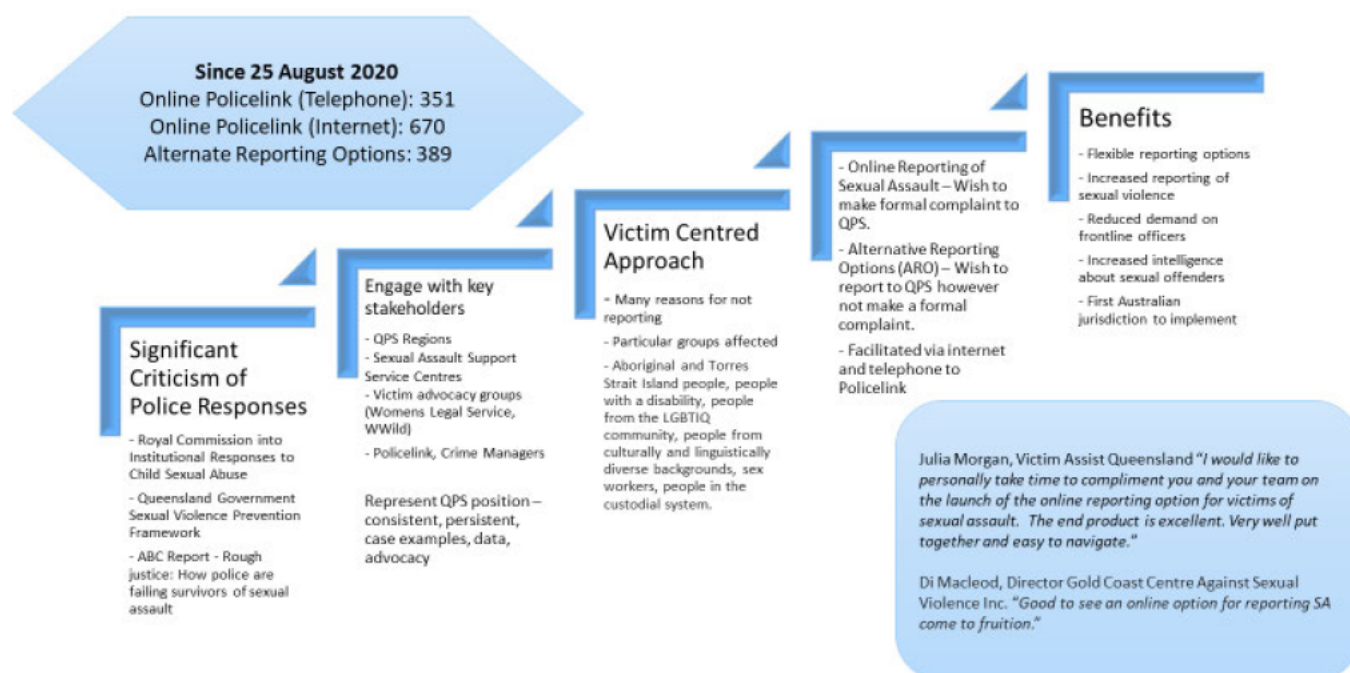
The project also saw the Alternative Reporting Options (ARO) form transition from print-and-complete to online functionality. Parallel consultation occurred to meet sexual assault victim needs and to ensure content and functionality alignment with the online sexual assault reporting form.

Additional to the online options, Policelink opted to expand its services and introduce telephone reporting for non-urgent sexual assault matters, providing a further channel for victims to report. This service enables victims to telephone Policelink and report a sexual assault. Policelink operators record the details, triage the reports, and send relevant tasks for investigation and response.

As part of the development and implementation of the online reporting process, the [QPS website](#) was updated in consultation with sexual assault support services, to ensure the accuracy and readability of the information about sexual violence reporting options. The QPS *Sexual Violence Response Strategy 2021-23* includes actions to increase awareness of reporting options and to direct members of the community and support services to the QPS website for further information.

The diagram below provides a snapshot of the online sexual assault reporting project, its scope, the products delivered, and the project benefits.

Snapshot: Online Reporting of Sexual Assault



'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.'

Question 31: What can be done to reduce the feelings of shame and the stigma that surrounds sexual violence in our community?

Case Study – not for publication (currently before the courts)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

This case study demonstrates the complexity of sexual violence reporting, and the variety of reasons for a person to resist reporting to police.

In November 2021, the Police Commissioner officially launched the QPS' joint safety campaign with Tinder. The campaign featured messaging to increase awareness of personal safety, offender behaviour, reporting and support options was the first of its kind, cobranded in partnership with Tinder.

The objectives of the campaign were to:

- promote awareness through messaging within the Tinder app, empowering but not alarming participants to take control of their safety.
- raise awareness among participants that the QPS prioritises the safety of the online community and is here to assist.
- reiterate that if something unwanted happens, individuals are not alone, with support and reporting options available.
- publicise to potential offenders that the QPS will move to protect safety within the online environment and that unwanted or criminal behaviour is not acceptable and will not be tolerated.
- reinforce that reporting sexual assault not only addresses an individual circumstance but can also
- assist police and Tinder in identifying offenders; preventing future occurrences; and supporting other victims.

The campaign culminated in messaging delivered to Queensland-based participants on the Tinder app, proactively promoting tailored safety messaging. The campaign reached 3 million people reached (1.8 million through media, 160,000 on QPS social media, 1 million on Tinder), with 30,000 visits to the campaign landing page on the Tinder app.

As referenced in the QPS response to Discussion Paper 2, the QPS advocated for the introduction of a Just in Case forensic examination process, to provide for collection of forensic evidence from a victim who has not yet determined whether to make a complaint to police. This process allows the victim to retain decision-making power in relation to her options, knowing that the collection of forensic material may assist police if she later chooses to report. In some areas of the state, however, it appears that once a victim attends a hospital for a Just in Case examination, some medical professionals are contacting police to attend and speak to the victim, causing angst for the victim and defeating the principle behind the Just in Case process.

Public reporting on sexual offending and domestic and family violence

The QPS notes the concerns raised at community forums regarding publication of names of victims and offenders include impacts for family members, particularly the children of the named people; the consequences for people in smaller communities; that many social media sites already name victims and offenders, and there does not appear to be many controls in this regard; and the options available to victims who consent to publication but subsequently change their mind as once details are published on the web it is extremely difficult to remove them.

The QPS acknowledges the views of victims are a significant consideration in the criminal justice process. It also acknowledges any community disclosure or reporting has the potential to cause negative consequences for victim survivors and offenders. It can lead to the re-traumatisation of victims, either at the time of publication or in the future. Ongoing and repeated publications by media and social media outlets can be detrimental to the coping and healing process for victims. Public reporting also provides

the ability to identify and target children of the victims and/or offenders, and can lead to the 'labelling' of a person as a victim or offender. Victims are not a homogeneous group. What may be restorative for one person may be detrimental to another. The potential to re-traumatise even one victim must be considered in policymaking.

Taking a conservative, victim-centric approach is particularly pertinent in the context of sex offence matters, as many victims are children, and most offending occurs within a complex intra-familial context³. Identifying victims (or fear of this occurring) through notification or disclosure processes may have significant psychological ramifications for victims and may disincentivise reporting of sexual abuse.

Research suggests that there is also a negative psychosocial impact on the children of identified offenders. In America, where sex offender register community notification schemes operate, a survey of 134 parents or caretakers of children whose other parent was registered sex offender, identified their children exhibited anger (80%), depression (77%), are ostracised by peers (65%) and are fearful (63%), with 13% exhibiting suicidal tendencies⁴.

This same research also identified other perverse impacts on family members of identified sex offenders, particularly those who reside with the sex offender, including the family member is more likely to experience social disadvantages and vigilantism themselves. 53% of family members experienced financial hardship due to the sex offender's loss of employment, 22% experienced housing problems, with 7% reporting being physically assaulted or injured, and 27% having property damaged due to their relationship with the identified sex offender.

Public identification of an offender can also potentially undermine protective risk factors such as stable housing, employment, and pro-social relationships.

The QPS notes and supports the limitations on publication of the names of young offenders, noting the principles of rehabilitation, similar to those in the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

Reporting, investigating and charging of sexual offences

Police responses to reports of sexual violence

A key focus of the QPS *Sexual Violence Response Strategy 2021-23* is the delivery of victim-centric and trauma-informed responses to victims of sexual violence. The implementation of the Sexual Violence Liaison Officer (SVLO) responsibilities is a key driver of change in this regard. In January 2020, the QPS commenced a 12-month trial of dedicated SVLOs in response to the Queensland Government's *Prevent. Support. Believe. Queensland's Framework to address Sexual Violence*. Two trial sites were nominated: Logan District in South East Queensland, and Townsville District in Northern Queensland.

During the trial, the role of the SVLO was to ensure the QPS provides a victim-centric response to victims of sexual violence, liaise with local Sexual Assault Support Services to identify and address issues relating to victim experiences, and ensure accurate and consistent communication was provided to all victims of sexual violence who report to the QPS.

Following the trial, an evaluation identified positive outcomes including:

- Improved perceptions of the QPS response to victims
- Increased referrals offered to and accepted by victims
- Increased reports of sexual violence
- Increased number of distinct victims
- Decreased withdrawn offences
- Decreased unfounded outcomes

³ Lievore, D (2003). Non-reporting, and Hidden Recording of Sexual Assault: An International Literature Review, report. *Australian Institute of Criminology*. <https://www.aic.gov.au/publications/archive/archive-135>

⁴ Tewksbury, R., & Levenson, J. (2009). Stress experiences of family members of registered sex offenders. *Behavioral Sciences & the Law*, 27(4), 611-626.
https://www.researchgate.net/publication/26269684_Stress_experiences_of_family_members_of_registered_sex_offenders.

The results from the evaluation were a driving factor in the decision to roll-out the SVLO role across the state and the expansion of the SVLO was incorporated as an action in the QPS' *Sexual Violence Response Strategy 2021-2023*.

SVLO responsibilities rest with the Officer in Charge (OIC) of each CPIU and CIB. The state-wide rollout commenced on 1 January 2022. The policy and procedure document (Instruction) that was utilised in the trial was revised in consultation with the SVLOs and forms the basis of the SVLO responsibilities. The Instruction (Appendix 4) will be incorporated into the OPM, due to be published in June 2022 (refer Appendix 2).

In addition to the direct communications with SVLOs, a communications pack was distributed to District Officers (senior leaders in the organisation) to help drive the key messages (Appendix 5) which include:

- Be aware of your own attitudes and biases
- Understand myths and misconceptions around sexual violence
- Understand trauma, how it can affect everyone differently and that a flexible and agile policing response is required
- Listen to the victim and ensure they feel supported
- Investigate the crime, not the victim.

Evidence gathering

As mentioned previously, the QPS response to children who have experienced sexual violence is primarily provided by CPIU investigators. Chapter 7 "Child Harm" of the OPM provides direction in relation to interviewing child victims and witnesses and investigating criminal offences against children. The commencement of the Queensland Intermediary Scheme Pilot Program in July 2021 provides further support and assistance to investigators to interview witnesses with communication difficulties when conducting child sexual offence investigations.

CPIU investigators record interviews with child witnesses and witnesses with an impairment of the mind, in accordance with s93A of the *Evidence Act 1977* (Evidence Act). The OPM states that *"statements in this format should be undertaken in accordance with the interviewing children and recording evidence (ICARE) interviewing model. The ICARE interviewing model encompasses an electronically recorded free narrative of the witnesses' recall of the event. The initial information obtained from a child is critical in the prosecution process. In instances of child abuse, sexual assault or where the witness suffers an intellectual disability, the matter is to be referred to the OIC of the district CPIU for their consideration, advice and where appropriate, the appointment of a suitably qualified officer to undertake an ICARE interview."*⁵

Current legislative restrictions prevent the recording of evidence from adult witnesses who may be deemed to be special witnesses under s21A of the Evidence Act. Section 110A of the *Justices Act 1886* requires "written statements" to be tendered for the purposes of a committal proceeding. Section 21AF of the Evidence Act provides exceptions for the presentation of a "written statement" at committal for affected child witnesses, however there are no similar exceptions for any of the other special witnesses in s21A Evidence Act.

The effect of this legislation is that investigators must obtain a written statement from adult victims of sexual violence. This process is not victim-centric and can cause further trauma to the victim, noting that the time taken to sit with an investigator to type a statement is greater than the time taken to record a free narrative account. A free narrative account is considered best evidence as it allows the victim to describe the event in her own words. The taking of a typed statement can often unwittingly result in the words of the victim being altered by the investigator, recorded inaccurately, or otherwise forgotten in the telling and retelling of the account. This can often lead to questions in court about the credibility or recall of the victim.

Recommendation: *It is therefore recommended that consideration be given to more closely aligning the provisions of s93A and s21A of the Evidence Act to allow for the admission of electronically recorded evidence of all witnesses who would be deemed to be special witnesses.*

As outlined in the submission, an investigative tactic sometimes used by police is the use of pretext

⁵ Section 7.3 OPM

conversations. Pretext conversations are an investigative tool that can be utilised in a wide variety of investigations but are particularly effective in sexual assault matters. Conversations are recorded between victims/witnesses and a suspect to obtain voluntary admissions. Pretext conversations can be conducted either by phone or face to face with a suspect. There are clear guidelines for the conduct of pretext conversations to ensure compliance with evidentiary requirements and to establish appropriate safeguards for victims. Officers are required to consider the emotional impact the proposed conversation may have on the victim in reliving events with the suspect, the age of the victim and their suitability to participate in a pretext conversation as well as any safety issues for the victim arising from the conversation.

Forensic examinations

In 2018-19, the Queensland Audit Office (QAO) conducted an audit of forensic services in Queensland. The QPS contributed to the audit to highlight concerns from officers investigating sexual violence regarding inconsistent and untimely provision of forensic examinations, often referred to as Sexual Assault Investigation Kits (SAIK), by medical professionals. Case study examples were provided and discussions held with QAO officers to express concerns that medical responses were not victim centric, and in many ways caused further trauma to the victim. The issues included refusal to conduct the examination, requirement for a victim to travel up to ten hours to a hospital that would undertake the examination, waiting (often in the same clothes) for hours before being seen by a medical professional, all of which were likely to result in the victim deciding to not further proceed with the complaint.

The QPS engaged regularly with Queensland Health to seek resolution to the concerns raised, and to also discuss the implementation of a 'just in case' model for victims who were undecided about whether to report to police. The combined engagement and QAO report resulted in the implementation of the Just in Case process in 2019, and a commitment from Queensland Health to strengthen their forensic responses.

While improvements have been identified, there remains concerns across parts of Queensland that the forensic responses by medical professionals have not improved to any great extent. The QPS continues to engage with Queensland Health to identify issues as they arise in order to address issues early.

Reference DNA

In addition to the SAIK examination, reference DNA is required from the victim to compare against samples obtained during the SAIK examination. The Queensland Government Guidelines for Responding to Sexual Assault signed by a number of Government Agencies including Health and QPS in 2014, state that forensic medical examiners **should** take a DNA reference sample from a victim. It is considered this would reduce the trauma suffered by the victim in having a police officer (often male) take the reference sample at a later time.

Queensland Health practitioners stopped this practice, causing a delay in processing the analysis, and requiring police officers to revisit the victim to take the sample. The reason provided by Queensland Health is that the word 'should' is used in this statement regarding the taking of the reference sample, and thus is optional. On 31 March 2022, Queensland Health agreed in principle that replacing "should" with "shall" in the guidelines will remove doubt about the requirements to take a reference sample.

DNA Testing Threshold

There has been recent commentary in the media about DNA testing thresholds in Queensland compared to other states and territories in Australia. In February 2018 Queensland Health Forensic and Scientific Services (QHFSS) made a recommendation to QPS that testing of samples containing less than 0.008ng/uL of DNA should discontinue because the chance of obtaining meaningful evidence was low. Previously samples below this concentration underwent a process of micro-concentration to try and improve the likelihood of obtaining a useful profile. QHFSS advised that the overall success rate of micro-concentration was 10.6%. However, they advised that in most of these instances the process of micro-concentration did not provide any new evidence for the case due to the same profile already having been detected on other samples. They reported that the actual success rate of micro-concentration finding new evidence was 1.86%.

Based on the advice of QHFSS, QPS agreed that further testing of samples with less than 0.008ng/uL

of DNA should cease as a matter of routine. In these instances, the outcome of the testing would be reported to police as 'insufficient DNA for further processing' and investigators would be given the option to request testing (which involves micro-concentration) to continue if the sample was important for the case.

For the calendar year of 2021 the QPS gathered information to monitor the success rate of obtaining a usable profile when investigators requested testing to continue for samples initially reported as 'insufficient DNA for further processing'. The observed success rate of obtaining a profile from these low concentration samples was approximately 30%. This success rate includes samples collected in relation to all crime classes. Given the observed success rate was substantially higher than was forecast by QHFSS, in December 2021 the QPS requested that the process be reviewed by QHFSS including the threshold value used.

The success of further testing for samples collected in relation to sex offences was much higher which may be attributed to the sample type which are generally taken from intimate areas. During 2021, 583 samples relating to sex offences were initially reported as 'insufficient DNA for further processing'. Investigators requested for testing to continue for 47 of these samples. Upon the continuation of testing, 31 samples yielded a useable profile. This equates to a success rate of 66% when samples below the threshold progressed through the full testing process.

Support Persons

The QPS response to Discussion Paper 2 included detailed information about the Townsville Sexual Assault Response Team (SART), which is a multi-disciplinary, specialised team of stakeholders who are available 24/7 to engage directly with victims of sexual violence, and support victims throughout the criminal justice process. It is evident from research and stakeholder submissions that consistency of support from end to end helps victims to feel supported and to navigate the system, and that this function is best performed by sexual assault service workers, in collaboration with criminal justice stakeholders (QPS, Health, Justice and Courts).

The QPS response to Discussion Paper 2 discussed the evaluation of the SVLO trial. This evaluation identified the benefits of a SART model and noted a SART model will provide more benefit to victims than the SVLO model alone. The evaluation report noted concerns about the capacity of sexual assault support services to meet demand, particularly in rural and remote areas of the State, and recommended further funding be considered and acknowledged as a limitation in current support for victims. It is noted this recommendation is beyond the remit of the QPS, which does not fund these services, but it is an issue of concern for the QPS if there are limitations on the ability for police to refer victims for necessary support.

Through the SVLO role, it is anticipated stronger connections will be made between the QPS and sexual assault support services, however concerns about capacity of services to meet demand remain.

The QPS strongly favours a model of sentinel support, where specialist support services are available and able to be engaged from the time when a victim is considering her reporting options, throughout the course of the criminal justice process, and beyond. By way of example, the following communication from a victim-survivor was received by the investigating officer following conclusion of the appeal period: *"However difficult the trial was it was small beer to the aftershock. We have yet to find our new normal. ... Then there's the question of 'what next'? On that I'll have to get back to you – I'm still a bit lost there."*

Police Training

As mentioned in the QPS response to Discussion Paper 2, the QPS has commenced delivery of new and updated victim-centric and trauma-informed training products, 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 (UQ) and aligns with the 'start by believing' philosophy.

The CSAFE OLP, released on 31 January 2022, is the first in a series of products, mandatory for all police officers from the rank of Constable to Inspector, Policelink staff and Counter Service Officers, to address:

- Understanding institutional child sexual abuse
- Understanding trauma

- Survivors from diverse backgrounds (First Nations victims; Culturally and Linguistically Diverse victims, victims with disability)
- Child development
- Being effective communicators (how to take a disclosure).

This OLP is highly recommended for Superintendents to Assistant Commissioners as many manage investigative units across the State.

The second stage is an OLP scheduled for release in 2022 for generalist investigators to address:

- 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.

Additionally, the two-week Detective Training (Phase 2) curriculum includes training relating to understanding sex crimes. Members of the UQ team who partnered with QPS to develop trauma informed training were invited to observe this training in March 2022 and are currently working with PCAP to include trauma informed components to enhance investigative understanding and responsiveness to victims in this phase of training. The training will include a session on 'The Whole Story' to build the foundational understanding of trauma before they attend the ISACURE course.

The ISACURE course provides participants with the knowledge, skills and behaviours to effectively understand and support victims of sexual offences; and hone communication and investigation strategies to effectively prevent, disrupt and prosecute sex offences. Participants are challenged to critically examine their existing understanding of trauma; victim behaviour; 'sex offences' and 'sex offenders'; as well as their own investigative processes to see how they impact investigations. The course was developed in consultation with expert academics and external stakeholders with the aim of enabling investigators to provide an enhanced response to adult victims. Skills with which to work effectively within a multi-disciplinary team to achieve mutual outcomes are also emphasised.

As outlined in the QPS Discussion Paper 2 response, 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).

In 2022, the Detective Training unit is facilitating 16 courses across all three phases to accommodate 520 students (4 of which are phase 2). There are 6 ISACURE courses to cater for 240 students.

The QPS Prevention Together Strategy aims to prevent harm, trauma and crime. Courses delivered at the Investigative Interviewing Training Unit (IITU) ensure the curriculum reflects this strategy, the QPS Sexual Violence Response Strategy, legislative and policy requirements in addition to addressing external recommendations such as Royal Commission, Inquiries or Coronial Inquests where required.

PCAP also provides face to face training for recruits and in-service police with respect to policing with influence and tactical communication. While not specific to sexual violence crime, the application of this training is designed to assist police to de-escalate violent situations and/or build rapport and actively listen to victims or community members in times of distress or crisis.

This training includes a focus on the following:

- de-escalation of incidents through effective communication skills; and specifically
- the use of the behavioural influence stairway model (BISM).

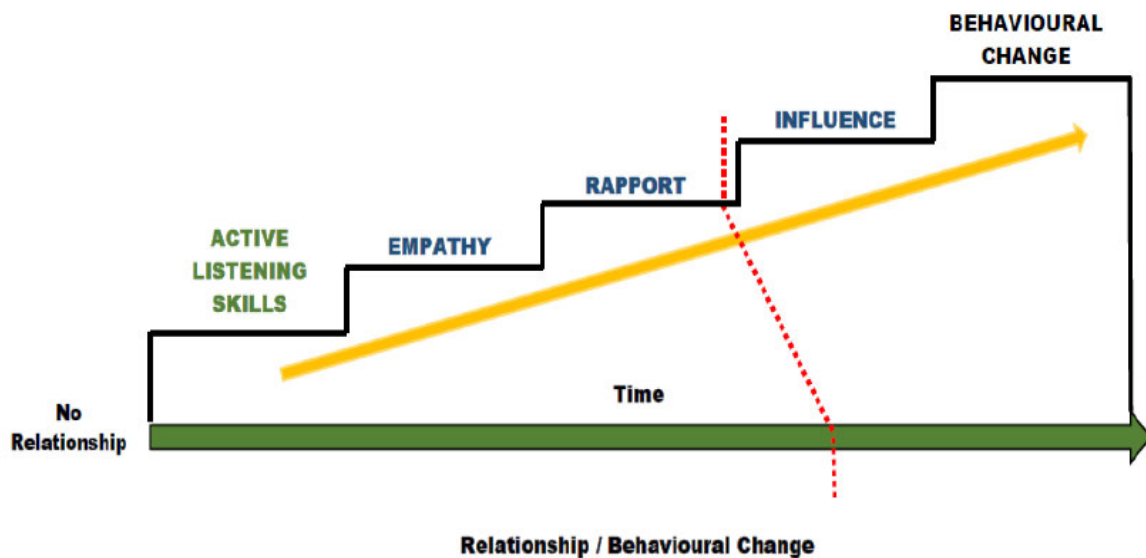
QPS Operational Skills and Training has included Statewide training to all police on the BISM model since 2018. The focus of this training is on communication techniques and specifically the ability to build relationships with people in crisis who are experiencing, or who have suffered traumatic events, including offenders, victims and witnesses alike. The BISM model is traditionally used by negotiators and has been included in general police training to educate all police on how to:

- use active listening skills
- empathise with the person they are speaking with
- build rapport
- influence behaviour
- change behaviours.

The techniques used in this model coincide with those used in high pressure police negotiations and investigative interviewing in general police work.

The skills, behaviours and principles incorporated in these training products are all transferrable to other aspects of policing activities outside of high risk or violent confrontations. For example, the model may be used by police generally to establish rapport, to assist persons experiencing a mental health related issue, victims of a crime or domestic & family violence; and witnesses of reportable incidents.

BEHAVIORAL INFLUENCE STAIRWAY MODEL (BISM)



Scenario based recruit training also includes policing with influence techniques (BISM) such as talking to aggrieved and respondent persons in domestic and family violence situations, non-compliant offenders and persons in distress due to mental health issues.

Legal and court processes for sexual offences

Adequacy of current sexual offences in Queensland

The QPS supports consideration of legal remedies to improve the experiences of victims through the prosecution process. We refer to the recommendation above in relation to electronic recording of victim and special witness evidence at investigation stage, and admissibility of the electronically recorded interview as the witness statement. As discussed previously, a free narrative account of the incident, with an ability to provide the Whole Story, will provide additional context around offender action and victim reaction⁶.

The QPS notes consideration of new offences relating to stealthing and acknowledges the submission from Respect Inc. about the lack of provision for charging a client of a sex worker with rape when they do not pay for services.

The QPS seeks consideration and possible review of judicial directions in sexual offence hearings, particularly in relation to the evidence of the victim, referred to as the [“Robinson” direction](#). An alternate

⁶ Tidmarsh, P (2021) The Whole Story: Investigating Sexual Crime - Truth, Lies and the Path to Justice
Queensland Police Service

option to removal of the warning may be to allow expert evidence to explain to a jury and court participants such matters as the impact of trauma on memory, fight/flight/freeze responses, and offending behaviours.

Alternative justice responses

The QPS acknowledges that “justice” has different meaning for different victims. For example, some victims of child sexual abuse tell someone about the offending because they want the offending to stop. Other victims want their story to be heard, and to be believed. It is therefore considered appropriate that a variety of options be made available to victims to provide them with a sense of control over how they participate in the system.

A number of diversionary options are available to police when responding to young offenders, however there remains limited options for restorative justice beyond restorative justice conferences. There is no impediment to utilising these alternative responses with a young person who has committed a sexual offence.

Question 71: Should a special sexual violence court be trialled in Queensland? What would be the risks and benefits?

The benefits of a sexual violence court are unclear. The QPS notes the views of the Victorian Law Reform Commission as outlined in Discussion Paper 3. It is considered that greater benefits would be achieved universally with training in trauma-informed approaches to all criminal justice participants (police, prosecutors, defence, courts personnel), noting these skills can be applied when dealing with all victims, witnesses and defendants.

Part 3 - Women and Girls’ Experience of the Criminal Justice System as Accused People and Offenders

Why women and girls come into contact with the criminal justice system as accused persons and offenders

The PPRA provides the powers and safeguards when investigating offences and dealing with offenders. While there are no specific requirements in responding to women and girls, officers are required to comply with all safeguards and with requirements in the OPM when dealing with offenders, including Chapter 2 (Investigative process) and Chapter 6 (Persons who are Vulnerable, Disabled or have Cultural Needs).

The QPS acknowledges the stories of women with lived experience and the research which identifies that many women who commit offences have a history of trauma and disadvantage. The role of police in investigating crime is outlined in Chapters 2 and 3 of the OPM. Officers must act impartially in the discharge of their duties. Consideration must be given to whether there is sufficient evidence to charge someone with an offence, and to also consider whether it is in the public interest to do so. Section 3.1.1 of the OPM requires officers, when deciding what action in response to an offence is appropriate, to adopt the ‘PLAN’ approach (Proportionate, Lawful, Accountable, Necessary) to assess whether an action or decision is compatible with human rights, and to consider whether alternatives to charging would be more appropriate.

Children in Residential Care

Earlier in this submission, we discussed the criminalisation of the care system. Children who are removed from their homes for their own protection by DCYJMA can be placed in a range of care environments, including with other family members, foster carers, or residential care services. Residential care services accommodate children and young people with complex and/or extreme support needs. Some homes can house up to 4-6 children. There are currently over 450 residential care houses across Queensland.

Children placed in residential care homes are likely to have suffered significant trauma and may exhibit challenging behaviours which require a holistic, trauma-informed response.

Responding to calls for service from residential care consumes significant and disproportionate policing resources. Regular police attendance at these addresses leads to negative community perceptions, negative police interaction and greater exposure of children in residential care to the criminal justice system, resulting in poor long-term outcomes for these children.

In 2018, the Queensland Family and Child Commission (QFCC) led development of the *Joint Agency Protocol to reduce preventable police callouts to residential care services* (the Protocol), which was published in September 2018. The intent of the Protocol is to limit the exposure of children in residential care to police and the criminal justice system for actions that would be managed without police involvement in a family home.

An analysis of data relating to calls for service to residential care services for 2018 – 2019 was undertaken by the QPS and shared with Child Safety.

The key points include:

- 22,241 total calls for service for 2018/2019 calendar years
- 30 service providers are responsible for 370 juvenile care house addresses
- 60% of calls are in relation to 'absconders' incident group (absent from placement/missing persons)
- 70 addresses (18.9%) had over 100 calls for service (range 100-542) across the two year reporting period.

Ongoing engagement with stakeholders in intervening years has seen a significant and sustained reduction in the number of calls for service to residential care facilities. In that same timeframe, we have seen a significant increase in the number of residential care houses (from 299 in 2018 to 459 in 2021), and a similar significant increase in the number of children in residential care (814 to 1,374). The average number of calls per child has reduced from 12.5 to 4.9, however the risk remains that this cohort of children will be at greater risk of entering the criminal justice system.

In February 2022, Child Safety published Operational Guidelines to support the implementation of the Protocol. It is hoped the implementation of the Operational Guidelines will see further reductions in unnecessary police involvement with these children and a subsequent reduction in their involvement in the criminal justice system.

Engagement with police and the legal system

The Discussion Paper commentary in relation to gender-responsive policing is noted. In 2022, the QPS commenced working with the University of Queensland to trial a gendered policing model. It is noted a broader consideration of gendered responses across the criminal justice system may result from this current inquiry.

The QPS works closely with partner agencies to identify young people at risk of entering the criminal justice system and of the child protection system and to implement intervention strategies to divert them from that path. As previously discussed, the QPS is a core member of the SCAN team system which provides a multi-agency response to children at risk of significant harm.

One initiative currently supporting girls at risk of entering, or who have entered, the criminal justice system is the recent establishment of multi-agency collaborative panels in all police districts. These panels have been established to provide support and intensive case management for the serious repeat young offenders who are consistently entering/exiting detention. These panels include representatives from various Government agencies who collaborate to provide support and links to pathways to prevent re-offending and incarceration.

Youth co-responder teams (YCRT) consisting of QPS and DCYJMA (Youth Justice) employees operate in eight police districts throughout Queensland. These teams perform street and home visits to young girls who have entered or at risk of entering the criminal justice system. The teams provide links for the young person and their family to support services ensuring holistic support to the family unit.

The following examples identify the benefit of early engagement and access to support for girls at risk of entering the criminal justice system:

14 year old girl, commenced offending in [REDACTED] 2020 and escalated with more than 70 [REDACTED] offences committed between [REDACTED] 2021 and [REDACTED] 2021. The girl was in care but living with kin. She has [REDACTED] older brothers, who were [REDACTED] involved in offending, which was the main influence of her behaviour. The offending related to property offences [REDACTED]

[REDACTED] The YCRT commenced regular engagements in May 2021, checking in on the girl two or more times per week, providing support and referrals to the family. The YCRT also engaged with the girl's Child Safety officer. Since October 2021 the girl has only committed one offence, in [REDACTED] 2022. The YCRT still engage with the girl and her current carer, including recently assisting with transporting her to school which she commenced at the start of the year after being absent from schooling for two years.

14 year old girl, first came to QPS attention in [REDACTED] 2020 for assault matters, for which she was cautioned. Her offending escalated the following year from [REDACTED] to [REDACTED] 2021, charged with over 20 [REDACTED] property offences [REDACTED]. The YCRT commenced engagements in June 2021, with the girl and her mother, including attending the home address for bail checks, engagements and referrals offered. Peer influence was a big factor in the girl's offending behaviour, along with conflict with her mother. There were several barriers to overcome working with the girl due to the family conflict and disengagement from schooling. The YCRT also regularly engaged with the girl's mother and provided advice. The girl's last offence was in [REDACTED] 2021. QPS have not been called to the address this year due to any family conflict matters.

Diversion from the criminal justice system

The QPS notes the discussion about the use of diversion options for women and girls as offenders from the criminal justice system.

Girls have greater opportunity of being diverted from the criminal justice system than women due to the diversion options available to young people and the historic use of such diversion options. Police are well versed with the diversion options available under the *Youth Justice Act 1992* including taking no action, caution, restorative justice conference, drug diversion or the graffiti program. Some women may be provided the opportunity of an adult caution depending on the circumstances. Expansion of adult cautioning and the ability to provide restorative justice conferencing to adults would provide greater options for police when considering responses to offending. Any diversionary practice for women and girls which includes links with further support may provide greater long-term benefits.

In 2019, the QPS commenced a Protected Admission Scheme for young offenders. The Protected Admissions Scheme allows police (through a legal representative, parent or support person) and a young person to come to an agreement about the young person's eligibility for a court alternative such as a caution or youth justice conference and the use of any admission. The lawyers advising the young person can provide advice to the young person to admit the offence in the confidence that they are acting in the best interests of the young person.

The investigation of an offence by the young person does not change, nor does the cautioning or restorative justice conference schemes.

The Protected Admission Scheme only operates where the young person has declined to make an admission, but a caution or other diversionary option is appropriate. The scheme is designed to remove the potential blockage to the cautioning or restorative justice conference options. A protected admission interview allows the young person to make admissions during a police interview, but any admissions made are not admissible in court proceedings.

Conditions in prisons and watchhouses

Chapter 16 of the OPM outlines the requirements for the care and safety of people in police custody. The OPM states "*Holding cells at police stations are designed to hold prisoners in custody for a short time, whilst watchhouses are primarily designed to hold persons overnight or for 24 hours or longer. Never-the-less, both these facilities are for the temporary holding of prisoners before prisoners are released or transferred to a corrective services facility or detention centre. Therefore, prisoners are to be held in police custody for the minimum length of time necessary.*"

While the OPM is clear in relation to best practice, often circumstances and factors beyond the control of

the police result in the detention of prisoners for more than 24 hours. These circumstances include the inability to transport prisoners to and from remote locations within a timely and practical manner, which often require flights or long-distance driving, particularly if there are limited police resources available. Likewise, if there are no beds available at the correctional or detention centres, requests are made to police to keep the prisoners at the watchhouse for longer periods. Finally, if a court appearance is only a day or two ahead, prisoners are often kept in the watchhouse as a more logistically feasible option to ensure the prisoner is able to attend court, particularly in the northern and western parts of the State.

Section 5.9.4 in Chapter 5 of the OPM provides direction in relation to requirements when taking children into custody and further guidance is provided in s16.12.1 in relation to segregation of prisoners.

The QPS notes that watchhouses are not designed to respond specifically to the needs of women and girls.

Women's experience of reintegration into the community

A new statewide initiative called a "72-hour Release from Detention Plan" has been implemented in Queensland. It provides a dedicated plan for youth aged between 10-17 years in the first 72 hours post release from detention centre. The plans provide support to the young person including supervision and engagement opportunities to help prevent re-offending.

Consideration could be given to establishing a similar model for women exiting prison, to ensure appropriate supports are available to her to re-establish her connections in the community.

The QPS supports all programs which support successful reintegration into the community. Not only will this reduce demand on QPS resources, but more importantly it will reduce recidivism rates for women and girls.

Conclusion

The QPS is committed to the safety of the community now and into the future. Whilst there are many and varied activities developed and ongoing to support women and girls in the criminal justice system, we recognise that the more Government and non-Government agencies work together to support our community, the better the outcomes will be. As the primary law enforcement agency for the State of Queensland our 24 hour, seven days a week policing service is increasingly met with high levels of demand, shifting community expectations and rapid technological innovation. These factors, coupled with our access in all parts of the State including remote areas, where other support agencies are not available, ensure policing is often the only point of call for community members across a wide range of policing and non-policing issues.

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
CPIU	Child Protection and Investigation Unit
CPYJ	Child Protection and Youth Justice
CSAFE	Child Sexual Abuse Fundamentals Education
DFV	Domestic and Family Violence
FoCIS	Fundamentals of Child Interviewing Skills
HHS	Hospital and Health Service
ICARE	Interviewing Children and Recording Evidence
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
ODPP	Office of the Director of Public Prosecutions
OIC	Officer in Charge
OPM	Operational Procedures Manual
QH	Queensland Health
QPS	Queensland Police Service
SART	Sexual Assault Response Team
SASS	Sexual assault support service
SCAN	Suspected Child Abuse and Neglect
SCU	Sexual Crime Unit
Sexual Violence Framework	<i>Prevent. Support. Believe. Queensland's Framework to address Sexual Violence</i>
Sexual Violence Response Strategy	<u>QPS Sexual Violence Response Strategy 2021-2023</u>
SVLO	Sexual Violence Liaison Officer
Taskforce	Women's Safety and Justice Taskforce

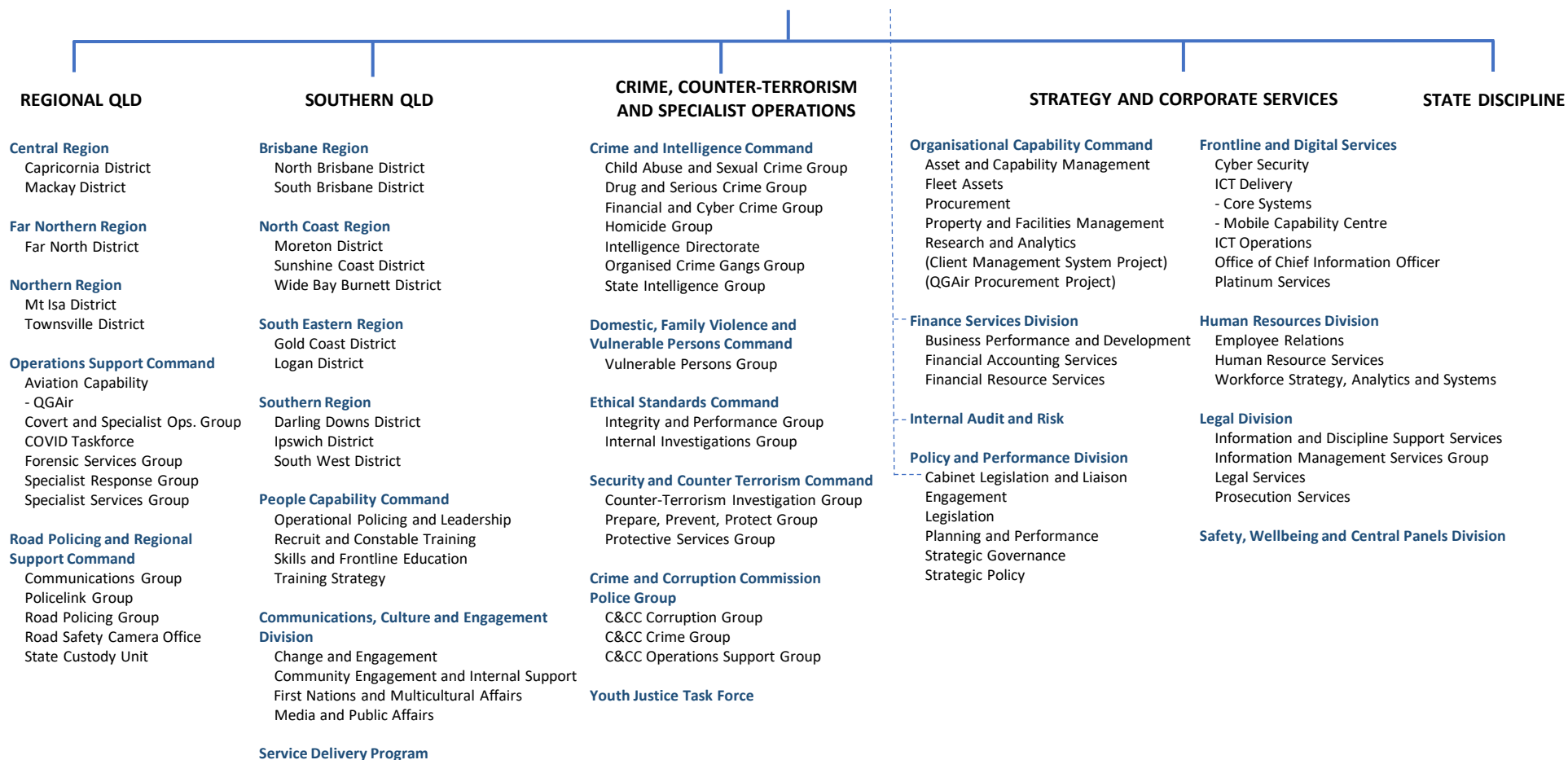
Appendices

1. QPS Organisational Chart
2. Chapter 2 OPM amendments (to be published in June 2022)
3. Sexual Violence Response Strategy – Communication Strategy
4. Sexual Violence Liaison Officer Instruction
5. District Officers Communication Pack
6. Sexual Violence Liaison Officer Trial Evaluation Report – not for publication
7. Sexual Assault Response Team Evaluation Report – not for publication

[end]



COMMISSIONER OF POLICE



Note: All draft amendments are in tracked changes.

CHAPTER 1 AMENDMENTS -

1.4.5 Responsibilities of officers in charge of stations or establishments

Officers in charge of stations or establishments are responsible for:

- (i) the efficient and effective management of policing within their area of control;
- (ii) ensuring close interaction between members of the Service under their control and the community, including the appointment of appropriate officers to perform the role of:
 - a. Adopt-a-Cops to schools within the division;
 - b. Neighbourhood Watch police liaison officer for Neighbourhood Watch groups within the division;
 - c. station community crime reduction officer; and
 - d. station domestic and family violence liaison officer (see s. 9.15.4: 'Station domestic and family violence liaison officers' of this Manual).

see also s. 1.7.8: 'Police in schools' of this chapter.

The OIC of officers appointed to the roles in (a)-(d) is responsible for the performance and supervision of the officers and should allow adequate time and resources for the officers to perform their appointed duties;

- (iii) the effective management of resources allocated within their area of control;
- (iv) discipline;
- (v) liaison within and external to the Service;
- (vi) budgeting;
- (vii) welfare, health and safety issues relating to members under their control;
- (viii) implementation of education and training programmes;
- (ix) developing and maintaining a register of physical resources under their control which includes equipment on personal issue to officers under their control;
- (x) transfer of information;
- (xi) monitoring district/branch operational plans and developing, division/unit 28-day rosters to address operational requirements. The OIC is also to monitor roster compliance in conjunction with shift supervisors or district duty officers and evaluate the outcomes;
- (xii) selecting a shift supervisor (see s. 1.4.6: 'Responsibilities of regional duty officer, district duty officer and shift supervisor' of this chapter) for each shift and indicating that selection on the duty roster;
- (xiii) the regular monitoring of good order and other minor offence records on the QPRIME computer system to ensure that police officers under their control comply with s. 3.5.9: 'Justification for arrest' of this Manual;
- (xiv) the efficient and effective deployment and management of all members under their control in compliance with Service policy, procedure and legislation;
- (xv) monitoring compliance with Service policy and procedure by all members under their control;
- (xvi) participation in the divisional and crime/support unit performance review process ensuring the operational business strategies and activities within the division are aligned to Service strategic and operational imperatives (see s. 1.3: 'Regional operations performance review strategy' of this chapter); and
- (xvii) foster an inclusive workplace where health, safety and wellbeing are promoted and prioritised.

Officers in Charge of Criminal Investigation Branches (CIB) and Child Protection Investigation Units (CPIU) are responsible for undertaking the role of the Sexual Violence Liaison Officer (SVLO).

See s.2.6.3 'Sexual Offences' of this Manual for the responsibilities of an SVLO.

CHAPTER 2 AMENDMENTS -

2.6.3 Sexual offences

Where a sexual offence has been identified, first response officers should consider contacting the relevant district Sexual Violence Liaison Officer (SVLO) to assign an investigating officer in line with local arrangements and the responsibilities of an SVLO contained in this chapter.

Additional responsibilities of first response officers for sexual offences include:

- (i) ensuring the safety and welfare of the victim (see Charter of Victims' Rights of the Victims of Crime Assistance Act (VOCAA) and s. 2.12.1: 'Victims of Crime Assistance Act' of this chapter);
- (ii) identifying any person to whom the victim may have stated the complaint to following its occurrence, i.e. preliminary complaint and any other possible witnesses;
- (iii) obtaining personal particulars from the victim and identifying the offence to be investigated, i.e. rape, sexual assault;
- (iv) completing a brief account of the occurrence involving the offence complained of, including location, time, injuries, conversation, indicia, sequence of events, etc.;
- (v) obtaining sufficient information which would assist in identifying the suspect(s), including as appropriate:
 - (a) ascertaining if the suspect(s) is known to the victim or any witnesses;
 - (b) obtaining an accurate description of the suspect(s);
 - (c) identifying if any CCTV or security surveillance camera vision is available (see s. 2.4.11: 'Video and photographic evidence recorded during the commission of offences' of this chapter);
 - (d) obtaining any information which will assist investigators in locating and identifying the suspect(s); and
 - (e) arranging for a broadcast of suspect(s) where necessary; and
- (vi) not asking leading questions of the victim in relation to the complaint.

Additional responsibilities of investigating officers for sexual offences include:

- (i) providing an objective account of the investigative process and judicial process to ensure the victim is fully informed of the process;
- (ii) discussing with the victim their needs and concerns in relation to the investigative process including whether the victim has any preference in relation to the gender of any officer to be present during the investigation. Preferences should be complied with where possible;
- (iii) providing the opportunity for the victim to have a support person present during the various stages of the investigation, including taking the victim's statement and during any medical examinations. A support person may include an employee from a sexual assault support service. Victims should be advised witnesses or potential witnesses may not act as support persons;
- (iv) fully informing the victim of the importance of retaining forensic evidence. However, officers should not discourage victims from washing bodily fluids from the vaginal or anal areas due to the risk of infection from potentially life-threatening diseases such as HIV;
- (v) arranging for a medical examination by a forensic medical officer (FMO), doctor or forensic nurse;
- (vi) providing the examining medical practitioner with a Sexual Assault Investigation Kit (SAIK);
- (vii) taking possession of the completed SAIK and ensuring it is:
 - a) allocated a forensic exhibit number;
 - b) entered onto the forensic register by a forensic officer; and
 - c) delivered to Queensland Health Forensic and Scientific Services (FSS) (see s. 2.19.6: 'Forensic Services Group (FSG)' of this chapter);
- (viii) where additional biological evidence is taken from the complainant, only the SAIK is to be delivered to FSS. The biological samples are to be:
 - a) retained by the investigating officer whilst awaiting the results of SAIK analysis; and

- b) submitted for analysis, if the analysis fails to identify the offender;
- (vii) ensuring a DNA reference sample is collected from the complainant:
 - a. at the same time as the SAIK; or
 - b. in offences involving oral rape, 48 hours after the time of the offence; and
 - c. using a DNA 'Mouth Sample Kit – QPS'; and
 - d. completing a: • QP 0442: 'DNA Sample Particulars Form'; and • QP 0535B: 'Signed consent for the taking of sample for DNA Analysis from victim/complainant/witness',

(see s. 2.25.6: 'Obtaining samples for DNA analysis from a victim/complainant/witness' of this chapter);
- (viii) collecting DNA reference samples from witnesses/husband/partners for the purpose of assisting analysts with the interpretation of complex mixed DNA profiles and improving the timeliness of results;
- (ix) prior to obtaining a DNA sample:
 - a) ensure the victim is fully aware of the procedures involved in the medical examination and discuss the evidentiary benefit to have such examination;
 - b) explain to the victim written and signed consent should be given for:
 - any clinical or forensic examination;
 - the collection of specimens by the doctor;
 - the release of any specimens taken or relevant laboratory results; and
 - the taking of necessary photographs;
 - c) provide the victim the option of having a support worker present during the examination. The examination should be directed to establishing whether the victim had been penetrated to any extent or sexually assaulted. All possible evidence of the commission of the crime should be obtained from the examination of the victim including signs of injury corroborating lack of consent (these signs may consist of bruises, lacerations, scratches, etc. on any part of the body, including the thighs and genital area).
 Note: there is no legal requirement for a police officer to be present during a medical or forensic examination. Officers may however advise the victim they or medical staff may request an officer to be present;
 - d) be aware of the provisions of s. 93A: 'Statement made before proceeding by child or person with an impairment of the mind' of the Evidence Act (EA) which deals with the admissibility of statements by a child or an intellectually-impaired person. Wherever possible, statements in this format should be obtained by officers who have successfully completed an ICARE (Interviewing Children and Recording Evidence) course; and
 - e) where possible, obtain photographs of the victim which illustrate any injuries or other evidence;
- (x) ensuring the victims clothing and underclothing which may assist in the investigation (e.g. bodily fluids such as saliva, semen or blood) are collected as per s. 2.25.20: 'Procedure for items of clothing worn by a complainant' of this chapter;
- (xi) arrange for the examination of the crime scene by forensic personnel as soon as possible, ensuring the scene is not disturbed until the examination is completed. Items such as discarded clothing, bed linen etc. which may provide forensic evidence to support the investigation are collected in accordance with s. 2.25.19: 'Procedure for items left at scenes of crime' of this chapter;
- (xii) making, if appropriate, a detailed plan of the scene. Officers trained in accident investigation procedures may be able to assist;
- (xiii) obtaining a detailed statement from the victim. In doing so officers should:
 - a) consider the provisions of Chapter 6: 'Persons who are vulnerable, disabled or have cultural needs' of this Manual;
 - b) consider the provisions of s. 93A of the EA (Admissibility of statements by a child or an intellectually impaired person). Statements in this format should, where possible, be taken by officers who have completed an ICARE course;

- c) inquire if a support person is required during the interview, e.g. a friend, family member or a community support worker;
- d) ensure if the victim has a disability/impairment, a representative from the appropriate agency or a support person, where available, is present during the interview;
- e) ensure, where the victim is not conversant with the English language, where available, an appropriate interpreter is present (see s. 6.3.7: 'Interpreters' of this Manual);
- f) consider the use of a Queensland Intermediary Scheme (QIS) intermediary to assist witnesses with communication difficulties during the interview process for child sexual offence investigations (see s. 7.6.3: 'Procedures for interviewing a child' of this Manual);
- g) acknowledge the impact of sexual violence can be different for everyone and ensure the victim is comfortable prior to commencing the statement;
- h) create an environment of trust with the victim;
- i) conduct the interview in a private quiet area;
- j) inform the victim of the investigative processes which will take place;
- k) advise the victim of the format of the interview and how it will be conducted;
- l) answer and clarify any questions asked by the victim;
- m) take care when interviewing the victim. The investigating officer is to be mindful the victim may subconsciously try to fill in gaps in memories and become suggestible when answering questions;
- n) record accurately the victim's responses;
- o) ensure the statement is signed by the victim in accordance with the Justices Act or Oaths Act provisions;
- p) keep all transcripts secured and together;
- q) ensure a copy of the statement is given to the victim;
- r) advise the victim that if the matter goes to court, the legal representative for the defence will be receiving a copy of the statement; and
- s) advise the victim that if the matter goes to court, they may be afforded rights granted to a special witness, e.g. the pre-recording of evidence, see s. 21A: 'Evidence of special witnesses' of the EA;
- (xiv) keeping the victim fully informed on what is happening throughout the investigation;
- (xv) complying with the Charter of Victims' Rights of the VOCAA (see s. 2.12: 'Victims of crime' of this chapter);
- (xvi) if necessary, arranging for photographs to be taken of the crime scene, any exhibits, and photographs of any injuries received by the victim;
- (xvii) collating, labelling and securing all exhibits in accordance with the provisions of Chapter 4: 'Property' of this Manual;
- (xviii) maintaining a log of events to assist in the management of the investigation;
- (xix) obtaining statements from any possible witnesses;
- (xx) obtaining a statement of preliminary complaint without asking leading questions;
- (xxi) if the identity of the suspect is not known, arranging a Comfit and ensure the completed Comfit is attached to the relevant QPRIME occurrence (see s. 2.11.8: 'Comfit identification (Computer Generated Images)' of this chapter);
- (xxii) if the identity of the suspect is known, locating and interviewing as necessary;
- (xxiii) conducting any necessary searches to obtain any evidence from the suspect or from any other place;
- (xxiv) once a statement has been taken from the complainant, forwarding a notification task within the relevant QPRIME occurrence to the Child Abuse and Sexual Crime Group, Crime and Intelligence Command for intelligence purposes; and
- (xxv) offering a Police Referral for support services and financial assistance. Victims Assist Queensland can assist with providing counselling, medical costs, security to place of residence, clothing and bedding.

Additional responsibilities of the Officer in Charge of Criminal Investigation Branches and Child Protection Investigation Units include undertaking the role of Sexual Violence Liaison Officer (SVLO). This responsibility relates to QPS responses to victims over the age of consent (16 years or older) and includes historical sexual offence matters. For reports of sexual violence offences to the Service, the SVLO is to ensure:

- (i) the first point of contact for the victim is with an appropriately trained investigator following initial advice of a reported sexual violence offence. This process is to be established by the SVLO based on local resourcing arrangements;
- (ii) all interactions between police and victims are recorded in the QPRIME Occurrence Enquiry Log (OEL). The SVLO should monitor occurrence OELs to ensure all contact is recorded;
- (iii) at all stages throughout the investigation, and where operationally practical and appropriate, the victim is afforded the opportunity to have a support person present during all in-person contact with the investigating officer(s);
- (iv) during the initial reporting of a sexual violence offence, the discussions around the proposed investigation process focus on ensuring the victim can access the justice process. Any undue emphasis on negative aspects of the process or to withdraw is unacceptable. This does not prevent an investigating officer from providing an honest and transparent account of the investigation and judicial processes, with the aim of ensuring the victim can make an informed decision;
- (v) a referral to an appropriate support service is offered to all sexual violence victims;
- (vi) where a matter cannot be progressed to prosecution, advice is provided in person to the victim by the investigating officer (where practicable);
- (vii) a withdrawal of complaint is not formally progressed from the victim within 14 days from the date the offence is reported to the Service unless there are extenuating circumstances. If a withdrawal of complaint is to be obtained within 14 days it should only occur following consultation and approval by the SVLO;
- (viii) additional support and referrals are offered to a victim who insists of withdrawing within the first 48 hours after making a complaint;
- (ix) all withdrawals of complaints relating to sexual violence offences are electronically recorded. Any recording is to cover the entirety of the interaction with the victim not just the completion of the withdrawal of complaint documentation;
- (x) a monthly review of withdrawal of complaints is conducted with an entry made on the OEL in QPRIME;
- (xi) a random audit of sexual offence investigations within the associated district is conducted for the purpose of quality assurance;
- (xii) a local escalation process is established to ensure the SVLO is the first point of contact should a victim or sexual assault support service employee wish to raise an issue/s concerning the response provided by the investigator and/or the QPS;
- (xiii) relationships with the local sexual assault support services are built and maintained and information is shared between agencies to improve the response to victims.

Where appropriate the SVLO can delegate some of the above responsibilities to appropriately trained officers.

ORDER

In cases of rape, serious or complex sexual assaults the regional crime coordinator is to notify the Detective Inspector, Child Abuse and Sexual Crime Group, Crime and Intelligence Command, forthwith.

Drug facilitated sexual assaults

First response officers and investigating officers are to always consider the possibility of drugs being used to facilitate the commission of sexual assaults. In cases where it is suspected drugs may have been used, officers are to:

- (i) ensure appropriate testing is conducted at the crime scene to maximise the chances of detecting these substances. The government medical officer or doctor conducting the examination is to be advised, so the appropriate blood and/or urine samples are correctly obtained. The decision to test for these remains a clinical one which is made by the victim in consultation with the doctor;
- (ii) advise the victim of the need to examine the clothes they were wearing when both the drug was administered, and the sexual assault occurred. These clothes may contain traces of the drug used by the offender, which may provide corroboration of the victim's allegations. Items seized are to be placed separately into appropriate exhibit bags, to avoid cross transfer of evidence;
- (iii) take care when interviewing the victim. The investigating officer is to be mindful the victim may subconsciously try to fill in gaps in memories and become suggestible when answering questions; and
- (iv) consider locating potential witnesses in relation to these crime scenes.

Crime scenes may include the premises where the drug may have been administered to the victim or where it has been stored and/or prepared by the suspect.

Officers should search crime scenes for:

- (i) possible drugs that may have been administered, including prescription medication;
- (ii) devices used to administer the drug, syringes, eye droppers etc.;
- (iii) receptacles and packaging used to store the drug;
- (iv) in the case where the crime scene is a licensed premise, any CCTV footage; and
- (v) any property of the victim the suspect may be in possession of.

Response to Sexual Assault Guidelines

Guidelines for responding to adult victims of sexual assault are available on the Child Abuse and Sexual Crime Group 'Resources' web page on the Service Intranet.

Officers are to:

- (i) refer to the 'Response to Sexual Assault' Guidelines when dealing with victims of rape and sexual assault; and
- (ii) ensure information, including local support agencies, is made available to victims of rape and sexual assault. Queensland Health maintain a list of support agencies on their 'Sexual Assault' webpage.

Online Sexual Assault Reporting for Adults

Adult members of the public may report a sexual assault online through the Queensland Police Service website (<https://www.police.qld.gov.au/units/victims-of-crime/support-for-victims-of-crime/adult-sexual-assault>).

Victims may use the online sexual assault reporting form to report a sexual assault to police as an alternative way to making a report at a police station or over the phone.

If a victim wishes to report a sexual assault, but does not want to make a formal complaint or they want to remain anonymous, the Alternative Reporting Option form located on the Queensland Police Service website can be used.

Adult Sexual Assault Resource Package

The [Adult Sexual Assault Resource Package](#) is an on-line resource that provides alternative reporting options as well as detailed information relating to adult sexual assault. The package is available on the Service internet website and has been designed to be used by members of the Service, victims, sexual assault support counsellors, government and non-government service providers as well as members of the public. The package includes information on:

- (i) making a complaint of sexual assault;

- (ii) the investigative and court processes;
- (iii) alternative reporting options; and
- (iv) appropriate support services.

The Adult Sexual Assault Resource Package is managed by Child Abuse and Sexual Crime Group, Crime and Intelligence Command.

Witness Intermediaries

Officers in the Brisbane and Cairns District and Supreme Court jurisdictions who are investigating allegations of child sexual offences and have prosecution witnesses who may have communication difficulties should consider the services of the QIS pilot program. For policy in relation to QIS eligibility and requesting process see s. 7.6.3 of this Manual.

Intermediaries can assess a witness with communication difficulties to advise police on the best way to interview the witness and ensure that the witness understands police questions and police understand the witness's answers.

APPENDIX C – SEXUAL VIOLENCE PREVENTION COMMUNICATION STRATEGY

Goal

In collaboration with CASCg, raise public confidence in the police response and commitment to preventing and responding to sexual violence, with this strategy to complement the DFV communication strategy.

Objectives

- Increase community awareness of sexual violence and its underreporting
- Encourage more victims to come forward by highlighting the choices, including the different (ARO vs formal complaint) and enhanced (online) 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 sexual violence response, including how the Service supports and assists victims and collaborates with partners.
- Increase community confidence in reporting to police through highlighting third party endorsements/partnerships with service providers.

Strategy

- Identify spokespeople from CASCg and Regions to deliver consistent messaging that resonates with key target audiences including women, LGBTIQ, school-aged children (16yrs and over), vulnerable groups (the elderly, people with disabilities and mental health).
- Undertake regular briefings between the Command and Media and Public Affairs to identify trends / focus areas / operational outcomes / progress and priorities of Sexual Violence Prevention Working Group.
- Develop targeted campaigns and leverage relevant awareness initiatives (e.g. dating apps / Match Group)
- Announce key milestones in victim-centric initiatives (e.g. training rollout)
- Highlight on an ongoing basis when perpetrators are held to account
- Profile collaboration and action with agencies such as Qld Health, Dept of Justice and Attorney-General, Department of Children, Youth Justice and Multicultural Affairs, Queensland Corrective Services, NGOs, support services and agencies.

Key messages

1. Reporting sexual violence is essential. The QPS encourages survivors to notify authorities, whilst acknowledging the process of reporting can be a confronting and difficult experience.
2. Police will listen to survivors of sexual violence, respect their wishes, privacy and health and safety needs, regardless of when the offending may have occurred.
3. If you are a victim of sexual violence, help is available. There are several ways to report and access support including making a formal police complaint and Alternative Reporting Option (ARO) which gives survivors the opportunity to share their experience with police in a way that could assist others.
4. A whole-of-community response is critical to shifting societal attitudes and beliefs and preventing sexual violence.
5. Preventing and responding to sexual violence is everyone's responsibility.

Communication principles

- Use supportive, empathetic and non-judgemental language that avoids victim blaming
- Acknowledge difficulties in survivors coming forward

- Be transparent and acknowledge where change is needed – not all survivors have had positive or consistent interactions with police
- Spokespeople should help convey trust, authenticity and empathy
- Focus on equipping people with facts including options for reporting and seeking justice.

Tactics

External - Media and Public Affairs (MPA)

- Proactive media and content highlighting victim-centric focus:
 - Reporting options (formal and ARO) and ways to contact police
 - Profile on specialist officers – e.g. investigating a sexual assault, working as a sexual violence liaison officer (Townsville, Logan)
 - Update on UQ training partnership and rollout
 - Social media tiles – graphically represent reporting options & stats
 - Video / social story – e.g. importance of speaking up
 - Pre-prepared social media responses
- Collateral – handouts / materials for regions
- Targeted media – e.g. podcast, Triple J and CM stories on reporting
- Campaigns – e.g. Sexual Violence Prevention Month (Oct), dating app campaign
- Mythbuster series – e.g. underreporting, gender issue, police response

External - Regions

- Supported with Media and Public Affairs content with the addition of local messages and statistics utilising:
- Local media
 - Engagement events
 - Local myPolice blogs.
 - Reactive media in relation to sexual violence incidents and investigations.
 - Local proactive media (e.g. promotion of support services, events etc).

Internal – Change and Engagement

- Assist in the development of internal communications (email, Workplace posts/tiles) to inform QPS members about sexual violence prevention updates, including available training to Service members.
- Help CASCg with sharing their announcements and progress information through internal channels.
- Provide engagement strategies to assist CASCg with their face to face (f2f) engagement of service members.
- Proactive and aligned internal and external messaging for sexual violence prevention, highlighting policing responses that are victim-centric and align with QPS values.

How do we measure success?

- Frequency and strength of key messages on social / traditional media
- Change in public sentiment on social / traditional media commentary
- Change in behavioural trends, noted through operational and reporting statistics
- Anecdotal feedback from one-on-one engagement.



QUEENSLAND POLICE SERVICE

INSTRUCTION

SEXUAL VIOLENCE LIAISON OFFICER



1. PURPOSE

The purpose of this guideline is to outline the role and responsibilities of the Queensland Police Service (QPS) Sexual Violence Liaison Officer (SVLO).

2. BACKGROUND

In 2019, the *Prevent. Support. Believe. Queensland's Framework to address Sexual Violence*¹ (the Sexual Violence Framework) was published and outlines the Queensland Government's approach to preventing and responding to sexual violence in Queensland. The Framework set priorities for action to guide the Queensland Government's response to sexual violence.

The SVLO trial was developed in response to action 3.2.1 from the Sexual Violence Framework which recommended QPS conduct a pilot of a dedicated SVLO within the Townsville QPS District, and conduct a comprehensive evaluation to determine the feasibility of the model and resourcing needs for expansion across QPS regions. As Townsville had existing multi-agency processes set up to respond to sexual violence through the Sexual Assault Response Team (SART), the Logan District was added as a trial site for comparison.

An evaluation of the SVLO trial concluded that there were some improvements in the response to victims of sexual violence in the trial locations. However, as the trial did not address all reporting barriers identified in the Framework, it was recommended if the SVLO model was expanded state-wide, reconsideration of the role and responsibilities would be required.

This document outlines the amended role and responsibilities of the SVLO following the results of the trial.

3. POLICY

This guideline must be read in conjunction with the QPS Operational Procedures Manual (OPM) sections 2.6.3 'Sexual Offences' and 2.12.1 'Victims of Crime Assistance Act' as well as the Victims' Rights of the Victims of Crime Assistance Act.

OPM section 2.6.3 outlines the process for managing a complaint of sexual assault by an adult, including ensuring compliance with the Charter of Victims' Rights. The OPM includes links to other resources to guide officers about providing a victim-centric response to complaints of this nature.

4. RESPONSIBILITIES

The SVLO role is a function of the Officer in Charge (OIC) Criminal Investigation Branches (CIB) for victims aged 18+ and the OIC Child Protection and Investigation Unit (CPIU) for victims aged 16 and 17 and for historical child sexual matters. It is noted the carriage of sexual violence investigations can vary depending on location. To ensure an appropriate response to reported sexual violence offences, the SVLO should ensure the following strategies are followed:

- All interactions between police and victims are to be recorded in the Occurrence Enquiry Log (OEL).

¹ [Prevent. Support. Believe. Queensland's Framework to Address Sexual Violence](#)

- At all stages throughout the investigation, and where operationally practical and appropriate, the victim should be afforded the opportunity to have a support person present (including a representative from a Sexual Assault Support Service), during all in person contact with the investigation officer(s).
- Following initial advice of a report of a sexual violence offence, the first point of contact for the victim must be with an appropriately trained investigator.
- Where no appropriate investigator is available at the initial contact, local arrangements must be established to facilitate this process.
- During the initial reporting of a sexual violence offence, the discussions around the proposed investigation process should not overly focus on the victim withdrawing the complaint or any perceived negative aspects of the judicial process. This does not prevent an investigating officer from providing an honest and transparent account of the investigation and judicial processes.
- A referral to an appropriate support service must be offered to all sexual violence victims.
- Where a matter cannot be progress to prosecution i.e. insufficient evidence, this advice is to be provided in person to the victim by the investigating officer (where practicable).
- A withdrawal of complaint is not to be formally progressed from the victim within fourteen days from the date the offence is reported to police unless there are extenuating circumstances. If a withdrawal of complaint is to be obtained within fourteen days, it should only occur after consulting the Sexual Violence Liaison Officer.
- All withdrawals of complaints relating to sexual violence offences are to be electronically recorded.
 - The recording is to be uploaded to Evidence.com with the Q-prime occurrence number as the ID/reference number. Note this recording is to cover the entirety of the interaction with the victim not just the completion of the withdrawal of complaint documentation.
- A monthly review of withdrawal of complaints should be conducted with an entry made on the relevant OEL.
- A local escalation process must be established should a victim or sexual assault support service employee wishes to raise an issue concerning the response provided by the investigator and/or the QPS.

5. DELEGATION

Where appropriate, the SVLO can delegate some of the above responsibilities to appropriately trained officers based on district demand, structure and local policy.

6. AUTHORITY

Officer Authorising Instruction:	Signature:
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7. DATE

Effective Date:	Review Date:
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Sexual Violence

Officer in Charge and District Officer
Communications Pack

Background

The fundamental premise of dealing with a victim of sexual violence is to treat them with empathy, respect, dignity, courtesy and compassion. It is recognised that dealing with these complaints is often complex and time consuming in an already challenging environment for police.

In October 2019, the Queensland Government released [*Prevent. Support. Believe. Queensland's Framework to address Sexual Violence*](#). This report (and framework) identified that on occasion, police have displayed negative attitudes towards victims of sexual violence including victims feeling they have been judged harshly and were not believed by police when reporting sexual violence.

More recently, [media](#) reports have noted the QPS has the highest rates of unfounded and withdrawn outcomes for sexual offences compared to every other state and territory.

Many victims choose not to report sexual violence to police and it is important to understand a victim's reason for this decision. QPS members should consider all steps possible to remove barriers for victims to report sexual violence and access the judicial process if they wish.

The QPS response to victims of sexual violence must be victim-centric and trauma-informed. This means it is important to place the victim at the centre of all decision making and understand there will be factors which may impede an investigation, or influence a victim to withdraw their complaint. All QPS members should focus on investigating complaints of sexual violence rather than the credibility of the victim.



Some examples

In responding to sexual violence, all QPS members should consider and be aware of unconscious biases which may influence their actions towards vulnerable groups and lead to unintended discrimination. Recent examples of unconscious bias are outlined below.

Example 1:

Occurrence – A male offender charged with sexual assault

QPS response – Arresting officer justified the offender's behaviour by stating the matter was an *"isolated incident involving a hormonal teenager that had been consuming alcohol and did not know when to stop his actions."* Through the process, it was suggested to prosecutions that a 'No Conviction' should be recorded by the court as the embarrassment the offender faced from his school, the police and his family was enough punishment. This personal opinion was written in the QP9 and provided to the offender and his legal representative.

Example 2:

Occurrence – An offender was charged with rape and the adult complainant later withdrew her complaint. The victim cited poor mental health arising from the offence and the fact they did not wish to see the offender in court as the reason for withdrawal.

QPS response – In an email requesting authority to withdraw the charge, the arresting officer wrote *"Just the typical case with a rape victim going bad on us, despite her assurance that she wanted to proceed earlier in the piece and throughout the entire investigation!"*



Considerations when responding to sexual violence



Working out what is immediately important:

- Consider whether there are medical or safety issues which need to be addressed immediately. Remember, a police investigation can be commenced without a full statement.
- At all times act with the QPS values and show respect, courtesy, compassion and dignity at all times.
- It is recommended to contact the CIB or CPIU upon initial advice to avoid the victim retelling the details of the complaint multiple times which may cause further trauma.
- Reporting sexual assault matters should only be done where the victim is safe and feels comfortable e.g. in a private witness room.



Strategies for responding to sexual violence

- ☐ Be aware of your own attitudes and biases.
- ☐ Understand myths and misconceptions around sexual violence.
- ☐ Understand trauma, how it can affect everyone differently and that a flexible and agile policing response is required.
- ☐ Listen to the victim and ensure they feel supported.
- ☐ Investigate the crime, not the victim.



When undertaking the investigation:

- **Be aware of your own biases, attitudes and opinions.** By doing this you will ensure fair, impartial and comprehensive dealings with the victim, including showing empathy.
- **Follow the Charter of Victims Rights** and ensure the privacy of the victim is upheld at all times, and the victim is informed of all relevant information in a timely fashion.
- Consider that **everyone responds to trauma differently** and our role as police is to investigate the offence.
- Seek to **provide additional support and referrals** to a victim who insists on withdrawing their complaint within the first 48 hours. Police should also find out why they wish to withdraw their complaint and seek to address any barriers raised by the victim in continuing with the complaint.
- As the investigator, ensure you are providing the victim with **consistent and professional contact**.
- **Set aside time and provide the resources to obtain a statement** using best practice methods, including investigative interviewing techniques and/or a 93A statement (e.g. where a child is under 16 years old or if an adult victim has an impairment of the mind).
- In determining the appropriate action when finalising an investigation, officers should refer to s3.4.2 of the Operational Procedures Manual and the Office of the Director of Public Prosecutions Guidelines and **always ensure the most appropriate outcome is recorded** in the Incident/Count stats e.g. Solved, Unsolved, Unfounded, Withdrawn, Investigating or continuing.
 - Where an investigation is occurring and insufficient evidence is available to proceed, the occurrence should be recorded as Unsolved.
 - Unfounded should only be used where there is sufficient evidence and that evidence indicates that the offence did not occur.
- **Develop strong networks** with local Sexual Assault Support Services and engage with them early in an investigation.
- In order to understand how trauma affects a victim (and their potential indecision), **place the victim at the centre of the decision-making process** and allow them to have some control while providing information, receiving support and making choices.
- Wherever possible, **consider continuity** of the lead investigator as best practice for the victim.
- **Accept some decisions made by the victim may impact evidence gathering practices.** However, this should not automatically impact adversely on the decision to charge an offender or continue with the prosecution.
- **Ensure there is senior officer** oversight throughout all stages of the investigation.



Service-wide continuous improvement strategies

01

Victim-centric and trauma-informed training

Work is underway to develop and deliver victim-centric and trauma-informed training products to improve the QPS response to victims of sexual violence at all levels. This training is intended to rollout from August 2021.

The 'Investigating Sexual Assault – Corroborating and Understanding Relationship Evidence' (ISACURE) course is also currently available to members of CPIU and CIB and provides participants with the knowledge, skills and behaviours to effectively understand and support victims of sexual offences.

An evaluation of ISACURE identified the course significantly changed investigators knowledge and perceptions of their role and approach to victims of sexual assault, and led to improved investigative practices. ISACURE investigators (as compared to investigators 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)

02

Sexual violence prevention working group

The Child Abuse and Sexual Crime Group, Crime and Intelligence Command has established a sexual violence prevention working group to drive continual improvement. The group is comprised of senior representatives from each region and command and is formulating a holistic approach to the QPS response to victims of sexual violence.

03

Sexual Violence Liaison Officer (SVLO) model

In 2020, a pilot of dedicated Sexual Violence Liaison Officers (SVLO) was commenced in Townsville and Logan Districts. An evaluation identified an increase of sexual assault reports and distinct victims in both trial sites as well as a decrease of withdrawn and unfounded matters. Commissioner Carroll has made the decision to roll-out the SVLO model state-wide over the next 6 months. The Child Abuse and Sexual Crime Group is currently preparing an implementation plan to support the roll-out and will liaise directly with districts during August and September 2021. Further information will be communicated as this progresses.



Your responsibilities as an OLC



Be aware of vicarious trauma to your staff. Support their health and wellbeing when they are responding and/or investigating complaints of sexual violence



Bring your team together in person at the earliest possible opportunity to discuss this information, share key messages and provide an opportunity for open two way discussions.



Provide all relevant information to assist first response officers, supervisors and investigators.



Keep up-to-date by joining the Child Abuse and Sexual Crime Group on Workplace and share relevant content to your team with appropriate context.



Create connections for your people with local support services to ensure relationships are built for when they are needed.



[Child Abuse & Sexual Crime Group Workplace](#)



[Child Abuse & Sexual Crime Group Intranet](#)



[Sexual Crime Unit Intranet](#)