

Issues Paper A

Working Together to Respond to Sexual Offences: Systems



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Introduction

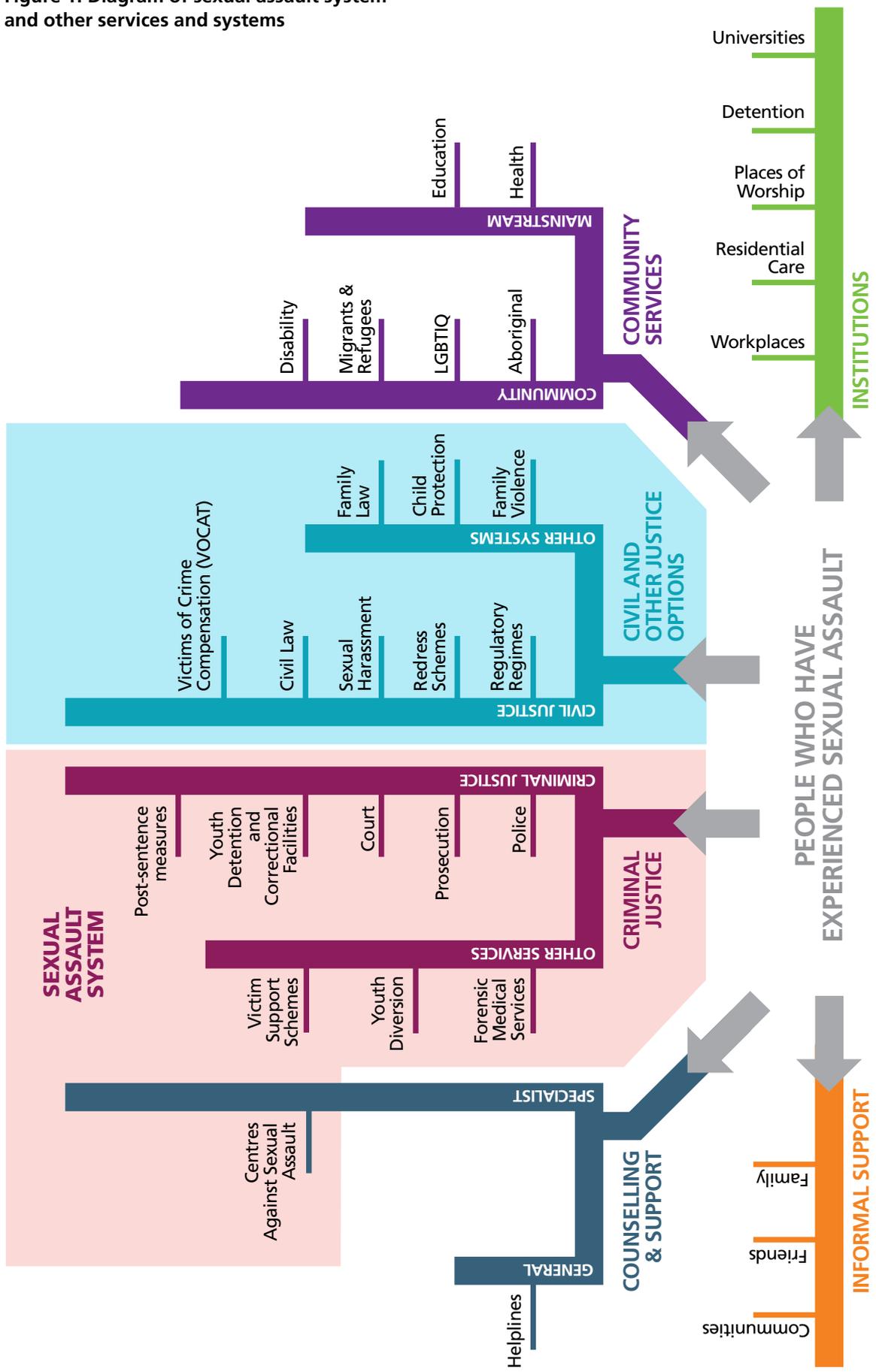
- 1 This paper is for people whose work involves responding to sexual harm, within and beyond the 'sexual assault system':
 - sexual assault counsellors
 - forensic medical staff
 - family violence and child protection workers
 - staff in the criminal justice system who work with people who have experienced or are responsible for sexual harm.
- 2 We also encourage people who have experienced sexual harm, and those who have supported them, to answer any questions in this paper that interest them.
- 3 People who have experienced sexual harm often need to deal with different organisations. In this paper we ask how these organisations can best work together to improve the response of the justice system to sexual harm.
- 4 In this paper, we use the term 'sexual assault system' to refer to those organisations that specialise in responding to sexual harm, including sexual assault counselling services and those involved in the criminal justice response to sexual offences (see Figure 1: Diagram of sexual assault system and other services and systems). We also ask if there are ways to improve the sexual assault system, including:
 - if there are gaps in the system
 - by improving relationships within the system
 - through stronger governance and shared outcomes
 - by improving data, research and evaluation across a range of services and critical points in the system.

Issues Paper A is one of eight papers.

View them at https://lawreform.vic.gov.au/sex_offences_2020/issues_papers.

We encourage you to tell us your views on all the issues you are interested in.

Figure 1: Diagram of sexual assault system and other services and systems



Pathways to justice: the role of support and services

- 5 Most people who experience sexual harm do not go straight to the police. They often try to get support first.
- 6 This support may be informal (for example, friends or peer support groups). Formal supports include helplines, specialised sexual assault services, health services, and community services.
- 7 These supports and services are often the first place where someone may learn or think about the justice system. However, there are barriers to people getting the support they need so they can make the decision that is right for them.
- 8 We want to hear how to make it easier for people to get the support they need so that they can decide whether to report the sexual harm. This includes making sure that they get current information on how the criminal justice system will respond.
- 9 We also want to know how to improve support for those who may face greater barriers, such as people with disability or those from culturally and linguistically diverse communities.

Question

- 1 What would make it easier for people who have been sexually harmed to get the supports and services they need, so they can decide whether to report the sexual harm?

You might think about:

- how and what information is given to people about how the criminal justice system works, including changes that have improved the system
- if there are any gaps in supports or services (for example, is there a need for Aboriginal-led sexual assault investigation units, or specialist sexual assault services for some people, such as male victim survivors?)
- how to improve capacity to meet demand
- any programs or pilots we can learn from.

Working together

Collaboration within the sexual assault system

- 10 For decades, there has been a strong push towards services collaborating more when responding to family violence and sexual harm. This has included the promotion of multi-agency or integrated responses. These aim to improve relationships and skills within the sexual assault system, making it easier for those experiencing harm to deal with different services.¹
- 11 Such approaches can have their own challenges, including:
- Agencies may not have equal power or resources.
 - Different agencies have different goals (for example, the goal of addressing the needs of those who have experienced sexual harm compared to the goal of holding a person to account for the crime).
 - Agencies have different perspectives and disciplines.
 - Agencies have to communicate across organisations and need to consider what information can and should be shared.
 - Agencies may lose their specialist focus or the flexibility to respond to the needs and experiences of particular groups, such as people with a disability.²
- 12 The sexual assault system in Victoria includes several collaborative approaches, including:
- multi-disciplinary centres (discussed in Issues Paper D) which co-locate key services
 - the Therapeutic Treatment Board (discussed in Issues Paper F)
 - protocols that set out how organisations will work together, such as Victoria Police’s Code of Practice (discussed in Issues Paper D)³
 - multi agency panels that manage plans for serious sex offenders (discussed in Issues Paper F).
- 13 We want to hear about your experience of these and other collaborative approaches. We also want to know if there are any lessons we can draw from them to improve the response of the justice system to sexual harm—for example, by improving support for people to report to police.

Question

- 2 How can collaboration within the sexual assault system be improved, so that the justice system responds effectively to sexual harm?

You might think about:

- if referrals and coordination between services work well in practice
- if there are ways to build on these approaches
- if there are other multi-agency responses we should learn from.

Family violence

- 14 Sexual assault services often need to work with family violence services. Their relationship is affected by reforms flowing from the 2016 Royal Commission into Family Violence.
- 15 For example, guidelines are being developed for the relationship between sexual assault services and new one-stop family violence hubs (Orange Doors).⁴ Sexual assault services are also part of reforms to improve information sharing and risk assessment.⁵
- 16 The Royal Commission also recommended joint training between family violence and sexual assault services. In the longer term, it recommended a review to examine whether the two sectors could be fully integrated.⁶
- 17 This review will be conducted after the full Orange Door program has been rolled out. A technical advisory group is currently mapping the relationships between sexual assault and family violence services.⁷
- 18 There are already some integrated approaches that combine sexual assault and family violence services.⁸ Victoria Police have begun co-locating specialist family violence investigators in some multi-disciplinary centres. There is a pilot co-located family violence service at one of these centres.⁹
- 19 We want to hear how the relationship between sexual assault services and family violence services could be improved, so that the justice system responds effectively to sexual harm. For example, we want to know if reforms have improved how family violence services identify and refer cases of sexual harm, and if there are ways to improve the prosecution of sexual offences in cases of family violence.

Question

- 3 How can the relationship between family violence services and the sexual assault system be improved, so that the justice system responds effectively to sexual harm?

You might think about:

- if referrals and coordination between services work well in practice
- your experiences with combined or co-located services
- the opportunities and challenges of further integration.

Child protection

- 20 In Victoria, the relationship between Child Protection (part of the Department of Health and Human Services) and Victoria Police in investigating sexual abuse is governed by a protocol. This sets out when each organisation should notify the other about cases, how they coordinate joint investigations, and when they should consult with other agencies.¹⁰
- 21 Although the protocol requires the organisations to coordinate joint investigations, each investigation has different thresholds for evidence and risk. Each investigation has different purposes and may involve different courts. These differences can create challenges.
- 22 There are other collaborative approaches used in child protection, including multi-disciplinary centres, the Therapeutic Treatment Board, and an enhanced response model for child sexual exploitation.¹¹

- 23 We want to hear how to improve the relationship between child protection and the sexual assault system, so that the justice system responds effectively to sexual harm. For example, we want to know if joint investigations are working well, and if further collaboration can improve the response of the justice system.

Question

- 4 How can the relationship between Child Protection and the sexual assault system be improved, so that the justice system responds effectively to sexual harm?

You might think about:

- the different thresholds and legal processes in the two systems
- models in other jurisdictions (for example, the Joint Investigation and Response Team in New South Wales or the Child Advocacy Centres in Western Australia)
- opportunities for greater joint planning or governance and accountability.

Working with other services and systems

- 24 People who experience sexual harm often need to deal with a range of services and systems to address their needs (see Figure 1: Diagram of sexual assault system and other services and systems). For example, they might deal with:
- the health system, including mental health services, drug and alcohol services, GPs and hospitals
 - institutions, such as schools, universities, workplaces, out-of-home care, youth detention or adult correctional facilities, or sporting and recreational groups
 - services specific to groups (for example, settlement services for refugees, disability services, or Aboriginal controlled organisations)
 - housing services (if they need to leave their housing because of the sexual harm)
 - the family law system (if there is a family law dispute related to the sexual harm).
- 25 These services and systems can support someone to enter, and stay engaged with, the sexual assault system. For example, these other services and systems can provide a path to the sexual assault system or other ways of seeking justice (see Issues Paper H). They also provide other services that can support someone to seek justice, such as housing or health services.
- 26 We want to hear if there are ways to improve how other services and systems work with the sexual assault system.

Question

- 5 How can we improve how other services and systems work with the sexual assault system, so that people are supported to seek justice?

You might think about:

- how these services and systems identify or respond to sexual harm
- how well these services and systems work with the sexual assault system (for example, are referrals to sexual harm services or the police happening when they should be?)
- any gaps between services or systems
- any programs or pilots that we can learn from.

Governance and outcomes

- 27 The effectiveness of the sexual assault system depends on strong relationships between parts of the system, and shared goals. Policies and strategies therefore often include governance structures and a way to measure the performance of a system against shared outcomes.
- 28 Victoria's Free from Violence strategy addresses family violence and violence against women, including sexual violence. However, its action plan and outcomes framework focus on family violence.¹² Victoria does not have a strategy dedicated to sexual violence, unlike some other states.
- 29 Many policy frameworks also set out a governance structure that seeks to ensure agencies communicate with each other and are accountable to each other across the sexual assault system. This is intended to ensure that communities affected by violence are partners in reform.¹³

Queensland's Prevent. Support. Believe framework

On 15 October 2019, the Queensland Government launched its sexual violence prevention framework, Prevent. Support. Believe. This followed a year of community forums, surveys, focus groups and roundtable meetings. The framework sets out a shared vision, priorities, and outcomes. It adopts Queensland's existing governance framework for family violence. A whole-of-government action plan is being developed and is intended to be released in 2020.¹⁴

- 30 We want to hear if there is a need for a clearer governance structure or for shared outcomes to improve the response of the justice system to sexual harm in Victoria and, if so, how to achieve this.

Question

6 Is there a need for a stronger focus on governance or shared outcomes in the response of the justice system to sexual harm? If so, what should this look like?

You might think about:

- if there is a need to strengthen governance structures within the sexual assault system
- if there should be a shared framework for measuring the effectiveness of family violence and sexual assault policy
- if there should be other measures to improve accountability across the system.

Data, research and evaluation

31 To improve the justice system's response to sexual harm, we need to understand why and how sexual harm occurs and what works in responding to it. Improving the evidence base has therefore been a focus of many reform efforts.¹⁵

32 For example, Victoria has recently developed a framework to help services collect more consistent data about family violence.¹⁶ Victoria is also developing a portal which publishes information from these services.¹⁷

33 We want to know what other improvements to data, research and evaluation are needed. For example, the Victorian Law Reform Commission has already identified the need for more data and research on:

- people who are responsible for sexual harm¹⁸
- some forms of violence, including cultural practices that may amount to sexual harm such as forced marriage¹⁹
- the policing and prosecution of sexual harm.²⁰

34 We also want to hear about how to improve our understanding of the effectiveness of the criminal justice system. For example, a recent Victorian report found gaps in the data that mean we do not fully understand how sexual offence cases progress through the criminal justice system.²¹ Similar reports in New Zealand and the United Kingdom provide more detail about why cases might not progress.²²

Question

7 What are the opportunities for, and benefits of, improving data, research and evaluation in relation to sexual offending?

You might think about:

- what data or research would help identify or address barriers to reporting
- what data or research would help improve the response of the criminal justice system to sexual offences
- current limitations on data, research and evaluation and how to address these.

Other issues

35 We want to hear how well you think the sexual assault system in Victoria works now, and what other ideas you have about how to improve the system.

Question

8 How well does the sexual assault system work? How would you improve it?

Endnotes

- 1 See generally Jan Breckenridge et al, *Meta-Evaluation of Existing Interagency Partnerships, Collaboration, Coordination and/or Integrated Interventions and Service Responses to Violence against Women* (ANROWS State of Knowledge Paper No 11/2015, September 2015) 9–13 <<https://www.anrows.org.au/publication/meta-evaluation-of-existing-interagency-partnerships-collaboration-coordination-and-or-integrated-interventions-and-service-responses-to-violence-against-women-key-findings-and-future-directions/>>.
- 2 Ibid 14, 21–6.
- 3 Victoria Police, *Code of Practice for the Investigation of Sexual Crime* (Policy, 2016) <<https://content.police.vic.gov.au/sites/default/files/2019-01/Code-of-Practice-for-the-Investigation-of-Sexual-Crime-%282016%29.pdf>>.
- 4 Victorian Government, 'Practitioner Resources for The Orange Door', *Family Violence Reform* (Web Page, 14 August 2020) <<http://www.vic.gov.au/orange-door-practitioner-resources>>.
- 5 Victorian Government, 'About the Information Sharing and MARAM Reforms', *Family Violence Reform* (Web Page, 22 July 2020) <<http://www.vic.gov.au/about-information-sharing-schemes-and-risk-management-framework>>.
- 6 *Royal Commission into Family Violence: Report and Recommendations* (Report, March 2016) Recommendations 31–2 <<http://rcfv.archive.royalcommission.vic.gov.au/Report-Recommendations.html>>.
- 7 Victorian Government, 'Determine Whether Family Violence and Sexual Assault Services Should Be Unified', *Family Violence Recommendations* (Web Page, 27 August 2020) <<http://www.vic.gov.au/family-violence-recommendations/determine-whether-family-violence-and-sexual-assault-services>>.
- 8 For example, some Centres against Sexual Assault operate in combined services, such as in Mallee and the Sexual Assault and Family Violence Service which includes the former Barwon CASA: *Mallee Sexual Assault Unit and Domestic Violence Services* (Web Page) <<https://msau-mdvs.org.au/>>; *The Sexual Assault & Family Violence Centre* (Web Page) <<https://www.safvcentre.org.au/>>.
- 9 Victoria Police, *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023* (Policy, 2017) 16 <<https://www.police.vic.gov.au/sites/default/files/2019-03/Policing-Harm-Upholding-The-Right.pdf>>; Premier of Victoria, *Family Violence Support under One Roof* (Media Release, 21 April 2017) <<http://www.premier.vic.gov.au/family-violence-support-under-one-roof/>>.
- 10 Department of Human Services (Vic) and Victoria Police, *Protecting Children* (Protocol, June 2012) <<https://www.cpmmanual.vic.gov.au/sites/default/files/Protecting-Children-CP-and-VicPol-protocol-2012-2825.pdf>>.
- 11 Victoria Police, *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023* (Policy, 2017) 21 <<https://www.police.vic.gov.au/sites/default/files/2019-03/Policing-Harm-Upholding-The-Right.pdf>>.
- 12 Victorian Government, *Free from Violence: Victoria's Strategy to Prevent Family Violence and All Forms of Violence against Women* (Policy, 2017) 49–51 <<http://www.vic.gov.au/free-violence-victorias-strategy-prevent-family-violence>>; Victorian Government, 'Family Violence Rolling Action Plan 2017-2020', *Family Violence Reform* (Web Page) <<http://www.vic.gov.au/family-violence-rolling-action-plan-2017-2020-0>>.
- 13 See, eg, Department of Health and Human Services (Vic), *Dhelk Dja: Safe Our Way—Strong Culture, Strong Peoples, Strong Families* (Agreement, October 2018) <<http://www.vic.gov.au/dhelk-dja-partnership-aboriginal-communities-address-family-violence>>.
- 14 Queensland Government, *Prevent. Support. Believe. Queensland's Framework to Address Sexual Violence* (Policy, 15 October 2018) <<https://www.csyw.qld.gov.au/sexual-violence-prevention/sexual-violence-prevention-framework>>.
- 15 For an overview of the evidence base, see Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia: Continuing the National Story 2019* (Report, 5 June 2019) <<https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019>>.
- 16 Victorian Government, 'Improve Statewide Family Violence Data Collection and Research', *Family Violence Recommendations* (Web Page, 18 May 2020) <<http://www.vic.gov.au/family-violence-recommendations/improve-statewide-family-violence-data-collection-and-research>>.
- 17 'Family Violence Data Portal', *Crime Statistics Agency Victoria* (Web Page) <<http://www.crimestatistics.vic.gov.au/family-violence-data-portal>>. Service data is included from the Victims of Crime Support Helpline, Victoria Legal Aid, ambulance services and the courts.
- 18 See, eg, Haley Clark and Antonia Quadara, Australian Institute of Family Studies, *Insights into Sexual Assault Perpetration: Giving Voice to Victim/Survivors' Knowledge* (Research Report No 18, December 2010) 1, ch 2 <<https://aifs.gov.au/publications/insights-sexual-assault-perpetration>>.
- 19 Australian Institute of Health and Welfare, *Family, Domestic and Sexual Violence in Australia: Continuing the National Story 2019* (Report, 5 June 2019) 120–1 <<https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-australia-2019>>.
- 20 See Christopher Dowling et al, Australian Institute of Criminology (Cth), *Policing Domestic Violence: A Review of the Evidence* (Research Report No 13, 21 November 2018) 75 <<https://aic.gov.au/publications/rrr13>>; For research on prosecution, see Denise Lievore, Australian Institute of Criminology (Cth), *Prosecutorial Decisions in Adult Sexual Assault Cases* (Trends & Issues in Crime and Criminal Justice No 291, 1 February 2005) <<https://aic.gov.au/publications/tandi/tandi291>>.
- 21 Melanie Millsteed and Cleave McDonald, Crime Statistics Agency Victoria, *Attrition of Sexual Offence Incidents across the Victorian Criminal Justice System* (Research Paper, February 2017) 5–6, 27 <<http://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/attrition-of-sexual-offence-incidents-across-the-victorian>>. See also Victorian Law Reform Commission, *Committals* (Report No 41, March 2020) <<https://www.lawreform.vic.gov.au/all-projects/committals>>.
- 22 Ministry of Justice (NZ), *Attrition and Progression: Reported Sexual Violence Victimisations in the Criminal Justice System*. (Report, 1 November 2019) <<https://www.justice.govt.nz/assets/Documents/Publications/sf79dq-Sexual-violence-victimisations-attrition-and-progression-report-v1.0.pdf>>; Office for National Statistics (UK), *Sexual Offending: Victimisation and the Path through the Criminal Justice System* (Report, 13 December 2018) <<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffendingvictimsationandthepaththroughthecriminaljusticesystem/2018-12-13>>.

