
THE CRIMINAL JUSTICE RESPONSE TO SEXUAL ASSAULT VICTIMS

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PREFACE

Of the three personal offences canvassed by the NSW Crime and Safety survey (Australian Bureau of Statistics 1994b), sexual assault is the least likely to be reported to the police. Only about 25 per cent of those who stated that they had been victims of sexual assault in the 12 month period covered by the Crime and Safety survey indicated that they had reported the offence (or offences) to the police.

Sexual assault is often depicted in the media as a random offence committed by predatory strangers. The truth is that sexual assault is an offence where the overwhelming majority of offenders are known to their victims and where repeat victimisation is very common. Nearly 70 per cent of those who reported being sexually assaulted in the 1993 national Crime and Safety survey (Australian Bureau of Statistics 1994a) knew the offender. Nearly a quarter of the victims who reported being sexually assaulted were sexually assaulted two or more times during the 12 month period covered by the survey.

In circumstances such as these the reluctance of sexual assault victims to report the offence and assist in prosecuting offenders may be a significant factor in its continuance. Yet we can hardly expect victims of sexual assault to report the offence and assist in prosecuting offenders if they believe that any encounter they might have with police, court, prosecution, medical or counselling staff will only leave them feeling further victimised. And if the perceived quality of services provided to sexual assault victims does affect their willingness to report the offence, it may also affect the State's capacity to deter offenders.

The present study was originally designed to provide a comprehensive assessment of services provided to victims of sexual assault who reported the offence and assisted in prosecuting the offender. Unfortunately many of those contacted and asked to participate in the study chose not to do so. Those who did participate, however, provided the Bureau with a wealth of information about their experience in reporting and prosecuting sexual assault which could be used to improve the quality of services to victims of sexual assault.

Dr Don Weatherburn

Director

April 1996

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1. INTRODUCTION

High quality services to victims of sexual assault are important for humanitarian reasons. Furthermore, good quality services are central to encouraging the victim to report the incident, and enabling the victim to effectively play their part in the criminal justice system (Temkin 1987).

Sexual assault, according to the annual Crime and Safety survey, is the least likely personal criminal offence to be reported to the police. The 1993 Australia-wide Crime and Safety survey showed that 25.0 per cent of Australian female sexual assault victims aged 18 years or over reported the incident to the police (Australian Bureau of Statistics 1994a). Similarly, according to the New South Wales (NSW) Crime and Safety survey, during the 12 months to April 1994, only 25.6 per cent of female sexual assault victims aged 18 years or over reported the incident to the police in NSW (Australian Bureau of Statistics 1994b). Furthermore, the reporting rate has not improved in NSW over recent years (Australian Bureau of Statistics 1994b).

The under-reporting of sexual assault is of concern as high rates of reporting are essential to the success of the criminal justice system in dealing with offenders and in deterring potential offenders (Freckelton 1988; Bachman 1993).

In order to raise the level of reporting it is necessary to remove as many of the impediments to reporting as possible. Victims of sexual assault tend to cite a number of reasons for this low reporting rate. The 1993 Australian Crime and Safety survey found that the two most common reasons for not reporting sexual assault were that the offence was a private matter and that the victim was afraid of a reprisal. The third most commonly stated reason for not reporting a sexual assault incident was the belief that the police would not take action.

A similar pattern of reasons for not reporting sexual assault was found by the United States 1994 National Crime Victimization Survey (Bachman 1994). Of those who did not report an incident of sexual assault, most stated that this was because it was a private matter, followed by the view that it was a minor incident, and the belief that the police would do nothing about it.

Research conducted in Britain also suggests that victims of sexual assault are reluctant to report the assault because they are concerned about the reactions of the police. One survey conducted by the British group Women Against Rape (Hall 1985) found that, of 133 victims of unreported rape incidents, 55 per cent thought the police might be unsympathetic, and 79 per cent thought that the police would be either unhelpful or unsympathetic.

These reasons for not reporting sexual assault indicate the level of discomfort that victims experience in discussing an incident with police, or revealing it in a public forum such as a court room.

1.1 PREVIOUS RESEARCH ON SERVICES TO SEXUAL ASSAULT VICTIMS

This section presents overseas and Australian research which explores how victims regard the services with which they come into contact, namely police services, health services and court services.

1.1.1 Police services

The police are often the first formal agency with which a victim has contact following an incident of sexual assault. As such, it is a service which has received considerable attention by researchers both overseas and in Australia.

Research aiming to ascertain the needs of victims of sexual assault and other violent crime in relation to the police have revealed several aspects of service that are lacking. Chambers and Millar (1983), in Scotland, interviewed a sample of 67 victims of sexual assault about their experiences with police. When respondents were asked to nominate the most stressful aspect of the police investigation, 48 per cent of comments related to the interview process, and 25 per cent related to the lack of consideration shown to the complainant. Comments made by respondents in relation to the statement and interview process revealed that the most often-cited criticism (21%) related to the manner of the police: respondents felt that the police were bossy, abusive, loud, cheeky, insensitive or bullying. A further 19 per cent of complainants said that police did not believe them, while 18 per cent said that the police had blamed them for the assault.

According to overseas research, another aspect of dissatisfaction with police services for sexual assault victims related to poor provision of information to victims (Shapland, Willmore & Duff 1985). For example, the Chambers and Millar study found, when surveying victims of sexual assault, that the third most stressful aspect of the police investigation was the lack of information provided to the victim about the progress of the case. In addition, Kelly (1982) found that higher levels of satisfaction with the police among victims of sexual assault were positively correlated with the provision of information.

Shapland (1986), using a sample which included victims of assault, sexual assault and robbery, noted that there are two distinct stages for victims in their interaction with police, and that satisfaction with the police is different in each stage. In the initial report phase, victim satisfaction is based on the perceived concern of police, but later in the investigation, victim satisfaction is strongly related to the adequacy of information provided to victims by police. She notes that the initial high levels of satisfaction with police found in her study declined as the investigation progressed, and that this was due to inadequate provision of information.

Little systematic research has been conducted in Australia which addresses the satisfaction of sexual assault victims with police services. The results of Australian research into the satisfaction of victims of violent crime with police, however, show similar patterns to overseas research into sexual assault. The Victorian Community Council Against Violence (1994) conducted a questionnaire-based survey with a sample of 310 victims of violent crime who were predominantly victims of assault. The Council reported that high levels of satisfaction with police were recorded regarding the initial report, with less satisfaction expressed by victims further into the investigation. The survey noted that where there was dissatisfaction with police at the initial report, it was for the following reasons: the police were rude, the police did not take the crime seriously, the police took too long to respond, the police did not keep the victim informed, and the police treated the victim as the guilty party. However, reasons given by victims for their dissatisfaction with police further into the investigation were somewhat different: inadequate provision of information about the progress of the case, not enough care of the victim, treating the victim as the guilty party, and taking too long to lay charges.

In a discussion paper which examined complaints against police in Victoria, Freckelton (1988) identified several issues of concern with regard to police services to victims of sexual assault. He points to the delay in organising a medical examination and the delay in referring victims to hospital and counselling services as contributing to the discomfort experienced by victims. Freckelton argues that victims should be permitted to have a support person with them while the statement is taken and that victims should be interviewed in a place that is most convenient to them. Finally, the inadequate provision of information to victims is noted as a further cause of dissatisfaction.

The Sexual Assault Phone-in Report (NSW Sexual Assault Committee 1993) presents the results of responses to a phone-in campaign aimed at exploring the feelings and experiences of victims of sexual assault. Based on the 897 questionnaire schedules completed, the phone-in canvassed the effect of a training course for police, namely the Initial Response Officer's Course (IROC),¹ on victim satisfaction with police. It noted that satisfaction with police services has increased since IROC's introduction in 1987. A higher proportion of the victims who reported the assault to the police before 1987 expressed dissatisfaction with the police response than those who reported the incident to police after 1987. For those who were unhappy with the police response, the phone-in identified three main areas of dissatisfaction: respondents felt they were not taken seriously; respondents felt the police were not taking adequate action; and respondents felt there was a lack of follow-up after initial action.

1.1.2 Health services

Holmstrom and Burgess (1974) identified a distinct pattern of physiological and psychological symptoms experienced by women who had been sexually assaulted. Labelled Rape Trauma Syndrome, it acknowledged the serious effects of this crime. More recently, it has been documented that the after-effects of rape fit the diagnostic category of Post Traumatic Stress Disorder (Resick 1993). Crisis counselling is the most common intervention for rape victims, although it has been recognised that counselling at the point of crisis alone is usually not adequate (Foa, Rothbaum & Steketee 1993).

Rape Crisis Centres were established in the 1970s in the United States, and were subsequently established in Britain and Australia (Koss 1993). Typically, these Centres were based in the voluntary sector, although the Centres were funded at least in part by government. At present, Sydney has one Rape Crisis Centre which was established in 1974. In addition, NSW has a network of services for sexual assault victims which provide counselling and medical services, and which are administered by the NSW Department of Health.² Sexual Assault Services in NSW are entirely government funded.

Medical services provided to sexual assault victims have been criticised in overseas research. A study conducted in the United States by Holmstrom and Burgess (1978) explored the experiences of victims with medical services provided at the time of the sexual assault incident. The authors describe attempts by hospital staff to administer unwanted treatment, and the tendency of medical officers to provide little or no information relating to medical procedures.

Chambers and Millar (1983), in the Scottish study reported earlier, also collected information from respondents about their views of the medical examination. Comments revealed that many complainants were upset by the fact that they were often left to wait for lengthy periods without adequate clothing, that sometimes they were cold, and that the police surgeon was sometimes abrupt.

In New Zealand, Stone, Barrington and Bevan (1983) conducted a non-representative interview survey with 50 victims of sexual assault. This study found that victims were most satisfied with doctors who explained what would take place in the medical examination and who showed sympathy to the victim.

Australian research has not revealed problems of a similar magnitude with medical services for victims of sexual assault. The Victorian Community Council Against Violence (1994) found very high levels of satisfaction with medical services among victims of violent crime. When victims did feel unhappy with services their discontent related to the delay in receiving medical attention, to the examination being rushed, or to not being offered a doctor of the same gender (usually female).

The Sexual Assault Phone-in Report (NSW Sexual Assault Committee 1993), based on the 897 questionnaire schedules completed, found that victims of sexual assault who sought counselling from a Sexual Assault Service were more likely to express satisfaction with counselling than those who sought counselling elsewhere. They noted, however, that women in regional areas had found it difficult to obtain counselling services. In describing victim dissatisfaction with medical services, the following reasons were typically reported: the doctor was unsympathetic; there was a delay in receiving medical attention at the time of the assault; and there was no option to see a doctor of the same gender.

1.1.3 Court services

For victims of sexual assault, anxiety about the police reaction to the assault is usually compounded by anxiety about the court process itself. Although research has not been conducted explicitly into the role that fear of the court experience has on the reporting of sexual assault, the literature acknowledges that victims commonly find the trial a distressing and stressful process (Holmstrom & Burgess 1978; Chambers & Millar 1986).

Holmstrom and Burgess (1978) examined sexual assault victims' experiences of the court process in the United States. They found, from a sample of 40 victims, that the most distressing aspects of the courtroom experience were the cross-examination process, facing the defence lawyer, and seeing the offender again. On the basis of their interviews with these victims, the authors suggested that the court process simply prolongs recovery, and compounds the victimisation which the complainant has already experienced at the hands of the offender.

Shapland, Willmore and Duff (1985) conducted a longitudinal study in Britain which followed a sample of 276 victims of violent crime³ from the initial police report through to the conclusion of the court case (216 victims). The study, which aimed to provide information about victims' experiences with the criminal justice system, proceeded by way of interview. Victims in this study were critical of several aspects of the court experience: the inadequacy of waiting areas, which were often the scene of victims coming face to face with the defendant and the defendant's family; and the role of the prosecutor, who the victim often felt was not adequately representing them or protecting them from the defence lawyer. Shapland et al. suggested that both the defence and the prosecution use the structure of formal questioning to advance their own views of the offence, and that victims themselves feel unable to put forward their own stories.

Australian research findings concerning court services are not dissimilar to those of overseas studies. A research study conducted in South Australia (Gardner 1990)

systematically examined victims' experiences with, and attitudes towards, the criminal justice system by interviewing a sample of 494 victims at three stages of their involvement with the criminal justice system.⁴ This study revealed that victims want more information about the progress of their cases. Victims who attended court also made reference to the inadequacy of the court facilities (particularly waiting rooms), and delays in being called to give evidence.

The Victorian Community Council Against Violence (1994), during its inquiry into services for victims of crime, carried out a phone-in survey for victims of all crime, for which there were 268 responses. In addition, a survey questionnaire was mailed to a separate sample of 784 victims who had reported a violent offence to police, of whom 309 responded. From these sources, the Council identified two main problems with court services. Firstly, the Council identified problems with court waiting rooms: 56% of the phone-in respondents said they felt unsafe in the waiting room, with nearly half of these respondents attributing this to the presence of the offender. Secondly, the Council identified problems with inadequate information provision: 19% of the survey sample who attended court received no information about the hearing, and half the sample were dissatisfied with the information they had received. The report recommended the establishment of a network of court support services to overcome these difficulties.

The NSW Sexual Assault Phone-in Report (NSW Sexual Assault Committee 1993) identified a number of aspects of the court process which victims of sexual assault found distressing. The 115 victims who formed the court-attending sub-sample of this study identified problems with the following aspects of the court process:

- the length of time taken for the case to come to trial;
- the inadequacy of information about and preparation for court;
- the inadequacy of meetings with the Director of Public Prosecutions solicitor and the Crown Prosecutor;
- the cross-examination;
- the public nature of the courtroom; and
- the contact with the offender in the waiting room.

1.2 THE CURRENT STUDY

The existing research literature highlights many of the problems encountered by victims of sexual assault. However, to date there have been few attempts at a comprehensive assessment of services through a representative survey of sexual assault victims whose cases reach finalisation in the courts. Nor has there been any assessment in Australia of the extent to which services actually accord with the protocols developed by criminal justice and allied agencies.

The present report describes the results of a survey of sexual assault victims who took their cases to court. The objective of the study was to evaluate the police, health and court services provided to victims. Before proceeding to a discussion of the methodology designed to achieve it, though, some discussion of agency protocols is in order.

1.3 SEXUAL ASSAULT PROTOCOLS AND PROCEDURES

In NSW, government services dealing with victims of sexual assault have each developed their own protocols which guide their dealings with victims. The three agencies which have been identified for the current research study, the NSW Police Service, the NSW Department of Health, and the Office of the Director of Public Prosecutions (DPP), have each developed written guidelines which set out the general procedures to be followed when a sexual assault complaint has been made.

Since the research reported here was initiated and conducted, all three agencies have collaborated on a set of shared guidelines which establish the roles and responsibilities of each agency to sexual assault victims (NSW Police Service, NSW Department of Health & Office of the Director of Public Prosecutions 1995). Because these guidelines were published after the methodology for the current study was designed, it was not possible to use them as a basis for constructing the questions asked of respondents.

The remainder of this chapter presents the guidelines followed by each service at the time this study was designed.

1.3.1 The NSW Police Service

Officers of the NSW Police Service are obliged to follow both the published policy on all victims of crime (NSW Police Service 1994) and Instruction 67 (Sexual Assault Offences) in the Commissioner's Instructions which relates to the recording and investigating of sexual assault complaints (NSW Police Service 1992). Generally, these guidelines present procedures relating to the initial report, the forensic examination, the sexual assault evidence kit, and taking the statement from the victim. The guidelines relating to these aspects of police work are described in the following four sections of Commissioner's Instructions: The initial report; The forensic examination; The sexual assault evidence kit; and Taking a statement from the victim.

The initial report (Instruction 67.02)

Instructions to police which relate to the involvement of the Sexual Assault Service make a distinction between complainants who report the incident within three days of the offence taking place, and those who report after this period. The following instruction relates to offences which are reported within three days (p.67-1):

When the report is made within 72 hours of the offence, inform the victim that you intend to briefly interview him or her at the police station before you take him or her to the nearest Sexual Assault Centre (SAC) for help, support and forensic medical examination, if appropriate.

Offences which are not reported within three days fall under the following instruction (p.67-1):

If the report is made after 72 hours of the offence, the victim is still referred to a Sexual Assault Centre.

Police are then instructed to inform the Sexual Assault Service of the expected arrival time if the victim agrees with this course.

A brief interview is then conducted. For those complainants who are female and have reported the incident within three days of the offence taking place, police are obliged to provide a female police officer to conduct this brief interview (p.67-1):

Immediately obtain assistance from detectives and arrange for a female officer to interview the victim, if female.

This instruction is coupled with further detail for District Commanders (p.67-2):

Ensure that in your district, a female officer is on duty at night to deal with sexual assaults upon females.

During this stage of the reporting procedure, police are instructed to allow the victim to be in control of the process (p.67-1):

A victim has the right to control what happens to himself or herself and to discuss concerns with hospital staff, by telephone if necessary ... If [the report is made] after hours, or late at night, police procedures may follow at a more convenient time.

The forensic examination (Instruction 67.03)

Police guidelines about medical examinations include the following instructions which relate to all complainants (p.67-2):

Inform the victim that the medical officer must obtain his or her consent to the forensic examination and that he or she may be accompanied by a support person of his or her choosing.

Consult the doctor prior to the medical examination to ensure that all necessary evidence is collected. It is not necessary that police be present during the medical examination.

The sexual assault evidence kit (Instruction 67.04)

Police are reminded that signed consent must be obtained from the complainant before the sexual assault evidence kit is released to police, and that the complainant has the right to decide not to proceed with the complaint after the examination has been completed (p.67-2):

If the victim is undecided about proceeding, the medical officer places the sealed kit in a locked refrigerator.

Taking a statement from the victim (Instruction 67.05)

For complainants who have taken immediate police action, police are encouraged to take the statement at the Sexual Assault Service, if facilities at the Service are suitable (p.67-3):

If taking immediate police action, have a written statement obtained from the victim at the centre ... If facilities at the centre are unsuitable, the statement may be taken at a police station.

Further instructions to police about conducting interviews include the following, which relates to all interviews of sexual assault victims (p.67-3):

Select a private room and consider the victim's comfort. Encourage the victim to have a support person or counsellor present.

Again, police are encouraged to use their judgement about when the statement should be taken, and to be sensitive towards the complainant. Police are also obliged to give the complainant information about the interview process (p.67-3):

Consider the time of day and condition of the victim when obtaining a statement. Remember, the victim may find that describing the incident is traumatic. Explain what is happening and how long the procedure is likely to take.

Be careful about the language you use and the way you question the victim. Shock could block some details from the victim's memory and inform the victim that the statement can be added to later if necessary.

Finally, the guidelines state that police must (p.67-3):

Hand the victim a copy of the statement.

Further instructions are provided which relate to interviewing a person with an intellectual disability, and special procedures when dealing with children who report an incident of sexual assault. These procedures are not relevant to the current study.

1.3.2 The NSW Department of Health

The NSW Department of Health, which is responsible for the network of Sexual Assault Services throughout NSW, has produced its guidelines for both medical and counselling services in the Sexual Assault Services: Standards Manual (NSW Department of Health 1991). The manual is divided into ten sections, three of which relate to client services: Rights of clients; Counselling assessment and management; and Medical assessment and management.

Rights of clients

Sexual Assault Services are directed to provide clients with information in order to allow them to make their own decision about the course of action they will take (p.1):

The Sexual Assault Service will uphold the rights of clients to informed decision making and to independent expression and will ensure that clients are given respect, dignity, consideration and access to information.

Sexual Assault Services are obliged to provide an accessible service to their clients in premises which are private and comfortable (p.3 and p.5 respectively):

The Sexual Assault Service will be located and operated to ensure that its activities will be accessible and available to the community it services.

The Sexual Assault Service will have premises which ensure the privacy, anonymity, safety, comfort and dignity of the clients at all times.

Counselling assessment and management

The manual states that counselling services should be conducted in the following manner (p.26):

The Sexual Assault Service will provide a sensitive, prompt and professional response to all clients.

The provision of information to clients of Sexual Assault Services is a specific aspect of the guidelines (p.28):

The Sexual Assault Service will ensure all clients have access to current, clear and accurate information about the range of systems with which they have contact, including Health, Police, Department of Community Services, court system.

The Sexual Assault Service is obliged, under the guidelines, to provide counselling that extends further than the initial crisis intervention (p.29 and p.31 respectively):

The Sexual Assault Service will provide ongoing counselling for child and adult clients, siblings and non-offending parents or partners.

The Sexual Assault Service will involve clients in their own care, by providing information and skill development about the nature and management of sexual assault issues.

The guidelines also contain the following instruction in relation to information about court and the provision of a court support service (p.32):

The Sexual Assault Service will ensure that information and support for the adult or child client in respect of court procedures is available.

Medical assessment and management

Guidelines for the provision of medical services to victims of sexual assault state the following (p.56, p.57 and p.62 respectively):

Medical procedures will be conducted promptly and professionally by well trained staff who are primarily concerned with the needs of the adult or child who have been sexually assaulted.

Contact with medical staff will be organised so that there is minimal delay in initial contact with adult or child clients who have been sexually assaulted.

Medical procedures for adults will be provided promptly in a sensitive and professional manner.

1.3.3 The Office of the DPP

The DPP provides instructions in relation to sexual assault complainants in a 1992 memorandum to all solicitors titled *The impact of sexual assault on adults and implications for the prosecution* which is contained in the Rape Trauma Kit (Office of the Director of Public Prosecutions unpub.). This memorandum addresses the issues of support, information, consultation, privacy, continuity of personnel and messages. An attachment to this memorandum provides some notes specifically relating to the role of the Crown Prosecutor. The 1992 Rape Trauma Kit aims to raise the awareness of DPP staff who have contact with victims of sexual assault.

The key aspects of the instructions provided to DPP solicitors and Crown Prosecutors are as follows (p.1):

Ensure that the person has some support prior to and at the times of hearing.

Several points relate to the provision of information to complainants and to the process of consultation with complainants, especially if they are to appear before the court as a witness (p.1, p.1 and p.2 respectively).

Let the person know what s happening ... Witnesses need information about what's happening in court and what to expect.

Those preparing to give evidence need to know the roles of people in court, and what you can and can t do. Many victims feel let down by the perceived lack of protection from the Crown during cross-examination as they believe the Crown is there for them. It is important to set aside time to meet with them beforehand. This includes the Crown Prosecutor.

The person s recovery will be improved or at least further trauma minimised, if wherever possible the victim is consulted and at least their opinion sought in relation to, e.g. plea bargains, closed courtrooms, accused's applications and discontinuing, reducing or changing charges.

DPP solicitors are reminded of the importance of privacy for complainants while at court (p.2):

Minimising exposure to the perpetrator, the media, and the public reduces the vulnerability victims experience. At the same time it is important to ensure that the woman s chosen support people are not excluded, when she would prefer they were present.

Finally, DPP solicitors are encouraged to convey their acceptance of the complainant and their belief in the complainant's story (p.2):

Maintaining continuity of personnel helps prevent the person feeling further depersonalised, from repeating distressing information and conveys the message that those persons on the matter take it seriously ...

Letting a victim know that no matter what the outcome is that you believe them, may be very helpful.

The memorandum also addresses the special needs of child victims of sexual assault, but these are not relevant to the present study.

2. METHODOLOGY

A survey was conducted to evaluate services provided to sexual assault complainants who take their cases to court.

2.1 INSTRUMENT

The survey was conducted by way of a self-administered questionnaire (see Appendix 1). The questionnaire was constructed with reference to the stated guidelines and policy of each government service provided to victims of sexual assault. The specific wording of demographic questions was modelled on questions used by the Australian Bureau of Statistics in the 1991 Census (Australian Bureau of Statistics 1991).

The questionnaire comprised five sections. The first three sections of the questionnaire were constructed to ensure that an adequate assessment of each service could be made and that suggestions for improvement to services could be canvassed. Each of these sections began by asking respondents to specify the town or suburb in which the service was located, and the month and year in which they had attended the service. Questions were generally fixed-answer, but the last question in each section was open-ended, and invited respondents to provide other comments about each service.

Section One related to the police service. Questions 3, 5-8, 11-15, and 17-20 (see Appendix 1) were designed to directly assess the extent to which police guidelines were being followed. Other questions were designed to obtain further information in relation to services provided by the police.

Section Two related to health services. Questions 29, 30, 41, 42, 44, 45, 47, 51 and 53 were designed to directly assess the extent to which the Sexual Assault Service protocol was being followed. Other questions were designed to obtain further information in relation to health services.

Section Three related to the complainant's experience in court. Questions 69, 73-75, 79 and 90 were designed to directly assess the extent to which the instructions in the DPP memorandum were being followed. Other questions were designed to obtain further information in relation to the experiences of complainants while at court. The following items were modelled on questions employed by a crime victim survey conducted in South Australia (Gardner 1990): Questions 58, 66, 70, 80, 81, 83, 85, 86 and 88.

Section Four asked questions relating to the characteristics of the offence (i.e. the relationship of the offender to the complainant, the most serious offence with which the offender was charged, whether the offence occurred when the complainant was aged under 18 years, and the manner in which the matter was finalised).

Section Five of the questionnaire asked questions about the demographic characteristics of the respondent (i.e. age, sex, country of birth, and Aboriginality). Section Five also asked questions relating to the provision of interpreters to non-English speakers, and asked complainants if they were provided with information about bail arrangements relating to the offender. The final questions, modelled on those used by Gardner (1990), asked respondents if they would advise a friend to take a similar case to court, and if they could list three things which the government could do to help victims of sexual assault.

The questionnaire was initially piloted with a group of four victims of sexual assault, and again with a sample of staff members at the NSW Bureau of Crime Statistics and Research. Questions 63, 94, 105 and 106 were added as a result of the pilot. The wording of the charges listed in Question 93 was changed in order to make the offence categories clearer to respondents. Additional options were listed for Questions 29, 30, 44, 45, 47-50, 73 and 74. Items relating to the gender of police officers and medical staff were reworded to allow appropriate responses from male complainants. Questions 27 and 57 were reworded to ask respondents to recall the date they had first attended these services.⁵ In the health services section, the term medical service was replaced with doctor in Questions 44-50. Finally, the Sexual Assault Service questions were reordered to appear before questions relating to the medical examination.

2.2 SAMPLE SELECTION

Initially, the questionnaire was to be distributed to all adult complainants in sexual assault matters finalised in the NSW District Court in the six-month period between 19 September 1994 and 19 April 1995. (One month was added to allow for the District Court recess which occurs in January.) The six-month period was expected to yield an approximate potential sample size of 300 cases going through the District Court.⁶ Allowing for a 50 per cent refusal rate, it was expected that about 150 complainants would respond to the survey. However, due to the poor response rate (see Section 3.1), the period of the study was extended until 30 June 1995.

All matters involving sexual offences appearing before the District Court were eligible for inclusion in the study.⁷ Some examples of the sorts of sexual offences that come before the District Court are: aggravated sexual intercourse without consent; sexual intercourse without consent (or rape); aggravated indecent assault; indecent assault or act of indecency; carnal knowledge; and inflict (or threaten to inflict) actual (or grievous) bodily harm with intent to have sexual intercourse.

Cases in which the complainant had been a child (aged under 18 years) at the time of the assault but was an adult at the time of the finalisation of the case were eligible for inclusion. Cases in which the complainant of sexual assault was a child (aged under 18 years) at the time of finalisation were not included. Given that the questions asked in the survey were quite detailed, it was thought that a child may have difficulty remembering some aspects of their experience with the criminal justice system. In addition, it was felt that the nature of the survey questionnaire could be quite upsetting for a child. For the purposes of the study, a case was regarded as finalised when one of four events occurred: sentence for a plea of guilty, a trial, a notice of no further proceedings, or the offender died or absconded.

A system of trial advocates being used in the Sydney West region was in operation over the period of the study. This is an arrangement whereby the traditional use of the Crown Prosecutor at the trial is replaced by a single legal officer who performs the roles of both instructing solicitor and prosecutor. All cases in which trial advocates were used were excluded from the sample, as the questionnaire was designed to explore the roles of solicitors and Crown Prosecutors separately.

2.3 PROCEDURE

Maintaining the privacy of the victims of sexual assault who chose to respond to the survey was of primary concern. In order to protect their anonymity, all complainants of sexual assault were approached through DPP solicitors. Arrangements were made with

the DPP for the solicitor in each sexual assault matter finalised over the research period to distribute a survey package to the complainant in the case, either in person or by mail.

The survey package consisted of the following:

- a covering letter which introduced the research, invited the complainant to participate anonymously and confidentially in the survey and noted that completion of the survey was voluntary;
- a list of NSW Sexual Assault Services;
- a reply paid envelope; and
- the questionnaire itself (see Appendix 1).

Respondents were instructed to return the questionnaire via post, and were referred to staff at the Bureau for further assistance; contact telephone numbers were provided.

2.4 REFINEMENTS TO THE SURVEY AND SURVEY PACKAGE

The response rate to the questionnaire was initially very poor. Completed questionnaires were arriving at a rate of roughly one to two per week rather than at the expected rate of approximately six per week.⁸

Given the initial poor response rate, the letter and the questionnaire were redesigned to encourage more complainants to reply. A photograph of the research officer was added to the covering letter to promote a more personal approach, and the letter itself was rewritten in a more simple and direct style. A freecall telephone number was cited in the letter, and potential respondents were invited to ring and complete the survey by telephone if they preferred.

The questionnaire was reprinted in black type on lilac paper (the questionnaire was originally printed in green type on white paper), and the survey package was then presented in a matching A4 folder. A statement of endorsement from a victim of sexual assault (please refer to Appendix 2) was printed on the front of the folder. The questionnaire was rearranged so that the more personal questions relating to the offence and the offender, and the demographic information, were removed from Section One of the questionnaire to become Sections Four and Five respectively. One additional question (Question 101) was listed asking complainants who spoke a language other than English at home to specify the language spoken.⁹

All of the uncompleted original survey packages were recalled from offices of the DPP during the court recess (January 1995), and the new packages were delivered for distribution from 30 January 1995.

3. RESULTS

This first section of the results presents data on the response rate. The second section presents a description of the sample of respondents. The next three sections present the pattern of responses to questions concerning police services, health services, and the courts. The final section addresses other information asked of respondents, and details the recommendations for change to services made by respondents.

It should be noted that not all questions in the questionnaire were relevant to all respondents. As a result, in the tables throughout the results section, the number of relevant respondents is provided in brackets next to each question.

3.1 RESPONSE RATE

In total, 49 completed survey forms were received. However, because six of these were completed by respondents who were aged under 18 years, the analysis was based on 43 questionnaires.¹⁰ Given the potential sample size (i.e. the population) was 289, the 43 questionnaires received represent a response rate of 14.9 per cent.¹¹

Obviously the response rate is too low to justify the assumption that complainants surveyed constitute a representative sample of complainants involved in sexual assault cases in NSW. As a result, no attempt is made in the following discussion to draw inferences about the level of satisfaction with sexual assault services in the population. Because little is known about the experiences of victims of sexual assault with the criminal justice system, however, the Bureau resolved to publish the survey results for whatever assistance they may provide in the improvement of services to complainants in sexual assault cases.

3.2 DESCRIPTION OF THE SAMPLE

Table 1 shows that the majority of the 43 respondents were young (62.5% of the sample were aged 18 to 25 years), female (95.1%), Australian or New Zealand born (87.8%), and non-indigenous (92.7%).

Table 1: Characteristics of the respondents

| <i>Age^a</i> | | | <i>Gender^b</i> | | | <i>Country of birth^b</i> | | | <i>Aboriginality^b</i> | | |
|------------------------|------------|--------------|---------------------------|------------|--------------|-------------------------------------|------------|--------------|----------------------------------|------------|--------------|
| <i>Age-years</i> | <i>No.</i> | <i>%</i> | <i>Gender</i> | <i>No.</i> | <i>%</i> | <i>Country of birth</i> | <i>No.</i> | <i>%</i> | <i>Aboriginality</i> | <i>No.</i> | <i>%</i> |
| 18-25 | 25 | 62.5 | Male | 2 | 4.9 | Australia/NZ | 36 | 87.8 | Indigenous | 3 | 7.3 |
| 26-35 | 9 | 22.5 | Female | 39 | 95.1 | UK/Ireland | 4 | 9.8 | Non-Indigenous | 38 | 92.7 |
| 36-45 | 4 | 10.0 | | | | Other Europe | 1 | 2.4 | | | |
| 46-55 | 2 | 5.0 | | | | | | | | | |
| 56+ | 0 | 0.0 | | | | | | | | | |
| Total | 40 | 100.0 | | 41 | 100.0 | | 41 | 100.0 | | 41 | 100.0 |

a This information was missing for three respondents

b This information was missing for two respondents

Table 2 presents information related to the characteristics of the reported offence. Just over three-quarters of respondents knew the alleged offender before the alleged offence took place.

Table 2: Characteristics of the alleged offence

| <i>Relationship of the respondent to the alleged offender^a</i> | | | <i>Most serious offence charged^b</i> | | | <i>Manner of finalisation^b</i> | | |
|---|------------|--------------|---|------------|--------------|---|------------|--------------|
| <i>Relationship</i> | <i>No.</i> | <i>%</i> | <i>Most serious offence</i> | <i>No.</i> | <i>%</i> | <i>Manner of finalisation</i> | <i>No.</i> | <i>%</i> |
| Stranger | 9 | 22.5 | Aggravated sexual assault | 10 | 25.6 | Guilty plea and sentence | 8 | 20.5 |
| Casual acquaintance | 10 | 25.0 | Sexual assault | 24 | 61.5 | Trial-conviction | 14 | 35.9 |
| Well known | 21 | 52.5 | Indecent assault | 5 | 12.8 | Trial-acquittal | 15 | 38.5 |
| | | | | | | Charges no-billed | 2 | 5.1 |
| Total | 40 | 100.0 | | 39 | 100.0 | | 39 | 100.0 |

a This information was missing for three respondents

b This information was missing for four respondents

Table 2 also shows that in the majority of cases the most serious offence charged was sexual assault (61.5%), followed by aggravated sexual assault (25.6%).

Finally, most matters were finalised by trial (74.4%), with roughly the same numbers of acquittals (15) and convictions (14). A further eight cases (20.5%) were finalised after the offender was sentenced following a plea of guilty, and two cases were finalised after the charges were no billed .

Roughly half the responses related to offences that occurred when the respondent was aged younger than 18 years (46.5%).

3.3 THE NSW POLICE SERVICE

The Commissioner s Instructions in relation to the protocol for sexual assault cases were effective from April 1992. For the purposes of the analysis of services provided by police, therefore, only responses from complainants who had reported to police within NSW after April 1992 were included. A total of 37 respondents had reported to police after April 1992. Of this number, a further three respondents were excluded (two had reported to police interstate and the third did not provide location information). The final sample for the police service section was 34.

Table 3 shows that of the sample of 34 respondents, most (29 respondents or 85.3%) had reported offences in 1993 or 1994, with the remaining five having reported an offence in 1992.

Of these 34 respondents who reported the offence to police in NSW, 14 respondents (or 41.2%) had reported to police within the Sydney metropolitan area, and 20 respondents (or 58.8%) reported in regional NSW.

Table 3: Respondents who reported to NSW police after April 1992: year of initial report to police (Question 2)

| Year | No. | % |
|--------------|------------|--------------|
| 1992 | 5 | 14.7 |
| 1993 | 11 | 32.4 |
| 1994 | 18 | 52.9 |
| Total | 34 | 100.0 |

3.3.1 Notifying the police

Police referrals to the Sexual Assault Service

The Commissioner's Instructions advise police that, where a complainant has reported a sexual assault incident within three days of the commission of the offence, he or she should be taken to a Sexual Assault Service by the police. Of the 34 respondents, more than half the sample (21 or 61.8%) had reported the sexual assault within three days of the incident taking place. Table 4 examines the issue of police referrals to the Sexual Assault Service for these 21 respondents.

Table 4: Police referrals to the Sexual Assault Service

| Question | No. | % |
|--|-----------------|----------|
| 5. Did the police offer to take you to the Sexual Assault Service? (n = 21) ^a | | |
| Yes | 15 | 78.9 |
| No | 4 | 21.1 |
| 6. Did you accept this offer? (n = 15) | | |
| Yes | 15 | 100.0 |
| No | 0 | 0.0 |
| 7. Did the police take you to the Sexual Assault Service? (n = 21) | | |
| Yes | 13 ^b | 61.9 |
| No | 8 | 38.1 |
| 8. When did the police take you to the Sexual Assault Service? (n = 13) | | |
| Within an hour of the report | 7 | 53.8 |
| After visiting the scene of the crime | 3 | 23.1 |
| After going home | 1 | 7.7 |
| After some hours | 1 | 7.7 |
| The next day | 1 | 7.7 |

a Although 21 respondents were asked, two respondents said they did not remember.

b Although 15 respondents said they accepted an offer to be taken to a Sexual Assault Service, only 13 of them said they were taken by police. There is no information to indicate why police apparently did not take the remaining two respondents to a Sexual Assault Service.

Table 4 shows that, of the 21 respondents who reported the incident within three days of its occurrence, four reported that they did not receive an offer from the police to be taken to a Sexual Assault Service. In one of these cases, the complainant stated that the police had taken her to the local hospital, where arrangements had been made for a visit

to the Sexual Assault Service. In another of these cases, the complainant reported that, although the police had not referred her to a Sexual Assault Service, a sexual assault counsellor had nevertheless arrived at her home several days after the involvement of the police. It appears that, in the remaining two of these four cases, the police did not refer the victim to a Sexual Assault Service.

Of the 13 respondents who had been taken to a Sexual Assault Service by the police, just over half (seven or 53.8%) reported being taken within an hour of having reported the assault to police. Another three respondents reported being taken to visit the location of the assault before being taken to the Sexual Assault Service. One respondent reported going home before police took her to a Sexual Assault Service, one reported going to the Service after some hours, and the final respondent reported being taken to the Sexual Assault Service the day after reporting the assault.

Interviewing the complainant and recording the statement

Table 5 presents responses to questions pertaining to the process of preparing the written statement.

Table 5 shows that, in relation to the medical examination, there was no particular time that interviewing police officers chose to interview complainants for the preparation of the written statement. Respondents stated that they made their statements to police either before the medical examination (six respondents or 28.6%), immediately after the medical examination (two respondents), shortly after the medical examination (six respondents or 28.6%), or after having been at home for a while (seven respondents or 33.3%).

Half of the respondents (14 or 51.9%) reported being informed about the length of time required to record the statement, while 13 (or 48.1%) stated that they had not been informed. A further seven respondents did not remember whether they had been informed.

Table 5 also shows that most of the 34 complainants (26 respondents or 76.5%) reported that a male police officer had taken the statement. Most of these 34 respondents (23 respondents or 67.6%) had been given the opportunity of choosing an officer of the same sex. Of the 26 complainants who were interviewed by a male police officer, 24 were female and the remaining two did not supply their gender. On further investigation it transpires that of these 24 female respondents, 18 (or 75.0%) had been given the option of being interviewed by a female officer.

Table 5 also presents information about the frequency with which support people were present with the complainant at the time of the statement interview, and indicates how often the complainant was given a copy of the completed statement. Only about a third of respondents (13 or 38.2%) had a support person with them at the time of the statement interview. Of the 21 respondents who did not have a support person present with them while making the statement, about half (nine respondents or 52.9%) said they had been informed that they could have a support person with them. Eight respondents (or 47.1%) said they had not been informed.

Most (30 or 88.2%) of the respondents stated that they had been given a copy of their statements, although four respondents said they did not receive copies of their statements.

Respondents were asked where they were interviewed by police for the preparation of their written statements. Table 6 presents their responses, and their evaluation of the adequacy of these locations.

Table 5: Preparing the written statement

| Question | No. | % |
|--|------------|----------|
| 9. Did you have a medical examination? (n = 34) | | |
| Yes | 21 | 61.8 |
| No | 13 | 38.2 |
| 10. When did you make a statement to the police? (n = 21) | | |
| Before the examination | 6 | 28.6 |
| Immediately after the examination | 2 | 9.5 |
| Shortly after the examination | 6 | 28.6 |
| After going home | 7 | 33.3 |
| 11. Were you told how long it would take to make your statement to the police? (n = 34) ^a | | |
| Yes | 14 | 51.9 |
| No | 13 | 48.1 |
| 12. When you made your statement to the police, were you interviewed by a male or a female police officer? (n = 34) | | |
| Male | 26 | 76.5 |
| Female | 6 | 17.6 |
| Both | 2 | 5.9 |
| 13. Were you given the option of being interviewed by a police officer of the same sex as you? (n = 34) | | |
| Yes | 23 | 67.6 |
| No | 11 | 32.4 |
| 18. When you made your statement to the police, did you have a support person or a counsellor with you while you made your statement? (n = 34) | | |
| Yes | 13 | 38.2 |
| No | 21 | 61.8 |
| 19. Did the police tell you that you could have a support person or a counsellor with you while you made your statement? (n = 21) ^b | | |
| Yes | 9 | 52.9 |
| No | 8 | 47.1 |
| 20. Were you given a copy of the statement when it was finished? (n = 34) | | |
| Yes | 30 | 88.2 |
| No | 4 | 11.8 |

a Seven respondents did not remember.

b Four respondents did not remember.

Table 6 shows that most respondents (30 or 88.2%) were interviewed at the police station. Two respondents were interviewed either at their home or at someone else's home, one was interviewed at the hospital, and one was interviewed at the Sexual Assault Service.

The rooms where respondents were interviewed were in the majority of cases comfortable (28 or 82.4%) and quiet (31 or 91.2%). However, 11 respondents (or 34.4%) reported

that they experienced interruptions during the recording of the interview statement by police.

Table 6: The adequacy of the location where the statement was made

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 14. Where were you when you made your statement to the police? (n = 34) | | |
| Police station | 30 | 88.2 |
| Private house | 2 | 5.9 |
| Sexual Assault Service | 1 | 2.9 |
| Hospital | 1 | 2.9 |
| 15. When you made your statement to the police, was the room comfortable? (n = 34) | | |
| Yes | 28 | 82.4 |
| No | 6 | 17.6 |
| 16. When you made your statement to the police, was the room quiet? (n = 34) | | |
| Yes | 31 | 91.2 |
| No | 3 | 8.8 |
| 17. When you made your statement to the police, were there any interruptions? (n = 34) ^a | | |
| Yes | 11 | 34.4 |
| No | 21 | 65.6 |

^a Two responses were missing.

3.3.2 Provision of information by the police

Table 7 explores answers to two questions relating to the provision of information to victims of sexual assault. The first question relates to information about the process of reporting the offence to the police and proceeding with it to court, and the second refers to information about the progress of the case.

Table 7: Provision of information by the police

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 22. Did the police explain to you what was involved in the process of proceeding with a complaint to court? (n = 34) ^a | | |
| Yes | 21 | 67.7 |
| Insufficient information | 9 | 29.0 |
| No | 1 | 3.2 |
| 23. Did the police generally keep you informed about the progress of the case? (n = 34) | | |
| Yes | 15 | 44.1 |
| Insufficient information | 17 | 50.0 |
| No | 2 | 5.9 |

^a Three respondents did not remember.

Table 7 shows that about two-thirds (21 or 67.7%) of the respondents felt adequately informed by police about proceeding with the complaint to court, but nine respondents (or 29.0%) felt they were not given enough information of this nature and one respondent said they were given no information.

Almost half of the respondents (15 respondents or 44.1%) felt they had been given adequate information about the progress of their case. Two respondents, however, said they had not been given this information, and 17 respondents (or 50.0%) felt the information they had received was insufficient.

3.3.3 Satisfaction with services provided by the police

Table 8 shows the responses of sexual assault complainants to questions about their perceptions of the sympathy expressed by police, both at the initial report and when the statement was made.

| Question | No. | % |
|--|------------|----------|
| 4. Did you feel that the police with whom you first had contact were sympathetic? (n = 34) | | |
| Yes | 30 | 88.2 |
| Sometimes | 4 | 11.8 |
| No | 0 | 0.0 |
| 21. Did you feel that the police to whom you made the statement were sympathetic? (n = 34) | | |
| Yes | 30 | 88.2 |
| Sometimes | 4 | 11.8 |
| No | 0 | 0.0 |

Most of the respondents reported that police were sympathetic. In fact, there were no reports of unsympathetic police. A total of 30 respondents (or 88.2%) said that the police to whom they had first reported the incident were sympathetic, and 30 (or 88.2%) reported that the police to whom they made their statements were sympathetic. The remaining respondents in each case reported that police were sometimes sympathetic.

This general level of satisfaction with police is borne out in the question asking for further comments (Question 24). Of the 22 respondents who made comments in the general comments question, more than half (15 or 68.2%) were positive. Of the remaining comments, four were critical, one was both positive and critical and two were neither positive nor critical. Positive comments by respondents involved words such as helpful pleased sympathetic, kind and understanding fantastic great wonderful and comforting in the description of their feelings about the service they received from the police. Several respondents identified particular officers by name that they wished to commend. Two comments related to the fact that respondents were believed by the police:

- They believed me, took it very seriously and were also concerned about my welfare.
- At no point whatsoever was I disbelieved and I was made to feel completely relaxed.

The support of police throughout the process of taking the matter to court was highly regarded by respondents:

They have been very helpful when I was attending court.

From the first constable in my home to the support through to the trial ... they were wonderful!

[The detective] was also very supportive and took a personal interest when I returned to Australia 21 months later for the trial.

Only five¹² critical comments were made about police in the general comments question. The first two of these related to the provision of information by police:

I would have liked to have been located a week or two before having to attend court but instead I had to always chase them up and contact them about what was going on and find out at the last minute when my flight was.

I was not well informed about my case at any time during the investigation. I was left in the dark for months at a time throughout the investigation as no-one bothered to explain anything to me.

The three remaining critical comments were related to other issues:

The police ... who had to issue subpoenas were useless. In fact many were not delivered and this caused confusion.

It was a bit slow.

... I still think they could have done something more for my case.

3.4 THE NSW DEPARTMENT OF HEALTH

Most respondents (38 of the total of 43) attended a Sexual Assault Service as a result of the assault.

Because the Sexual Assault Standards Manual was effective from 1988, for the purposes of the analysis of health services, only responses from complainants who had attended a Sexual Assault Service within NSW after 1988 were included. A total of 35 respondents had attended a Sexual Assault Service after 1988, three of whom had attended services interstate. Results presented in this section are therefore based on the responses of the 32 complainants who used health services in NSW after 1988.

Table 9 shows that most (23 or 71.9%) of the 32 respondents used the Service in 1993 or 1994. The remaining respondents had attended a health service in 1988, 1991, 1992 or 1995.

Of the sample of 32 respondents, 19 (or 59.4%) had used a Sexual Assault Service outside the Sydney Statistical Division,¹³ and 13 (or 40.6%) had used a service within Sydney.

Table 10 presents information about complainants' source of referral to the Sexual Assault Service.

Most respondents (17 or 53.1%) found out about the Sexual Assault Service from the police. Others found out about Sexual Assault Services from friends or family (six respondents or 18.8%), from the phone book (four respondents), from a previous occasion (three respondents), from a school counsellor (one respondent) or from a health centre (one respondent).

Table 9: Year in which respondents attended a Sexual Assault Service (Question 27)

| <i>Year</i> | <i>No.</i> | <i>%</i> |
|--------------|------------|--------------|
| 1988 | 2 | 6.3 |
| 1989 | 0 | 0.0 |
| 1990 | 0 | 0.0 |
| 1991 | 2 | 6.3 |
| 1992 | 3 | 9.4 |
| 1993 | 10 | 31.3 |
| 1994 | 13 | 40.6 |
| 1995 | 2 | 6.3 |
| Total | 32 | 100.0 |

Table 10: Source of a referral to a Sexual Assault Service (Question 28)

| <i>Source of referral</i> | <i>No.</i> | <i>%</i> |
|---------------------------|------------|--------------|
| Police | 17 | 53.1 |
| Friend / family | 6 | 18.8 |
| Phone book | 4 | 12.5 |
| Previous occasion | 3 | 9.4 |
| School counsellor | 1 | 3.1 |
| Health centre | 1 | 3.1 |
| Total | 32 | 100.0 |

Table 11: Use of counselling services

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|--|------------|----------|
| 21. Did you get an opportunity to talk to a counsellor about how the assault was affecting you? (n = 32) | | |
| Yes | 29 | 90.6 |
| No | 3 | 9.4 |
| 21. How often did you meet with the counsellor? (n = 29) | | |
| Once | 3 | 10.3 |
| Several times | 10 | 34.5 |
| On an ongoing basis | 16 | 55.2 |
| 32. Was the counselling helpful? (n = 29) | | |
| Yes | 24 | 82.8 |
| Undecided | 1 | 3.4 |
| No | 4 | 13.8 |

3.4.1 Counselling services

Table 11 shows responses relating to the use of counselling services.

The majority (29 respondents or 90.6%) of the sample had seen a counsellor. More than half of these respondents (16 or 55.2%) had consulted a counsellor on an ongoing basis up to the time of the court case, while another 10 respondents (or 34.5%) had seen a counsellor more than once. Three respondents had only consulted with a counsellor once.

Most of the respondents (24 or 82.8%) felt that the counselling had been a helpful service, four respondents felt it was not helpful, and one was undecided.

Table 12 explores respondents' assessments of the helpfulness of the court preparation and court support services provided by Sexual Assault Services.

Table 12: Other support services provided by the Sexual Assault Service

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 34. Did you receive any court preparation from the Sexual Assault Service? (n = 32) | | |
| Yes | 20 | 62.5 |
| No | 12 | 37.5 |
| 35. Was this court preparation a helpful service? (n = 20) ^a | | |
| Yes | 19 | 100.0 |
| No | 0 | 0.0 |
| 36. Did you receive any court support from the Sexual Assault Service? (n = 32) | | |
| Yes | 18 | 56.3 |
| No | 14 | 43.8 |
| 37. Was this court support a helpful service? (n = 18) | | |
| Yes | 17 | 94.4 |
| No | 1 | 5.6 |

^a One response were missing.

More than half of the respondents (20 or 62.5%) had been prepared for court by a Sexual Assault Service, with all of these respondents rating this service as helpful. Furthermore, 18 respondents (or 56.3%) had been supported at court by a sexual assault counsellor. All but one of these respondents rated this service as helpful. The respondent who did not find this service useful explained that she didn't really need it, and that the counsellor was condescending to her: I found the counsellor annoying as she kept trying to translate what the legal people were saying when I understood anyway, and was quite capable of asking if I didn't.

Further investigation was made of those respondents who did not receive the court support or court preparation services to find the year in which these respondents had first attended the Sexual Assault Service. Of the 12 respondents who had not received the court preparation service, seven had first attended the Sexual Assault Service during or before 1993, with five respondents having first attended the Service during 1994 or 1995. Similarly, of the 14 respondents who did not receive court support, seven had

attended the Sexual Assault Service during or before 1993 and seven had attended the Service during 1994 or 1995. It is possible that those respondents attending before 1994 had not at that time decided to proceed with the matter to court; this may therefore explain why they had not received court preparation or court support. It must also be pointed out that these respondents may have declined an offer made by the Sexual Assault Service for these services.

Several comments made by respondents in the general comments question (Question 54) pointed to the importance of support from the Sexual Assault Service during the trial process. For example:

My counsellor was a great support person. She was there through the whole trial and was in the courtroom when I was on the stand.

The centre provides so much support and help in helping you through the whole trial system. They are the most helpful people. I find that I don't think I would have been able to go through all this without them.

Table 13 presents information relating to the provision of information.

Table 13: Provision of information by Sexual Assault Services

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 29. Did the Sexual Assault Service give you information about what would be involved in the process of reporting the assault to the police? (n = 32) ^a | | |
| Yes | 22 | 75.9 |
| Insufficient information | 2 | 6.9 |
| No | 5 | 17.2 |
| 30. Did the Sexual Assault Service give you information about what would be involved in proceeding to court with the matter? (n = 32) ^b | | |
| Yes | 25 | 83.3 |
| Insufficient information | 2 | 6.7 |
| No | 3 | 10.0 |

a Three respondents did not remember.

b Two respondents did not remember.

Three-quarters of the respondents (22 or 75.9%) said they had been informed about the process of reporting the assault to police. A further five (or 17.2%) said they had not received this information, and two respondents said they had received some information but that it was inadequate. It is important to note here that, where a respondent apparently had not received this information, it may well have been because a police report had already been made. It is not possible to tell from the questionnaire what stage the respondent had reached in the reporting process by the time the respondent attended the Sexual Assault Service.

More than three-quarters of the sample (25 respondents or 83.3%) stated that they had received adequate information about proceeding to court with the matter. A further two respondents stated that they received some, but not enough, information about

proceeding with the matter to court. Three respondents stated that they had not received any information.

Adequacy of counselling services

When asked if there was anything the respondent needed that the Service did not provide, nine of the 35 clients of Sexual Assault Services said. Eight of these nine respondents identified specific issues of concern, as follows:

- three respondents stated that they were unable to get adequate counselling due to waiting lists or the unavailability of counselling in a regional area;
- two respondents expressed a desire for support from the Sexual Assault Service while attending court;
- one male respondent noted that information and counselling for male victims of sexual assault was inadequate,
- one hearing-impaired respondent noted that the Service did not provide an interpreter; and
- one respondent maintained that the Sexual Assault Service took materials that related to the assault, which they subsequently did not return to the respondent.

3.4.2 Medical services

Of the total sample, 20 respondents underwent medical examinations as part of the process of reporting the sexual assault. Table 14 presents information relating to the location of the medical examination, the length of time it took to get to the service, and the length of time the complainant waited at the location for the medical examination.

Table 14: The location and duration of the medical examination

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 39. Where was the medical examination performed? (n = 20) | | |
| Sexual Assault Service | 18 | 90.0 |
| Government Medical Office | 1 | 5.0 |
| Medical Centre | 1 | 5.0 |
| 40. How long did it take you to travel there? (n = 20) | | |
| Less than half an hour | 13 | 65.0 |
| Between half and one hour | 5 | 25.0 |
| Between one and three hours | 2 | 10.0 |
| 41. How long did you wait before you were examined? (n = 20) ^a | | |
| Less than half an hour | 9 | 47.4 |
| Between half and one hour | 4 | 21.1 |
| Between one and three hours | 5 | 26.3 |
| More than three hours | 1 | 5.3 |

^a One respondent did not remember.

Table 14 shows that most respondents (18 or 90.0%) were examined at a Sexual Assault Service. The remaining two were examined at a Government Medical Office or a medical centre.

The time taken to travel to the location for the medical examination was in most cases very short. In fact, 13 respondents (or 65.0%) reached the location in less than half an hour, with a further five respondents reaching the service in less than an hour. In two cases, however, it took between one and three hours to reach the location for the medical examination.

After arriving at the location for the medical examination, nearly half (nine or 47.4%) of the respondents waited less than half an hour for a medical examination, four respondents waited between half an hour and one hour and five waited between one and three hours. The remaining respondent waited overnight for the medical examination.

Table 15 presents the perceived adequacy of the location where the medical examination took place.

Table 15: Perceived adequacy of the location where the medical examination took place

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 51. Was the room where the medical examination took place comfortable? (n = 20) | | |
| Yes | 17 | 85.0 |
| No | 3 | 15.0 |
| 52. Was the room where the medical examination took place quiet? (n = 20) | | |
| Yes | 17 | 85.0 |
| No | 3 | 15.0 |
| 53. Were there any interruptions to the medical examination? (n = 20) | | |
| Yes | 6 | 30.0 |
| No | 14 | 70.0 |

Most respondents found the room where the medical examination was conducted comfortable (17 respondents or 85.0%) and quiet (17 respondents or 85.0%), although in each case three respondents did not find the room comfortable or quiet. Nearly a third of the respondents (six or 30.0%) reported interruptions to the medical examination.

Comments made by two respondents in the general comments question (Question 54) related to the importance to victims of privacy during their contact with the Sexual Assault Service:

More privacy.

There were at least four people in the room when I was being examined. I had to strip off in front of them. In some ways I didn't care and just wanted to get the whole thing out of the way, but it was degrading especially at a time when I was incredibly vulnerable.

Table 16 presents the gender of the medical examiner and respondents' perceptions of the sensitivity of the examining doctor.

Table 16: The medical officer

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 43. Gender of the doctor? (n = 20) | | |
| Male | 13 | 65.0 |
| Female | 7 | 35.0 |
| 44. Did you feel that the doctor treated you sensitively? (n = 20) ^a | | |
| Yes | 14 | 73.7 |
| Sometimes | 3 | 15.8 |
| No | 2 | 10.5 |

^a One response was missing.

This table shows that two-thirds of the respondents (13 or 65.0%) were examined by a male medical officer. Being examined by a male medical officer was mentioned as a specific problem by two respondents, who noted in response to the general comments question:

Option of female doctor.

I would have preferred a woman doctor as I was very uncomfortable with a male doctor after being sexually assaulted.

Nearly three-quarters of the respondents reported that the doctor treated them sensitively (14 or 73.7%), while a further three respondents felt that they were treated sensitively some of the time. Two respondents felt they were not treated with sensitivity.

On the other hand, several comments made by respondents in response to the general comments question commended medical services for their sensitivity:

The doctor and counsellor were both very good and I was pleased with their help and work.

The doctor I had was also very good.

I was treated with a lot of sympathy and consideration throughout the entire examination.

Provision of information by doctors

Table 17 reports the type of information which sexual assault complainants said they were given by doctors in relation to the medical examination.

Of respondents who underwent medical examinations in NSW, seven respondents (or 38.9%) stated that they had not been informed that they could have a support person with them during the examination. More than half of the respondents (11 or 61.1%) remembered being informed about support people.

Most respondents (17 or 94.4%) stated they had been informed about what would be involved in the medical examination. However, one respondent felt the information was inadequate.

Table 17: Provision of information by doctors

| Question | No. | % |
|--|------------|----------|
| 42. Did the doctor inform you that you could have a support person accompany you? (n = 20) ^a | | |
| Yes | 11 | 61.1 |
| No | 7 | 38.9 |
| 45. Did the doctor inform you about what the medical examination would involve? (n = 20) ^a | | |
| Yes | 17 | 94.4 |
| Insufficient information | 1 | 5.6 |
| No | 0 | 0.0 |
| 46. Did the doctor inform you that the results may be used as evidence in court? (n = 20) ^b | | |
| Yes | 15 | 88.2 |
| No | 2 | 11.8 |
| 47. Did the doctor inform you of the purpose of each of the tests that were conducted? (n = 20) ^a | | |
| Yes | 15 | 83.3 |
| Insufficient information | 1 | 5.6 |
| No | 2 | 11.1 |
| 48. Did the doctor inform you about pregnancy issues? (n = 20) ^c | | |
| Yes | 6 | 66.7 |
| No | 3 | 33.3 |
| 49. Did the doctor inform you about sexually transmitted diseases? (n = 20) ^b | | |
| Yes | 13 | 76.5 |
| Insufficient information | 1 | 5.9 |
| No | 3 | 17.6 |
| 50. Did the doctor inform you of the results of the tests in terms you understood? (n = 20) | | |
| Yes | 14 | 70.0 |
| Insufficient information | 1 | 5.0 |
| No | 5 | 25.0 |

a Two respondents did not remember this information.

b Three respondents did not remember this information.

c For eight respondents pregnancy issues were not applicable and three respondents did not know whether they had been provided with this information.

Again, most respondents (15 or 88.2%) said they were informed that the medical examination may be used as evidence in court, but two said they were not.

Only two respondents stated they were not informed about the purpose of each of the tests conducted, while another one felt that the information they had been given was not adequate. Most respondents (15 or 83.3%) said they were given information about the purposes of tests conducted.

For over a third of the respondents (eight), the question of pregnancy was not an issue; therefore information relating to pregnancy had not been required. Of the remaining respondents, six (66.7%) stated that they were given information relating to pregnancy, and three stated they were not.

About three-quarters of the respondents (13 or 76.5%) stated that they were provided with information about sexually transmitted diseases, while one respondent stated that she was given some, but not enough information. Three respondents stated they were not given this information.

Finally, respondents were asked if they were informed of the test results in a manner that they understood. More than two-thirds (14 or 70.0%) stated that they were given this information, while one respondent stated that she was not given adequate information. The remaining five respondents stated that they were not informed about the results of medical tests in terms they understood.

Several respondents made comments in the general comments question that pointed to a need for better provision of information:

I had nothing explained to me.

When I attended the centre there was a complete lack of information/counselling for male victims. The centre was oriented to female victims only.

The people were not unkind or heartless to me, but I had absolutely no follow-up from them or much information given to me regarding my injuries.

3.4.3 Satisfaction with services provided by Sexual Assault Services

Many positive comments were made in the general comments question (Question 54) by respondents who had visited a Sexual Assault Service after the assault. Comments relating to specific services have been included in earlier sections which relate to those services. More general comments that were made were:

They are very helpful and sensitive towards my needs.

Just to say the Sexual Assault Services give good service.

The Sexual Assault Services were fantastic.

One comment was made by a respondent who was critical of the turnover in staff at the Service she attended. This respondent had been attending the Service for ongoing consultations over six years:

In this area we have only inexperienced temporary staff. Before any trust or rapport is established they move on.

3.5 THE OFFICE OF THE DPP AND THE COURT

Most of the respondents (39) attended court as an outcome of reporting the incident to the police. As Table 18 shows, most respondents had first attended court in 1994 or 1995 (34 respondents or 87.2%).

All of the 39 respondents had attended court in NSW, with just less than half having attended court in Sydney (18 respondents).

The following section explores the responses of the 39 complainants who attended court.

Table 18: Year of first attendance at court (Question 57)

| Year | No. | % |
|--------------|------------|--------------|
| 1986 | 1 | 2.6 |
| 1987 | 0 | 0.0 |
| 1988 | 0 | 0.0 |
| 1989 | 0 | 0.0 |
| 1990 | 1 | 2.6 |
| 1991 | 1 | 2.6 |
| 1992 | 0 | 0.0 |
| 1993 | 2 | 5.1 |
| 1994 | 26 | 66.7 |
| 1995 | 8 | 20.5 |
| Total | 39 | 100.0 |

3.5.1 Attending court

Table 19 shows that, of the respondents who attended court, most (34 or 87.2%) did not experience any trouble finding the courtroom on their arrival at the courthouse.

Table 19: Finding the courtroom

| Question | No. | % |
|--|------------|----------|
| 43. Did you have any trouble finding the courtroom? (n = 39) | | |
| Yes | 5 | 12.8 |
| No | 34 | 87.2 |

The waiting area

Respondents who attended court were asked about the adequacy of the place where they waited while at court. Table 20 presents their responses.

Table 20 shows that about half of the complainants attending court (16 or 51.6%) waited in a private room of some sort, including a room in the DPP office, the Crown Prosecutor's room and a witness room. A further 15 respondents (or 48.4%) waited in a public area before the case proceeded, either outside the court or in the hallway.

Nearly two-thirds of the respondents (25 or 65.8%) said that they were not comfortable in the waiting area. Of these people, five stated that they found the waiting area too noisy, 10 stated that they found there were too many people in the waiting area, one said there was nowhere to sit, and one stated that the room was small and plain (multiple options). Importantly, all 25 of these respondents stated that seeing the offender or the offender's family or friends was an aspect of the waiting area that made them uncomfortable.

Table 20: The waiting area

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|--|------------|----------|
| 59. Where did you wait while you were at the courthouse? (n = 39) ^a | | |
| Private area | 16 | 51.6 |
| Public area | 15 | 48.4 |
| 60. Did you feel comfortable in this waiting area? (n = 39) ^b | | |
| Yes | 13 | 34.2 |
| No | 25 | 65.8 |
| 61. What did you find uncomfortable about the waiting area? (n = 25) <i>Multiple responses were allowed.</i> ^c | | |
| Too crowded | 10 | 40.0 |
| Too noisy | 5 | 20.0 |
| Nowhere to sit | 1 | 4.0 |
| Small and plain | 1 | 4.0 |
| 62. Which of these problems was the worst? (n = 25) | | |
| Seeing the offender of offender's family / friends | 23 | 92.0 |
| Multiple problems | 2 | 8.0 |

a Eight respondents did not specify whether they waited in a public or a private area.

b One response was missing.

c Percentages were calculated for this item using the number of complainants who answered the question (n = 25).

In fact, among all the options presented to them, 23 of the respondents nominated this as the most uncomfortable aspect of the waiting area. The remaining two respondents felt that the crowded nature of the waiting area was shared equally with seeing the offender or the offender's family or friends as the worst aspects of the waiting area.

Of those 25 respondents who nominated seeing the offender or the offender's family/friends as an uncomfortable aspect of the waiting room, 20 identified whether they had waited in a public or a private area. Of these 20 respondents, most (14 respondents or 70.0%) had waited in a public area. The remaining six respondents had waited in a private waiting area. Waiting at court in a public area is clearly difficult for complainants in sexual assault cases due to the experience of seeing the offender.

The courtroom

Respondents who attended court were asked if the court had been closed to the public, and if they had any complaints relating to the time they spent in the courtroom. Table 21 presents this information, and includes aspects of the courtroom about which respondents were critical.

Table 21 shows that the courtroom was closed to the public in 15 cases, and open to the public in 21 cases.

Table 21: In the courtroom

| Question | No. | % |
|---|------------|----------|
| 63. Was the courtroom closed to the general public? (n = 39) ^a | | |
| Yes | 15 | 40.5 |
| Sometimes | 1 | 2.7 |
| No | 21 | 56.8 |
| 64. Do you have any complaints about the time you spent in the courtroom? (n = 39) ^b | | |
| Yes | 30 | 78.9 |
| No | 8 | 21.1 |
| 65. What was the worst feature of the time you spent in the courtroom? (n = 30) <i>Multiple responses were given.</i> ^c | | |
| Seeing the offender | 23 | 85.2 |
| Seating was uncomfortable | 6 | 22.2 |
| The hearing was too long | 5 | 18.5 |
| I didn't know who the people were | 4 | 14.8 |
| The courtroom was too hot or cold | 3 | 11.1 |
| The court was too public | 3 | 11.1 |
| There were too many adjournments or breaks | 2 | 7.4 |
| I felt like I was on trial | 2 | 7.4 |
| I had to relive the event | 2 | 7.4 |
| Other | 3 | 11.1 |

a One response was missing and one respondent did not know this information.

b One response was missing.

c Three responses were missing; percentages were calculated for this item using the number of complainants who answered the question (n = 27).

Of the respondents attending court, 30 (or 78.9%) had complaints to make about the time they had spent in the courtroom. Some respondents offered more than one response to the question about the worst feature of this time. These complaints often related to seeing the offender again; in fact, 23 respondents (85.2%) endorsed this option on the questionnaire. Other aspects endorsed were: the seating was uncomfortable (six respondents), the court hearing was too long (five respondents), the respondent did not know who the people in the court were (four respondents), the courtroom was too hot or cold (three respondents) and the courtroom was too public (three respondents). Other respondents commented that there were too many breaks or adjournments (two respondents), and that the complainant felt they had been on trial themselves (two respondents). The remaining five comments related to the complainant's role as a witness (these will be included in the later discussion about appearing as a witness). Interestingly, no respondents endorsed the option the court hearing was too formal.

Table 22 presents data on respondents' understanding of the court hearing. It shows that more than half of them reported that they understood what occurred in the hearing most of the time (20 respondents or 55.6%), with a further 10 (or 27.8%) reporting that they understood what happened only some of the time. Only six (or 16.7%) said that they had a full understanding.

Table 22: Understanding court proceedings^a

| Question | No. | % |
|--|------------|----------|
| 66. How much of the time did you understand what was happening during the court hearing? (n = 37) ^b | | |
| All | 6 | 16.7 |
| Most | 20 | 55.6 |
| Some | 10 | 27.8 |
| None | 0 | 0.0 |
| 67. What didn't you understand? (n = 30) <i>Multiple responses were allowed.</i> ^c | | |
| Legal language | 23 | 76.7 |
| Legal arguments | 16 | 53.3 |
| Judge's rulings | 10 | 33.3 |
| Admissibility | 7 | 23.3 |
| Defence objections | 7 | 23.3 |
| Crown objections | 6 | 20.0 |

a Two respondents, after having met with the DPP solicitor, decided not to proceed with the case. Because they did not attend a court hearing, they are excluded from Table 22.

b One response was missing.

c Percentages were calculated for this item using the number of complainants who answered the question (n = 30).

Of those 30 respondents who did not fully understand the court hearing, the majority indicated that the legal or courtroom language was an impediment to their understanding (23 respondents or 76.7%). Other aspects of the court hearing that respondents said they did not understand were: legal arguments (16 respondents or 53.3%), the judge's rulings and directions (10 respondents or 33.3%), the defence lawyer's objections (seven respondents or 23.3%), matters related to the admissibility of evidence (seven respondents or 23.3%), and the Crown Prosecutor's objections (six respondents or 20.0%). Respondents were permitted multiple responses to this question.

3.5.2 Appearing as a witness at court

Of the 39 respondents who attended court, 29 appeared as a witness. The remaining section on attending court presents results relating to this sample of 29 witnesses.

Meeting the DPP solicitor

Table 23 reports on witnesses' meetings with the DPP solicitor before the trial. It presents information about the frequency of meetings, when the initial meeting took place, and the average length of meetings between respondents and solicitors.

Table 23 shows that the majority of witnesses (25 or 86.2%) were able to meet with the DPP solicitor before the trial. When asked about the frequency of their meetings with the solicitor, most reported that they met the solicitor once (11 respondents or 37.9%) or twice (eight respondents or 27.6%) before the trial. Four respondents met the solicitor between three and five times, while the remaining two met with the solicitor more than five times.

About a third of the respondents (nine or 36.0%) who met with the DPP solicitor reported that their first meeting was on the morning of the trial. Three respondents first met with

the solicitor the day before the trial, five respondents met with the solicitor the week before the trial, and another eight of the respondents (or 32.0%) first met with the solicitor a month before the trial.

Table 23: Meeting the DPP solicitor

| Question | No. | % |
|--|------------|----------|
| 70. How often did you meet the DPP solicitor? (n = 29) | | |
| Never | 4 | 13.8 |
| Once | 11 | 37.9 |
| Twice | 8 | 27.6 |
| Three to five times | 4 | 13.8 |
| More than five times | 2 | 6.9 |
| 71. When was the first time you met with the DPP solicitor? (n = 25) | | |
| The morning of the trial | 9 | 36.0 |
| The day before the trial | 3 | 12.0 |
| The week before the trial | 5 | 20.0 |
| The month before the trial | 8 | 32.0 |
| 72. What was the average length of these meetings? (n = 25) | | |
| Less than 15 minutes | 6 | 24.0 |
| Between 15 and 30 minutes | 2 | 8.0 |
| Between 30 and 60 minutes | 9 | 36.0 |
| Between 60 and 120 minutes | 4 | 16.0 |
| More than 120 minutes | 4 | 16.0 |

Respondents were also asked about the average length of the meetings which they had with the solicitor handling their case. Table 23 shows that most respondents reported their average meetings were between half an hour and two hours in length (13 respondents or 52.0%), although six respondents (24.0%) met with the solicitor for an average time of less than 15 minutes.

Of the nine respondents who had met with the solicitor for the first time on the morning of the trial, one meeting had been between 15 and 30 minutes, another two had been between 30 and 60 minutes, and one had been between one and two hours. The remaining five respondents reported the length of their meeting as being less than 15 minutes.

Meeting the Crown Prosecutor

Table 24 presents information relating to respondents meetings with the Crown Prosecutor. This table presents the number of meetings the witness had with the Crown Prosecutor, when the first meeting took place, and the average length of the meetings. Finally, the table shows witnesses perceptions about the helpfulness of these meetings.

Almost all of the witnesses (28 or 96.6%) met with the Crown Prosecutor at least once before the trial; 13 respondents (or 44.8%) reported one meeting, 12 respondents (or 41.4%) reported two meetings, and two respondents reported three to five meetings.

Table 24: Meeting the Crown Prosecutor

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|--|------------|----------|
| 75. How often did you meet the Crown Prosecutor before the trial? (n = 29) | | |
| Never | 1 | 3.4 |
| Once | 13 | 44.8 |
| Twice | 12 | 41.4 |
| Three to five times | 2 | 6.9 |
| At least once ^a | 1 | 3.4 |
| 76. When was the first time you met with the Crown Prosecutor? (n = 28) | | |
| The morning of the trial | 12 | 42.9 |
| The day before the trial | 4 | 14.3 |
| The week before the trial | 10 | 35.7 |
| The month before the trial | 2 | 7.1 |
| 77. What was the average length of your meetings with the Crown Prosecutor? (n = 28) | | |
| Less than 15 minutes | 7 | 25.0 |
| Between 15 and 30 minutes | 4 | 14.3 |
| Between 30 and 60 minutes | 9 | 32.1 |
| Between 60 and 120 minutes | 5 | 17.9 |
| More than 120 minutes | 3 | 10.7 |
| 78. Did you find the meetings with the Crown Prosecutor helpful? (n = 28) ^b | | |
| Yes | 20 | 74.1 |
| No | 7 | 25.9 |

a This respondent did not specify the number of meetings.

b One response was missing.

(One respondent could not remember how many times she had met with the Crown Prosecutor.) Of these 28 respondents, 12 (or 42.9%) reported that the first time they met with the Crown Prosecutor was on the morning of the trial, while a further 10 (or 35.7%) stated that their first meeting was the week before the trial. Meetings occurred for four respondents on the day before the trial, and for two respondents in the month before the trial.

In relation to the average length of the meetings which respondents had with Crown Prosecutors, Table 24 shows that half of the respondents (14) had meetings between half an hour and two hours. However, seven respondents (or 25.0%) reported average meeting lengths of less than 15 minutes.

Nearly three-quarters of the sample (20 respondents or 74.1%) said that the meetings with the Crown prosecutor were helpful to them, with seven (or 25.9%) reporting that the meetings were not helpful.

Courtroom experience

Table 25 presents information relating to the support person accompanying the witness to court. It shows how many witnesses had a support person, who this support person

was, and how helpful it was to have that person with them. For those witnesses who did not have a support person accompany them to the trial, the questionnaire asked if they would have liked to have a support person with them, and if so, who they would have preferred as a support person.

Table 25 shows that of the 29 witnesses, three-quarters (22) had a support person present with them while they were in court. Of these supported witnesses, eight (or 36.4%) were accompanied by a family member, and five respondents (or 22.7%) had a Sexual Assault Service worker with them for support. The rest of the sample had another worker with them (four respondents), or more than one person with them (four respondents), or a friend with them (one respondent). All respondents reported that the presence of a support person was helpful.

Table 25: The presence of support people during the trial

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|--|------------|----------|
| 80. Was a support person with you during the trial? (n = 29) | | |
| Yes | 22 | 75.9 |
| No | 7 | 24.1 |
| Respondents for whom a support person was present (n = 22) | | |
| 81. Who was your main support person? | | |
| Family | 8 | 36.4 |
| Sexual Assault Service worker | 5 | 22.7 |
| Other worker | 4 | 18.2 |
| More than one person | 4 | 18.2 |
| Friend | 1 | 4.5 |
| 82. Did it help to have that person there? | | |
| Yes | 22 | 100.0 |
| No | 0 | 0.0 |
| Respondents for whom a support person was not present (n = 7) | | |
| 83. Would you have liked someone to have been with you during the trial? | | |
| Yes | 4 | 57.1 |
| No | 3 | 42.9 |
| 84. Who would you have liked to have been with you during the trial? (n = 4) | | |
| Sexual Assault Service worker | 2 | 50.0 |
| More than one person | 1 | 25.0 |
| Police | 1 | 25.0 |

Of the seven witnesses who did not have a support person with them at court, only four stated that they would have liked to have someone to accompany them. Two of these four wanted a sexual assault worker, one wanted a police officer, and the last witness wanted a sexual assault worker and a family member with her at court.

Witnesses were asked to comment on their experience of giving evidence and being cross-examined by the defence barrister. Of the 29 witnesses, only two stated that giving evidence in court had not been a difficult experience. All 29 stated that being cross-examined was a difficult experience. Table 26 presents the responses of those 27 witnesses who had a negative experience of giving evidence, and of the 29 witnesses who had a negative experience of the cross-examination.

Table 26: Appearing as a witness in court

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 85. What was the worst feature of giving your evidence? (n = 27) ^a | | |
| <i>Multiple responses were allowed.</i> | | |
| Reliving the event in public | 12 | 46.2 |
| Seeing the offender in the courtroom | 10 | 38.5 |
| Related to being cross-examined | 5 | 19.2 |
| I was nervous / emotional | 2 | 7.7 |
| Crown Prosecutor not familiar with the case | 1 | 3.8 |
| My residential address was revealed | 1 | 3.8 |
| Took too long | 1 | 3.8 |
| Repetitious | 1 | 3.8 |
| Judge's comments | 1 | 3.8 |
| Being called a liar | 1 | 3.8 |
| The offender's lawyer | 1 | 3.8 |
| It was sometimes confusing | 1 | 3.8 |
| 86. What was the worst aspect of being cross-examined? (n = 29) ^b | | |
| <i>Multiple responses were given.</i> | | |
| Seeing the offender in the courtroom | 19 | 65.5 |
| I felt some questions were unfair | 16 | 55.2 |
| I had to repeat answers too often | 15 | 51.7 |
| Some questions were misleading | 13 | 44.8 |
| I couldn't remember some things | 10 | 34.5 |
| The lawyer was trying to embarrass me | 10 | 34.5 |
| Took too long | 8 | 27.6 |
| Too much detail was required | 8 | 27.6 |
| The courtroom was too crowded | 1 | 3.4 |
| Other comments | 15 | 51.7 |

a One response was missing. Percentages were calculated for this item using the number of witnesses who answered the question (n = 26).

b Percentages were calculated for this item using the number of witnesses who answered the question (n = 29).

Table 26 shows that the question asking for the worst aspects of giving evidence (a question to which multiple responses were allowed) most commonly identified the following: reliving the event in public (12 respondents or 46.2%), having the offender present in the court while giving evidence (10 respondents or 38.5%), various aspects of the cross-examination (five respondents), and feeling nervous or emotional (two respondents). The remaining responses were as follows: the Crown Prosecutor was not familiar with the case, the complainant's residential address was revealed in court,

it took too long, it was repetitious, comments made by the judge about the complainant's use of alcohol, being called a liar, the offender's lawyer, and the complainant found it confusing.

The one worst aspect of the cross-examination was very difficult for respondents to identify. The 29 witnesses were asked to choose one option from a list of nine detailing different aspects of cross-examination (refer to Appendix 1). Over half of the respondents (18) were unable to select one particular option, and instead chose several on the list. Table 26, therefore, shows the number of times each option was selected by witnesses. It shows that witnesses were most often concerned about seeing the offender in the courtroom (19 witnesses or 65.5%). The next most common responses were that the questioning was unfair (16 witnesses or 55.2%) and that they were asked to repeat answers to questions too often (15 witnesses or 51.7%). Further concern with the questioning was expressed by 13 respondents (or 44.8%) who felt that some questions were misleading. Furthermore, 10 respondents (or 34.5%) found they could not remember some aspects of their evidence, while 10 respondents (or 34.5%) felt the defence lawyer was trying to embarrass them. Eight respondents (or 27.6%) felt that the cross-examination took too long, and eight respondents (27.6%) felt that too much detail was required. Finally, one respondent found the courtroom too crowded. Other comments made included the following: three respondents stated that the defence had made derogatory comments about their character; and three respondents felt harassed or upset by the defence. The remaining comments were as follows:

I felt the Crown Prosecutor could have stopped the defence lawyer from treating me like I was the one on trial.

The abuse in the courtroom was contrary to justice - it was almost worse than the assault itself.

My main objection was the lies that he was allowed to throw at me. I wasn't afraid of the truth, only the things they tried making up.

They made me feel like I was the one on trial not the poor victim, and I had to explain what happened in every word and scene of the assault.

I felt like I was the criminal. The defence lawyer smiled and laughed at me constantly. She kept trying to confuse me with pathetic questions relating to how I was laying, i.e. on what side. This went on for about half an hour.

Irrelevant personal information found from my counsellor's notes was brought up in court.

I feel the Crown Prosecutor could have stopped the defence lawyer from treating me like I was the one on trial.

The Crown Prosecutor told me I shouldn't get upset in court, which was very hard not to do.

Being called a liar.

Witnesses were asked if they had ever wished to stop the case before it got to court. If witnesses responded to this question, they were then asked if they were aware they could tell this to the solicitor. Table 27 presents responses to these questions.

As can be seen from Table 27, most witnesses did in fact wish to stop the case at some point (21 witnesses or 72.4%). Of these 21 respondents, nine (or 42.9%) reported that they were unaware that they could ask the DPP to stop the case.

Table 27: Stopping the court case

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|---|------------|----------|
| 87. Did you at any stage feel that you wanted to stop the case or not go to court? (n = 29) | | |
| Yes | 21 | 72.4 |
| No | 8 | 27.6 |
| 88. Were you aware that you could tell the DPP solicitor that you wanted to stop the case and not go to court? (n = 21) | | |
| Yes | 12 | 57.1 |
| No | 9 | 42.9 |

The 21 witnesses who had wanted to terminate the case at some stage were asked why they had proceeded with it (Question 89). Some victims were convinced that if they did not proceed, other women would be in danger from the offender. Others felt they had to complete the prosecution for their own personal reasons (e.g. to clear the event from their lives). Still others felt that to stop the case at that point would have meant a waste of the effort they had already invested. Several victims wanted to ensure the offender was punished.

3.5.3 Provision of information by the DPP

Table 28 explores the issue of information provision by the DPP.

Table 28: Provision of information by the DPP

| <i>Question</i> | <i>No.</i> | <i>%</i> |
|--|------------|----------|
| 79. Did anyone tell you before the trial that you may be allowed to have a support person with you during the trial? | | |
| Yes | 25 | 86.2 |
| No | 4 | 13.8 |
| 73. Did the DPP solicitor or the Crown Prosecutor explain what would happen in court? (n = 29) | | |
| Yes | 19 | 65.5 |
| Partially | 8 | 27.6 |
| No | 2 | 6.9 |
| 74. Did the DPP solicitor or the Crown Prosecutor explain the roles of the people in the courtroom? (n = 29) | | |
| Yes | 18 | 62.1 |
| Partially | 4 | 13.8 |
| No | 7 | 24.1 |

Table 28 shows that the majority of witnesses (25 or 86.2%) stated that they were informed that they could have a support person with them in court, while four respondents stated

that they were not informed. Further, of the 29 witnesses, 19 (or 65.5%) stated that they were informed by the DPP about what would happen at court. Of the remaining witnesses, eight (or 27.6%) felt they had been given some, but not enough information, while two respondents said they had been given no information. Finally, about two-thirds of witnesses (18 or 62.1%) stated that they had been given information by the DPP about the people in the courtroom; seven respondents (or 24.1%) stated that they had not; and four respondents felt they had been provided with inadequate information.

3.5.4 Satisfaction with services provided by the DPP

Table 29 shows information relating to witnesses' stated level of satisfaction with the DPP. It reveals that while over half of the witnesses (16 or 57.1%) felt adequately consulted by the DPP, 12 respondents (or 42.9%) felt inadequately consulted.

Table 29: Satisfaction with the DPP

| Question | No. | % |
|---|-----|------|
| 90. Did you feel adequately consulted by the DPP? (n = 29) ^a | | |
| Yes | 16 | 57.1 |
| No | 12 | 42.9 |

^a One response was missing.

3.5.5 Further comments on the court process and on being a witness

When asked to provide further comments about their experiences in court (Question 68), and their experiences as a witness (Question 91), a total of 63 comments were made.¹⁴ Of these comments, 13 were positive while 47 were negative. Two comments were neither positive nor negative, and one comment was both positive and negative.

Positive comments made by victims about the services they received from the DPP described the services as supportive and helpful. One victim felt very well represented, another described the judge as considerate and friendly, and yet another described the Crown Prosecutor as an exceptional man.

Many of the negative comments respondents made about the court process related to the experience of being cross-examined, and the high levels of distress and trauma ensuing from being a witness, for example:

My inability to attend in the gallery may have been taken as lack of interest by the jurors and the court. They couldn't know that I was outside in the hallway every day.

I felt like I was on trial, humiliated all over again.

I found being in the situation of seeing the offender and being savagely cross-examined one of the more stressful and emotionally upsetting experiences of my life.

I didn't feel like a witness, I felt like a defendant.

I never want to go through it again. Ever. It should be made more impersonal. I felt like I was the person on trial.

I felt that I was pushed to my limits, and the court process is very lonely and unfair, i.e. I felt like the criminal.

Several comments were critical of the DPP or the Crown Prosecutor, for example:

The DPP should have had better communication.

The Crown had as much fight in him as a dead sparrow.

I feel on many occasions I was badly informed by the DPP.

I felt like a case number, the DPP just stuck to the facts and knew nothing or cared nothing for facts surrounding the assault. Had they listened to my request to look into these I feel we would have gotten a conviction.

Other critical comments related to the role of the judge in the trial, and the perception by victims that the judge was not sympathetic to them, for example:

The judge seemed very unsympathetic for me as a victim and very worried about the defendant.

When the judge summed up the case to the jury, I felt like he was more in favour of the accused than me.

The judge that handled my case was not understanding and totally one-sided. I think that all the judges and most of the DPP have to go through formal training in these matters.

Several more general comments about the experience of the court process included the following:

It was shocking and horrible.

It was like lambs to the slaughter. The whole experience has left me embittered.

I never want to go through this again.

Some people were actually sniggering up the back, and nothing was done to stop them.

3.6 OTHER INFORMATION ASKED OF RESPONDENTS

The final section of the questionnaire included questions relating to the provision of interpreters to non-English speakers, and asked complainants if they were provided with information about bail arrangements relating to the offender. The last questions in this section asked respondents if they would advise a friend to take a similar case to court, and if they could list three things which government could do to help victims of sexual assault. All 43 respondents to the survey were asked to complete this section.

3.6.1 Provision of interpreters

Of the 43 respondents, two did not speak English at home. One of these respondents reported that she did not ever have need of an interpreter. The other respondent reported that she needed a sign language interpreter which was not, at any point in her involvement in the criminal justice system, provided to her. She explained that I wanted a sign language interpreter but it was not allowed. She cited this as the reason why she had only understood the court hearing some of the time. This respondent had not appeared in court as a witness.

3.6.2 Provision of bail information

Table 30 presents complainants' responses to questions relating to the offender's bail arrangements.

Table 30: Provision of bail advise

| Question | No. | % |
|--|------------|----------|
| 105. Were you informed about any bail arrangements in relation to the offender in your case? (n = 43) ^a | | |
| Yes | 29 | 69.0 |
| No | 13 | 31.0 |
| 106. Who informed you about bail arrangements? (n = 29) <i>Multiple responses were allowed.</i> ^b | | |
| Police | 25 | 86.2 |
| DPP solicitor | 6 | 20.7 |
| Sexual Assault Service | 5 | 17.2 |
| Crown Prosecutor | 4 | 13.8 |

a For one respondent this was not applicable.

b Percentages were calculated for this item using the number of witnesses who answered this question (n = 29).

Table 30 shows that, of the 42 respondents for whom provision of bail advice was appropriate, 29 (or 69.0%) stated that they had received such advice. Information had most often been provided by the police (25 or 86.2% of respondents said they had been informed by the police). Only occasionally had information about bail been provided by bodies other than police: six respondents said they had received this information from the DPP solicitor, five respondents said they had received this information from the Sexual Assault Service, and four respondents said they had received this information from the Crown Prosecutor.

3.6.3 Would you recommend reporting the offence?

Table 31 presents responses to the question taking into account your experience with reporting this offence, would you advise someone in a similar situation to take the case to court? . It seems that most respondents (27 or 64.3%) would advise a friend in a similar situation to report the offence to the police. About a quarter of the respondents (11 or 26.2%), however, stated that they would advise the friend not to report the incident. A further four respondents were undecided.

Table 31: Advise to a friend

| Question | No. | % |
|---|------------|----------|
| 107. Would you advise someone in a similar situation to take the case to court? (n = 43) ^a | | |
| Yes | 27 | 64.3 |
| Undecided | 4 | 9.5 |
| No | 11 | 26.2 |

a One response was missing.

It is important to note that in nearly half (or 5) of the 11 cases in which the respondent said they would not advise a friend to take a sexual assault complaint to court, the offender

had been acquitted at trial. Of the 27 cases in which the respondent said they would advise a friend to take the case to court, eight (or 29.6%) cases had resulted in acquittal of all charges.

3.6.4 Recommendations by respondents

A total of 118 suggestions were made by respondents when they were asked to provide recommendations about what the Government should do for victims of sexual assault (question 108). All but 13 of these recommendations could be grouped together into areas relating to particular aspects of services. The remaining 13 recommendations were more in the nature of comment than of suggesting particular change. They have not been included here.

A total of 14 recommendations related to issues that were not the responsibility of one single agency. Most of these (nine recommendations) called for better support for victims at court and more generally, with one respondent commenting that a single support person should be provided throughout the process from report to finalisation, and another suggesting support for the family of the victim. A further four recommendations asked for better information for complainants about the progress of their cases through the criminal justice system. The final of these more general recommendations simply stated: Make us feel comfortable around police and court rooms .

The NSW Police Service

There were two recommendations that related specifically to services provided by the police. One of these suggested that police should keep the victim of crime informed about the investigation of the offence, and one suggested an improvement in communication between the police and the DPP.

The NSW Department of Health

Only two recommendations related to the improvement of medical services. One woman wanted offenders to be obliged to undergo tests for sexually transmitted diseases for the information of the victim. The other suggestion was that victims should be given a choice as to the gender of the examining doctor.

There were 10 recommendations made in relation to counselling services. Three of these related to the need for greater availability of counselling services throughout NSW. Three respondents saw counselling as central for victims of sexual assault, one respondent even recommending that it be compulsory. Two comments recommended more funding for Sexual Assault Services, one felt there should be better services for victims of child sexual assault, and one respondent suggested that counselling should be offered to victims both at the time of the assault and some time later.

The Office of the DPP and the Court

The majority of the 118 recommendations related specifically to the court and court services (68 recommendations or 57.6%).

Although some recommendations related to a desire for more convictions and tougher sanctions for sexual assault, as would be expected from a group of victims of this offence, these were by no means the majority of comments. In fact, recommendations of this sort only made up 11.9 per cent of all recommendations (14 of 118 recommendations)

and only 20.6 per cent of the recommendations related to the court. Most of these comments called for tougher prison sentences, although one respondent suggested the death penalty and another suggested genital mutilation for offenders found guilty of sexual assault. One respondent suggested that it should be the victims themselves, sitting on a Board of Victims of Sexual Assault, who should be devising penalties for convicted offenders.

Of the remaining 54 recommendations relating to court processes, the largest group related to being cross-examined as a witness (17 recommendations). Four of these comments indicated that victims felt it was unjust that the offender did not have to undergo the ordeal of being cross-examined; five respondents commented that they themselves had felt they were the offender on trial, while the offender t even have to testify . One respondent called for better protection from the Crown Prosecutor: Have Crown Prosecutors that are as interested in a case as the defendant s barrister , while another felt that co-defendants should not have the option of separate trials. The remaining six comments related to making the court process easier for victims.

Other aspects of the trial process were raised in ten recommendations. Three respondents, for instance, referred to the role of the judge in their cases, suggesting that there be training for judges in sexual assault and related issues (two respondents), or that more women judges should hear sexual assault matters (one respondent). The jury was another component of the trial process which five respondents felt needed to be changed. Two of these respondents recommended that the jury should be more carefully selected, while three felt there should be no jury at all. Two respondents requested that bail conditions also be addressed by the court: one felt that bail should not be granted at all, and the other simply wanted bail conditions that were more restrictive (she noted that her assailant allegedly assaulted two other women while he was on bail waiting to be tried for the alleged offence against her).

Seeing the offender in court was an aspect that was addressed by eight respondents through recommendations. These recommendations were epitomised by the comment We should not have to face the accused made by one of these respondents. Another respondent recommended that victims be allowed to give their evidence via video .

Five respondents requested that the court be closed when victims give their evidence, and that there be no media allowed to report the case publicly.

The length (in time) of the trial process was identified by four respondents as a problematic issue. Two suggested that the entire process from start to finish needed to be much quicker (two years is unacceptable), while two felt that the time spent at court could have been shortened by cutting out all adjournments.

A further three respondents called for better facilities at court: waiting areas were identified by two of these. The third, a hearing impaired respondent, requested that a sign language interpreter be provided when required in court.

Three respondents brought up the admissibility of evidence as an area that needed change. Two of these respondents felt that evidence relating to the offender s criminal history, and to any co-accused who had been tried prior to the offender s case should be deemed to be admissible evidence. The remaining of these respondents explained that her counsellor s notes had been used in evidence, and that these should in fact be inadmissible in court.

Two recommendations related specifically to the need for more frequent meetings with the prosecution. Comments made by these respondents were as follows: ... make it compulsory to at least see the DPP solicitor at least 5-6 times before going to court , and ... meet the victims more often before trial .

The final two comments relating to the court concerned the rights of the offender. One respondent commented that the offender should not have the chance to present character witnesses, while another felt the offender should be required to submit to a lie detector test.

Public awareness

Education and public awareness campaigns were identified by nine respondents as one way to raise the level of concern about sexual assault and to address the sorts of problems which victims of sexual assault face.

4. DISCUSSION

The low rate of response to the questionnaire obviously limits the strength and generalisability of the conclusions that can be made. Of the potential sample size (i.e. the population) of 289 cases finalised in the study period, a total of 43 responses were received, resulting in a response rate of 14.9 per cent.

In order to make some assessment of the representativeness of the sample, the sample was compared with the population on two central characteristics: the most serious charge (shown in Table 32) and the manner of finalisation (shown in Table 33). Unfortunately, other relevant characteristics for comparison, such as the age and gender of the complainant were not collected.¹⁵

As can be seen from Table 32, the bulk of charges, both in the population and in the survey sample, occurred in the category of sexual assault. A slightly higher percentage of the survey sample than the population comprised cases where the most serious offence was aggravated sexual assault, while the number of indecent assault matters was slightly higher in the population than in the survey sample. Overall then, while the survey sample had a slightly higher percentage of more serious principal offences, it was reasonably comparable to the population on principal offence.

Table 32: Comparison of the most serious offence charged between the population and the survey sample

| <i>Most serious charge</i> | <i>Population</i> | | <i>Survey sample</i> | |
|----------------------------|-------------------|--------------|-----------------------|--------------|
| | <i>No.</i> | <i>%</i> | <i>No.</i> | <i>%</i> |
| Aggravated sexual assault | 49 | 17.0 | 10 | 25.6 |
| Sexual assault | 153 | 52.9 | 24 | 61.5 |
| Indecent assault | 70 | 24.2 | 5 | 12.8 |
| Other | 17 | 5.9 | 0 | 0.0 |
| Total | 289 | 100.0 | 39^a | 100.0 |

a This information was missing for four respondents.

Table 33 shows the frequency of each of the seven different ways in which a case can be finalised, both for the population and for the survey sample. The largest proportion of cases in the population were finalised by way of a guilty plea and sentence (33.6%); this was followed by acquittal after a trial (27.3%), conviction after a trial (18.3%), and cases in which the charges were no billed (14.5%). The pattern of finalisation was different for the survey sample. The largest group of cases in the survey sample were finalised by way of acquittal after a trial (38.5%). This was followed by conviction after a trial (35.9%) and guilty plea and sentence (20.5%). Only 5.1 per cent of cases in the survey sample were finalised by way of a no bill.

The survey sample, therefore, was predominantly made up of complainants whose cases were finalised by way of trial (74.4%). The same group made up just under half (45.7%) of the population. Overall then, the manner of finalisation for the survey sample was appreciably different from that for the population.

Table 33: Comparison of the manner of finalisation between the population and the survey sample

| <i>Manner of finalisation</i> | <i>Population</i> | | <i>Survey sample</i> | |
|-------------------------------|-------------------|--------------|-----------------------|--------------|
| | <i>No.</i> | <i>%</i> | <i>No.</i> | <i>%</i> |
| Aggravated sexual assault | 49 | 17.0 | 10 | 25.6 |
| Guilty plea and sentence | 97 | 33.6 | 8 | 20.5 |
| Trial - conviction | 53 | 18.3 | 14 | 35.9 |
| Trial - acquittal | 79 | 27.3 | 15 | 38.5 |
| Charges no billed | 42 | 14.5 | 2 | 5.1 |
| The offender absconded | 10 | 3.5 | 0 | 0.0 |
| The offender died | 3 | 1.0 | 0 | 0.0 |
| Other | 5 | 1.7 | 0 | 0.0 |
| Total | 289 | 100.0 | 39^b | 100.0 |

a Other includes the following situations: the outcome was not guilty by reason of insanity, there was a partial result, or cases in which some charges were proceeded with by way of trial and other charges were no billed.

b This information was missing for four respondents.

Despite the limitations resulting from the low response rate, the survey still provides valuable insights into the quality of sexual assault services experienced by sexual assault victims, and into the operation of protocols developed by agencies involved in service provision to these victims. Nevertheless, these limitations must be kept in mind when interpreting the results from this research.

The following four sections (The NSW Police Service, The NSW Department of Health, The Office of the DPP, and The Court) explore the positive aspects of the service provided by each agency, any departures from stated agency guidelines and any other issues of concern relating to each agency. The Special problems section highlights problems encountered by a few complainants with particular needs. The sixth section, Respondents recommendations, lists recommendations made by respondents which could be useful to policy makers in the area of sexual assault. The final section summarises the main findings of the present study.

4.1 THE NSW POLICE SERVICE

Respondents were favourable in their overall assessment of services provided by the police. Police were mostly perceived as sympathetic by complainants, with only four of the 34 respondents (or 11.8%) stating they felt police were only sometimes sympathetic. The general comments question revealed that respondents were effusive in their praise of police and often felt very supported by particular police officers.

Responses to more specific questions, however, revealed a number of departures from police guidelines. Although these departures do not always involve large percentages of complainants, they may nonetheless indicate problems deserving of closer attention.

4.1.1 Departures from police guidelines

Taking the complainant to the Sexual Assault Service

There were two cases (out of a total of 15) in which complainants, having accepted an offer by police to take them to the Sexual Assault Service, were not taken by police to the

Service. There was no information in these cases to explain why police had not taken the complainants to the Service, despite having offered to do so.

In three cases (or 23.1%), complainants had been taken to the Sexual Assault Service only after having visited the location where the assault took place. This appears to be in direct contravention of the police guideline which states ... inform the victim that you intend to briefly interview him or her at the police station before you take him or her to the nearest Sexual Assault Centre (NSW Police Service 1992, p.67-1).

The gender of the interviewing officer

Despite the guidelines stating that female complainants should be interviewed by a female officer, almost a third of respondents were not given the option of being interviewed by an officer of the same gender. In fact, three-quarters (76.5%) of the sample were interviewed by male officers. An instruction to District Commanders addresses this issue: Ensure that in your district, a female officer is on duty at night to deal with sexual assaults upon females (NSW Police Service 1992, p.67-2). It may be that some attention needs to be directed at ensuring greater availability of female officers for the purpose of statement-taking.

The location where the statement was taken

The complainant's need for privacy and comfort during the process of making a written statement to police is acknowledged in police guidelines: Select a private room and consider the victim's comfort (NSW Police Service 1992, p.67-3). The fact that 17.6 cent of complainants did not find the room comfortable, and that over one-third (34.4%) experienced interruptions while the statement was being taken is cause for concern. Interestingly, while police guidelines direct officers to have a written statement obtained from the victim at the Sexual Assault Centre unless facilities at the Centre are unsuitable (NSW Police Service 1992, p.67-3), most (88.2%) of those who made a statement in the current study had done so at a police station. Some attention may therefore need to be given to why a large number of statements were taken at a police station rather than a Sexual Assault Service. Furthermore, if large numbers of statements for sexual assault matters continue to be taken at police stations, some attention may need to be given to the question of the adequacy of interview facilities at police stations.

The presence of a support person while taking the statement

Police guidelines state that police should: Encourage the victim to have a support person or counsellor present (NSW Police Service 1992, p.67-3) while the statement is being made. Despite this, more than half (61.8%) of the respondents did not have a support person with them. Of these non-supported respondents, nearly half (47.1%) said they had not been informed by police that they could have a support person with them.

The issue of having a support person present requires closer attention. Police clearly should, according to their own guidelines, actively encourage the involvement of a support person, although the final decision about whether a support person is present should remain with the complainant.

Giving the complainant a copy of the statement

There were other problems in relation to police compliance with their own procedures in sexual assault cases. For example, although a clear policy exists in police guidelines

relating to the provision of a copy of the statement to the complainant, four respondents (11.8%) were not provided with a copy of their statements. Although only a small percentage of respondents were not provided with a copy of their statement, the fact that this is occurring at all warrants close attention.

Information about the length of time to complete the statement

The present results indicate that there may be other problems in relation to completing the statement. Police are obliged to: Explain what is happening and how long the procedure is likely to take (NSW Police Service 1992, p.67-3). However, nearly half (48.1%) of the respondents had not been informed about how long it would take to make a written statement. As can be seen in previous literature, the provision of information to complainants is the key to a positive experience of police services. Making a written statement can be a lengthy process, and complainants should clearly be informed about the length of time this will involve.

4.1.2 Other problems associated with services provided by the police

In addition to the areas of concern associated with departures from police procedure, another issue of concern which emerged from the study related to the provision of information by police. Almost a third (32.3%) of the respondents to the study felt that police did not provide sufficient information regarding the process of taking their complaint to court, and over half (55.9%) felt they were not given sufficient information in relation to the progress of the case. While many aspects of the complainant's experience in reporting a sexual assault incident are not within the power of police to control, the adequate provision of information is clearly one that is. The provision of information about sexual assault investigations to victims of sexual assault has been addressed in more recent guidelines adopted by the NSW Police Service (NSW Police Service, NSW Department of Health & Office of the Director of Public Prosecutions 1995). Mechanisms for the systematic provision of information to complainants must be ensured.

Information about the offender's bail arrangements, when provided, was usually provided by police (86.2%). However, nearly a third of respondents (31.0%) said they were not given any information of this nature. Although the provision of bail information did not feature as a requirement in the police guidelines that formed the basis of the survey questionnaire, the new inter-agency guidelines identify the police as the appropriate agency for providing this information (NSW Police Service, NSW Department of Health & Office of the Director of Public Prosecutions 1995).

4.2 THE NSW DEPARTMENT OF HEALTH

Respondents who attended a Sexual Assault Service were on the whole very positive about their experience with services provided. Most respondents (82.8%) found counselling services helpful, all respondents who used the court preparation service found it helpful, and all but one respondent who used the court support service found it helpful. In addition, the majority (73.7%) of those who had undergone a medical examination felt the doctor had treated them with sensitivity.

There were, however, a number of departures from NSW Department of Health protocol which emerged from responses to the questionnaire. These are described in the following section.

4.2.1 Departures from health service guidelines

Delay in providing a medical examination

While nearly half (47.4%) of the complainants said they had waited less than half an hour for the medical examination once they had arrived at the Sexual Assault Service, several (four or 21.1%) said they had waited up to an hour, a further five (or 26.3%) said they had waited between one and three hours, and one respondent said she had waited more than three hours for a medical examination. NSW Department of Health (1991, p.62) protocol indicates that medical procedures will be provided promptly and in a sensitive and professional manner when dealing with sexual assault complainants. The apparent delay experienced by some respondents in this study is therefore of concern in the light of this stated policy.

Information about a support person

Despite the fact that the Sexual Assault Service is obliged to inform the client that they may be accompanied by a support person of their choice, a third (38.9%) of respondents said they were not informed that they could have a support person with them.

Interruptions to the medical examination

Nearly one-third (30.0%) of those who underwent a medical examination reported interruptions to the examination. NSW Department of Health protocol indicates that the examination should be conducted free from interruptions by pagers or telephone calls (NSW Department of Health 1991, p.62). Although the questionnaire did not ask respondents about interruptions from pagers and telephone calls specifically, medical examiners may need to assess whether there are ways of reducing the level of disruption to examinations so as to minimise the time taken to complete what would be a stressful event for most people.

The perceived comfort of the examination room

Three respondents (15.0%) commented that the room where the medical examination took place was not comfortable. Given that the guidelines direct Sexual Assault Services to provide premises which ensure the privacy, anonymity, safety, comfort and dignity of the clients at all times (NSW Department of Health 1991, p.5), this result indicates a need for greater care to be taken to provide a comfortable environment for complainants undergoing medical examinations.

Information about the purpose of medical tests

According to guidelines, each medical procedure conducted, and the significance of each test carried out, should be explained to the complainant. However, one respondent said she had been given insufficient information, and two respondents said they had received no information about the purpose of each of the tests that were conducted as part of the medical examination. The provision of information about the purpose and significance of tests should be provided routinely by medical practitioners.

4.2.2 Other problems associated with services provided by the Department of Health

In addition to these specific departures from written protocol there were several further issues of concern for respondents in relation to the provision of health services for sexual assault victims. The first relates to information provision. Respondents felt they were not given adequate information in relation to test results (30.0% of respondents said they had not been given enough information), sexually transmitted diseases (23.5% of respondents said they had not been given enough information) and pregnancy issues (a third of the respondents for whom this issue as relevant said they had not been given enough information). Although the written protocol does not require medical staff to provide information of this nature to sexual assault complainants, it is information that is likely to be important to the complainant.

A further issue relates to the availability of Sexual Assault Services. Three respondents were unable to obtain counselling when they wanted it due to the lengths of waiting lists. Given the satisfaction of those respondents who had received counselling services, it would seem important to ensure that all complainants of sexual assault who want counselling actually receive it.

Finally, provision of court preparation and court support appears to greatly assist complainants in their involvement with the trial process. Respondents to the survey have indicated that both these services were helpful to them (all respondents receiving court preparation found the service helpful, and all but one respondent receiving court support found the service helpful). In light of this response, it would seem advisable to make these services available to all complainants of sexual assault who take the matter to court.

4.3 THE OFFICE OF THE DPP

Satisfaction with services provided by the DPP was less evident than that expressed in relation to police and health services, although several respondents did comment that they found the DPP supportive and helpful.

Apparent departures from instructions contained in the DPP memorandum arose in several areas. They are described below.

4.3.1 Departures from the instructions in the DPP memorandum

Meeting with the DPP solicitor and the Crown Prosecutor

The instructions provided to DPP solicitors and Crown Prosecutors state that solicitors and prosecutors should ensure that the person has some support prior to and at the time of the hearing and that it is important to set aside time to meet with them [i.e. the victims] beforehand (Office of the Director of Public Prosecutions (unpub.), p.1). It is of substantial concern, then, that several respondents who attended court as a witness (13.8%) had never met with the DPP solicitor before the court case, and one respondent had never met with the Crown Prosecutor.

Information about a support person

Several witnesses (four or 13.8%) noted that they had not been informed by the DPP that they could have a support person with them during the trial. The positive response of those who had someone accompany them to court indicates the extent to which complainants benefit from support while at court. This oversight on behalf of the DPP should be avoided.

Information about the roles of people in the courtroom and about what will happen in court

The DPP instructions state: Witnesses need information about what's happening in court and what to expect ... Those preparing to give evidence need to know the roles of people in court, and what you can and can't do (Office of the Director of Public

Prosecutions (unpub.), p.1). However, more than a third of respondents (37.9%) said they had not received adequate information about the roles of the people in the courtroom, and one-third (34.5%) stated they had not received adequate information about what would happen in court. Clearly these two areas of information provision to complainants need improvement.

Consulting the complainant about proceeding with the court case

The DPP are aware of the importance of consultation with the complainant about the court process: The person's recovery will be improved or at least further trauma minimised, if wherever possible the victim is consulted and at least their opinion sought in relation to e.g. plea bargains, closed courtrooms, accused's applications and discontinuing, reducing or changing charges (Office of the Director of Public Prosecutions (unpub.), p.2). Of those witnesses who stated that they had wanted to stop the case at some stage before going to court, over a third (42.9%) said they had not been aware that they could tell the DPP solicitor. Further, a substantial percentage of witnesses (42.9%) reported that they did not feel adequately consulted by the DPP.

4.3.2 Other problems associated with services provided by the DPP

A further issue of a more general nature emerged from responses to the questionnaire. Respondents expressed difficulty understanding what occurred during court hearings. While the majority (72.2%) stated they understood all or most of what happened, just under a third (27.8%) stated that they understood only some of what happened. Respondents identified the legal terminology and arguments as the principal aspects of the court hearing they had difficulty understanding, but also referred to: the judge's rulings, objections from both the defence and the Crown, and the admissibility of evidence. Lack of understanding of these matters can only aggravate the stress associated with giving evidence at court. Greater contact between the DPP and sexual assault victims may be necessary to deal with this problem.

The DPP have, since the time that this research was conducted, made several improvements in the area of service provision to witnesses. Most notably, the Witness Assistance Service has been established which provides some support services to witnesses during court proceedings. Given the level of concern expressed by respondents to this survey, such a development is to be applauded. Perhaps if all sexual

assault witnesses were given access to the Witness Assistance Service the problems that these complainants experience would be diminished.

The use of trial advocates¹⁶ by the DPP may go some way towards overcoming the problems which respondents identified in relation to the DPP. As the present study did not include cases in which trial advocates were employed in preference to the traditional system, however, this report cannot speculate about the effect that a trial advocate system may have on the satisfaction of sexual assault complainants with the DPP.

4.4 THE COURT

Complainants were critical of several aspects of courts and court waiting rooms.

4.4.1 The adequacy of waiting areas

One of the most distressing aspects of a complainant's experience while at court relates to seeing the offender or the offender's family and friends in the court waiting area. All respondents who stated they did not feel comfortable in the waiting area at the court cited this as a reason for their discomfort. In addition, more than a third (40.0%) also felt that the waiting area was too crowded. One possible solution for overcoming this problem might be, where possible, to provide a private waiting area for complainants and their friends and family (this room could be provided to complainants of any offence, not only to sexual assault complainants). Where such a room cannot be found within the court building itself, it might be possible for complainants to wait at the DPP offices, which are generally situated close to the District Court. Where possible, such arrangements should be available not only to those who are appearing in court as a witness, but also to those complainants who are attending court for sentence hearings. It should be noted that, while a witness often has contact with the DPP solicitor, a complainant who attends court simply for a sentence hearing may appear at court relatively anonymously. The needs of this group for privacy and information should not be overlooked.

4.4.2 Seeing the offender in the courtroom

Respondents also nominated seeing the offender in the courtroom itself as a distressing experience. The majority (85.2%) of complainants endorsed this aspect of their experience in the courtroom as the worst feature. The experience of seeing the offender in the courtroom was also endorsed by 38.5 per cent of respondents as the worst feature of giving evidence, and by 65.5 per cent of respondents as the worst feature of being cross-examined in court. Some thought should be given to overcoming this problem. One possible solution may entail considering the viability of complainants viewing and participating in the court process through closed circuit-television (CCTV). While CCTV is clearly an expensive option, it should be noted that CCTV facilities are already used in child sexual assault matters. Whether the use of existing CCTV facilities could be extended to adult sexual assault matters deserves consideration.

4.5 SPECIAL PROBLEMS

Particular problems were articulated by two respondents. While only two of the respondents to the survey were male, one of these felt that information and counselling services were not adequate for male victims of sexual assault. This suggests that some

assessment of the adequacy of the health services available to male victims of sexual assault may need to be considered.

Secondly, a respondent with a hearing impairment noted that she had not been provided with an interpreter at crucial points in the criminal justice process. This situation highlights the need to consider whether provision of an interpreter should become a basic aspect of service provision to hearing impaired complainants at all points in the criminal justice process.

While these comments are based on only two respondents, they are clearly issues which should be considered by agencies in their response to clients with particular needs, or with needs that are different to those of the majority.

4.6 RESPONDENTS' RECOMMENDATIONS

Among the many recommendations made by respondents, the following were the most common:

- provision of support (at every stage of the process) for sexual assault complainants and their families;
- provision of, and adequate access to, counselling services;
- tougher penalties for sexual assault offenders;
- making cross-examination of complainants less stressful;
- elimination of contact between complainants and offenders at court in sexual assault matters;
- education for the community in relation to the issue of sexual assault, with the aim of encouraging victims to report sexual assault, and to gain the support of the community at large for victims of sexual assault.

4.7 SUMMARY

Generally, respondents to the sexual assault survey expressed satisfaction with the police service, although there were some departures from police guidelines and the provision of information could be improved. Complainants also expressed general satisfaction with health services, although some respondents were not satisfied with the level of availability of services and, again, there were some departures from protocol. Complainants expressed least satisfaction with court services and the DPP, with over half of respondents recommending for improvement pertaining to aspects of their courtroom experience and the services they received while at court.

NOTES

- 1 The six-month training course is designed to provide police with a better understanding of issues relating to sexual assault and of the role of police in the care and support of victims of sexual assault. Officers are required, as part of the course, to develop a network of appropriate contacts in the community in order to foster a more collaborative approach to the policing of sexual assault.
- 2 Sexual assault services provided by the NSW Department of Health consist of medical and counselling services (usually attached to hospitals) which are referred to as either Sexual Assault Services or as Sexual Assault Centres. Generally throughout the present report they will be referred to as Sexual Assault Services. However, please note that the questionnaire referred to these as Sexual Assault Centres.
- 3 Included in the sample were victims of physical assaults, offences involving both physical violence and property loss, and sexual assaults.
- 4 Victims of the following offences were included in the sample: attempted murder, assault, sexual assault, break and enter/burglary, robbery, and unlawful use of motor vehicle.
- 5 Some respondents may have attended a Sexual Assault Service or court more than once.
- 6 There were 642 persons charged with sexual assault whose cases were finalised during 1993.
- 7 Sexual offences dealt with by the Local Court were not included.
- 8 The expected 150 questionnaires over the six-month period would have yielded an average weekly arrival rate of between five and six questionnaires.
- 9 Given that the substance of the questionnaire remained virtually unchanged, only the final version of the questionnaire is presented in Appendix 1.
- 10 Of the 43 questionnaires, 27 were completed on the original (white) form, and 16 were completed on the final (lilac) version.
- 11 Two hundred and eight-nine cases involving sexual offences were finalised in the District Court over the period of the study. The estimated response rate of 14.9% is probably an under-estimate: while cases in which a trial advocate had been employed (rather than a solicitor and a prosecutor) were excluded from the sample, it was not possible to identify (and thus exclude) such cases from the population.
- 12 This includes the comment made by the respondent who gave a mixed response (i.e. both positive and critical).
- 13 A Statistical Division is an area defined by the Australian Bureau of Statistics (see Australian Bureau of Statistics 1995).
- 14 Please note that the same respondent may have made the same comment in both questions.
- 15 The most serious charge and the manner of finalisation are variables recorded on the Bureau's Higher Courts database, whereas victim characteristics are not.
- 16 This is an arrangement whereby the traditional use of the Crown Prosecutor at the trial is replaced by a single legal officer who performs the roles of both instructing solicitor and prosecutor.

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APPENDIX 1

SEXUAL ASSAULT SURVEY QUESTIONNAIRE

survey questionnaire

The Questionnaire

The enclosed questionnaire has 5 sections. Each section seeks information about your experiences with the services you received, from agencies such as the police, health and legal services.

It is possible that some parts of the questionnaire will not apply to your experiences. In this case there may be some questions which you do not need to answer. Throughout the questionnaire there are instructions to guide you about which questions you should answer.

Confidentiality

All the information you provide will be confidential. You are not asked to write your name on the questionnaire. This is so that no-one will be able to identify you, including staff at the Bureau of Crime Statistics and Research. On behalf of the Bureau, the Office of the Director of Public Prosecutions has agreed to deliver the questionnaires to all sexual assault victims whose court cases have been completed. The Bureau does not know those victims.

All the information you give in the questionnaires will be kept confidential at the Bureau. After the questionnaires are analysed, they will be locked away until the research report is published. The questionnaires will then be destroyed.

Help is available

If you need help understanding any of the questions, or if you would like to discuss them in more detail, please call (02) 9231 9190 and ask for Anne Edwards or Pia Salmelainen between the hours of 10.00am and 4.00pm. Anne and Pia are Research Officers with the Bureau and they will be analyzing the information in the questionnaires. They would be happy to accept reverse charges telephone calls or meet you in person if you prefer.

We understand that experience of sexual assault, and the process of taking the matter through the court, can be very distressing. If you need support, please note that your nearest Sexual Assault Centre can provide free and confidential counselling. A list of Sexual Assault Centres and their telephone numbers has been included.

Returning the questionnaire

A reply paid envelope has been provided for you to return the questionnaire. The address of the Bureau is on the envelope and no stamps are required. We would be grateful if you could post the questionnaire to the Bureau as soon as you can.

Definitions

The following are the definitions of some terms which are used in the questionnaire.

Statement

This is the official document, that you signed, which records what you told the police about the offence.

Sexual Assault Centre

A service providing counselling, information and medical services to victims of sexual assault. Sexual Assault Centres are usually located at hospitals or community health centres.

DPP Solicitor

The legal officer who prepares the case and instructs the Crown Prosecutor. In the courtroom, the Director of Public Prosecutions (DPP) solicitor sits next to the Crown Prosecutor to help present the case.

Crown Prosecutor

The barrister who presents the case for the prosecution to the judge and jury.

Prosecution

The lawyers presenting the case against the defendant.

Giving evidence

Giving evidence is when the Crown Prosecutor asks you questions about what happened.

Cross examination

Cross examination is when the defence lawyer asks you questions about what happened.

Section 1: the police service

This section relates to your contact with the police service

Question 1
 In what town or suburb was the police station to which you reported the assault?
 (Write the name of the town or suburb.)

Office use only:

Question 2
 What month and year did you report the assault to the police?
 (Write the number of the month and the year.
 For example: January 1995 will appear as)

month year

Question 3
 Did you make a report to police within 3 days of the assault taking place?

yes 1
 no 2

Question 4
 Did you feel that the police with whom you first had contact were sympathetic?

yes 1
 some of the time 2
 no 3

Question 5
 Did the police offer to take you to a Sexual Assault Centre?
A Sexual Assault Centre is a service providing counselling, information and medical services to victims of sexual assault. Sexual Assault Centres are usually located at hospitals or community health centres.

yes 1 **→ go to next question**
 no 2 **→ go to question 7**
 I don't remember 3 **→ go to question 7**

Question 6
 Did you accept their offer to take you to a Sexual Assault Centre?

yes 1
 no 2
 I don't remember 3

Question 7
 Did the police take you to a Sexual Assault Centre?

yes 1 **→ go to next question**
 no 2 **→ go to question 9**

Question 8

At what point did the police take you to the Sexual Assault Centre?

(Please tick one box only. If you answer 'other', please write details.)

- within an hour of you reporting the offence to the police 1
- after visiting the scene of the crime 2
- after you made a statement to the police 3
- other *(please give details)* 4

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Question 9

Did you have a medical examination?

- yes 1 **→ go to next question**
- no 2 **→ go to question 11**

Question 10

Did you make a statement to the police:

(Please tick one box only.)

A statement is the official document, that you signed, which records what you told the police about the offence.

- before the medical examination 1
- almost straight after the medical examination 2
- a short time after the medical examination 3
- after the medical examination, and after having gone home for a while 4

Question 11

Were you told how long it would take to make your statement to the police?

A statement is the official document, that you signed, which records what you told the police about the offence.

- yes 1
- no 2
- I don't remember 3

Question 12

When you made your statement to the police, were you interviewed by a male or a female police officer?

- a female police officer 1
- a male police officer 2

Question 13

Were you given the option of being interviewed by a police officer of the same sex as you?

- yes 1
- no 2

Question 14
 Where were you when you made your statement to the police?
 (Please tick one box only. If you answer 'other', please write details.)

at a police station 1
 at a Sexual Assault Centre 2
 at a hospital 3
 at your home 4
 other (please give details) 5

.....

Question 15
 When you made your statement to the police, was the room comfortable?

yes 1
 no 2

Question 16
 When you made your statement to the police, was the room quiet?

yes 1
 no 2

Question 17
 When you made your statement to the police, were there any interruptions?

yes 1
 no 2

Question 18
 When you made your statement to the police, did you have a support person (e.g. friend, family member) or a counsellor with you?

yes 1 **→ go to question 20**
 no 2 **→ go to next question**

Question 19
 Did the police tell you that you could have a support person or a counsellor with you while you made your statement?

yes 1
 no 2
 I don't remember 3

Question 20
 Were you given a copy of the statement when it was finished?

yes 1
 no 2

Question 21

Did you feel that the police to whom you made the statement were sympathetic?

- yes 1
- some of the time 2
- no 3

Question 22

Did the police explain to you what was involved in the process of proceeding with a complaint to court?

- yes 1
- I got some information, but it was not enough 2
- no 3
- I don't remember 4

Question 23

Did the police generally keep you informed about the progress of the case?

- yes 1
- I got some information, but it was not enough 2
- no 3

Question 24

Are there any other comments you would like to make about the way the police handled the case or the services they provided to you?

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Office use only:

Section 2: health services

This section relates to Sexual Assault Centre which you may have attended at the time of the sexual assault, and to the medical examination you may have had.

Question 25

Did you at any time contact or attend a Sexual Assault Centre after the assault?

A Sexual Assault Centre is a service providing counselling, information and medical services to victims of sexual assault. Sexual Assault Centres are usually located at hospitals or community health centres.

yes 1 *go to next question*

no 2 *go to question 55*

Question 26

In what town or suburb was the Sexual Assault Centre?

(Write the name of the town or suburb.)

Office use only:

Question 27

What month and year did you first attend the Sexual Assault Centre?

(Write the number of the month and the year.

For example: January 1995 will appear as)

month year

Question 28

How did you first find out about the Sexual Assault Centre?

(Please tick one box only. If you answer 'other', please write details.)

from the police 1

from a friend or a family member 2

from the telephone book 3

other *(please give details)* 4

Question 29

Did the Sexual Assault Centre give you information about what would be involved in the process of reporting the offence to the police?

yes 1

I got some information, but it was not enough 2

no 3

I don't remember 4

Question 30

Did the Sexual Assault Centre give you information about what would be involved in proceeding to court with the matter?

yes 1

I got some information, but it was not enough 2

no 3

I don't remember 4

Question 31

Did you get an opportunity to talk to a counsellor about how the sexual assault was affecting you?

yes 1 *go to next question*

no 2 *go to question 34*

Question 32

How often did you meet with a counsellor?

(Please tick one box only.)

only once at the time of the assault 1

several times 2

on-going meetings up to the time of the court case 3

Question 33

Was the counselling helpful?

yes 1

no 2

Question 34

Once you knew your case was going to court, did you receive further help from the Sexual Assault Centre in preparing for court?

yes 1 *go to next question*

no 2 *go to question 36*

I didn't attend court 3 *go to question 38*

Question 35

Was this court preparation a helpful service?

yes 1

no 2

Question 36

Did you receive any court support from the Sexual Assault Centre (i.e. did someone from the Sexual Assault Centre accompany you to court)?

yes 1 *go to next question*

no 2 *go to question 38*

Question 37

Was this court support a helpful service?

yes 1

no 2

Question 38
Was there anything else the Sexual Assault Centre could have provided which you needed at that time?
(If you answer 'yes', please write details.)

yes 1
no 2

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.....
.....

The following questions relate to the medical examination.
If you did not have a medical examination, please go to question 54.

Question 39
Where was the medical examination performed?
(Please tick one box only. If you answer 'other', please write details.)

a Sexual Assault Centre, or the casualty department at a public hospital 1
other *(give details)* 2

.....

Question 40
How long did it take you to travel to the medical service?
(Please tick one box only. If you answer 'other', please write details.)

less than half an hour 1
half an hour or more, but less than an hour 2
an hour or more, but less than 3 hours 3
other *(please give details)* 4

.....

Question 41
After you reached the medical service, how long did you wait before you were examined?
(Please tick one box only. If you answer 'other', please write details.)

less than half an hour 1
half an hour or more, but less than an hour 2
an hour or more, but less than 3 hours 3
other *(please give details)* 4

.....

Question 42
 Were you told you could have a person accompany you during the examination (e.g. a friend, a family member or a counsellor)?

yes 1
 no 2
 I don't remember 3

Question 43
 The medical examination was carried out by:

a female doctor 1
 a male doctor 2

Question 44
 Did you feel that the doctor treated you sensitively?

yes 1
 some of the time 2
 no 3

Question 45
 Did the doctor tell you what the medical examination would involve?

yes 1
 I got some information, but it was not enough 2
 no 3
 I don't remember 4

Question 46
 Did the doctor tell you that the results of the medical examination may be used as evidence in court?

yes 1
 no 2
 I don't remember 3

Question 47
 Did the doctor tell you the purpose of each of the tests that were conducted?

yes 1
 I got some information, but it was not enough 2
 no 3
 I don't remember 4

Question 48
 Did the doctor give you information about pregnancy?

yes 1
 I got some information, but it was not enough 2
 no 3
 I don't remember 4
 pregnancy was not an issue 5

Question 49
Did the doctor give you information about sexually transmitted diseases?

yes 1
I got some information, but it was not enough 2
no 3
I don't remember 4

Question 50
Did the doctor explain the results of the tests and the findings of the medical examination in terms you understood?

yes 1
I got some information, but it was not enough 2
no 3
I don't remember 4

Question 51
Was the room where the medical examination took place comfortable?

yes 1
no 2

Question 52
Was the room where the medical examination took place quiet?

yes 1
no 2

Question 53
Were there any interruptions to the medical examination?

yes 1
no 2

Question 54
Are there any further comments you would like to add about the Sexual Assault Centre or the medical staff?

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Office use only:

Question 55
Did you attend court?

yes 1 *go to next question*
no 2 *go to question 92*

Section 3: your experience at court

This section relates to your general experience sitting in court or waiting at court. Later there are some questions which ask you about your experience as a witness in court

Question 56

What town or suburb is the court in which the case was heard?

(Write the name of the town or suburb.)

Office use only:

Question 57

What month and year did you first attend court?

(Write the number of the month and the year.

For example: January 1995 will appear as)

month

year

Question 58

When you reached the court, did you have trouble finding the courtroom?

yes 1

no 2

Question 59

Where did you wait while you were at the courthouse?

Office use only:

Question 60

Did you feel comfortable in this waiting area?

yes 1 **→ go to question 63**

no 2 **→ go to next question**

Question 61

What did you find uncomfortable about the waiting area?

(Please tick one or more boxes. If you answer 'other', please write details.)

it was too noisy 1

there were too many people around 2

I could not avoid seeing the offender or the offender's family and friends 3

there was nowhere to sit 4

other *(please give details)* 5

Question 62

Which of these problems was the worst?
 (Please write the main problem from question 61.)

.....

Question 63

Was the courtroom closed to the general public?

yes 1

no 2

I don't know 3

Question 64

Do you have any complaints about the time you spent in the courtroom?

yes 1 **→ go to next question**

no 2 **→ go to question 66**

Question 65

What was the WORST feature of the time you spent in the courtroom?

(Please tick one box only. If you answer 'other', please write details.)

the court hearing was too long 01

the courtroom was too hot/cold 02

the seating was cold or uncomfortable 03

I had to see the offender again 04

the court hearing was too formal 05

I didn't know who all the people were 06

the courtroom was too public 07

other (please give details) 08

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Question 66

How much of the time did you understand what was happening during the court hearing?

(Please tick one box only.)

all of the time 1 **→ go to question 68**

most of the time 2 **→ go to next question**

some of the time 3 **→ go to next question**

none of the time 4 **→ go to next question**

Question 67

What didn't you understand?

(Please tick one or more boxes. If you answer 'other', please write details.)

- I didn't understand why the defence lawyer objected to questions 01
- I didn't understand why the Crown Prosecutor objected to questions 02
- I didn't understand the judge's rulings and directions 03
- there were some legal arguments that I didn't understand 04
- I didn't understand the legal language 05
- other *(please give details)* 06

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Question 68

Are there any further comments you would like to add about your general experience at court?

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Office use only:

Were you called to give evidence at the trial?

yes →
no →

please continue
please go to question 92

The next questions relate to your experience as a witness in the District Court.

Question 69
 Did you meet with the DPP solicitor before the trial?
The DPP solicitor is the legal officer who prepares the case and instructs the Crown Prosecutor. In the courtroom, the DPP solicitor sits next to the Crown Prosecutor to help present the case.

yes 1 **go to next question**
 no 2 **go to question 73**

Question 70
 How often did you meet with the DPP solicitor?
(Please tick one box only.)

once 1
 twice 2
 three to five times 3
 more than five times 4
(write how many in the box below)

.....

Question 71
 When was the first time you met with the DPP solicitor?
(Please tick one box only.)

the month before the trial 1
 the week before the trial 2
 the day before the trial 3
 the morning of the trial 4

Question 72
 What was the average length of these meetings?
(Please tick one box only.)

15 minutes or less 1
 more than 15 minutes, but less than half an hour 2
 half an hour or more, but less than an hour 3
 an hour or more, but less than two hours 4
 two hours or more 5

Question 73
 Did the DPP solicitor or the Crown Prosecutor explain what would happen in court?
The Crown Prosecutor is the barrister who presents the case for the prosecution to the judge and jury.

yes 1
 I got some information, but it was not enough 2
 no 3
 I don't remember 4

Question 74
 Did the DPP solicitor or the Crown Prosecutor explain the roles of the people in the courtroom?

yes 1
 I got some information, but it was not enough 2
 no 3
 I don't remember 4

Question 75
 How often did you meet with the Crown Prosecutor before the trial?
 (Please tick one box only.)

never 1 go to question 79
 once 2 go to next question
 twice 3 go to next question
 three to five times 4 go to next question
 more than five times 5 go to next question
 (write how many in box below)

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Question 76
 When was the first time you met with the Crown Prosecutor?
 (Please tick one box only.)

the month before the trial 1
 the week before the trial 2
 the day before the trial 3
 the morning of the trial 4

Question 77
 What was the average length of your meetings with the Crown Prosecutor?
 (Please tick one box only.)

15 minutes or less 1
 more than 15 minutes, but less than half an hour 2
 half an hour or more, but less than an hour 3
 an hour or more, but less than two hours 4
 two hours or more 5

Question 78
 Did you find the meetings with the Crown Prosecutor helpful?
 (If you answer 'no', please write details.)

yes 1
 no (please give details) 2

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Question 79
 Did anyone tell you before the trial that you may be allowed to have a support person with you during the trial?

yes 1
 no 2
 I don't remember 3

Question 80

Was a support person with you during the trial?

yes 1 **→ go to next question**

no 2 **→ go to question 83**

Question 81

Who was your main support person?

(Please tick one box only. If you answer 'someone else', please write details.)

family 1

friend 2

sexual assault worker 3

welfare/social worker 4

someone else *(please give details)* 5

.....

Question 82

Did it help to have that person there?

yes 1 **→ go to question 85**

no 2 **→ go to question 85**

Question 83

Would you have liked someone to have been with you during the trial?

yes 1 **→ go to question 84**

no 2 **→ go to question 85**

Question 84

Who would you have liked to have been with you during the trial?

(Please tick one box only. If you answer 'someone else', please write details.)

family 1

friend 2

sexual assault worker 3

welfare/social worker 4

someone else *(please give details)* 5

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Question 85

What was the WORST feature of giving your evidence ?

(Please write details.)

Giving evidence is when the Crown Prosecutor asks you questions about what happened.

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Office use only:

Question 86

What was the WORST aspect about being cross-examined?

(Please tick one box only. If you answer 'other', please write details.)

Cross examination is when the defence lawyer asks you questions about what happened.

- I could see the offender in the courtroom 01
- I felt some of the questions were unfair 02
- I had to repeat some answers too often...
I felt harassed by this 03
- I thought the lawyer was trying to embarrass me 04
- I had to answer questions in too much detail 05
- I couldn't remember some things 06
- I wouldn't have minded except there were too many people in the courtroom 07
- I felt some of the questions were misleading 08
- it went on too long 09
- other *(please give details)* 10

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Question 87

Did you at any stage feel that you wanted to stop the case, or not go to court?

yes 1 *go to next question*

no 2 *go to question 90*

Question 88

Were you aware that you could tell the DPP solicitor that you wanted to stop the case and not go to court?

yes 1

no 2

Question 89

Could you explain why you went ahead with the case?

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Office use only:

Question 90

Did you feel adequately consulted by the Office of the Director of Public Prosecutions (DPP)?

yes 1

no 2

Question 91

Are there any further comments you would like to make about your experience as a witness?

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Office use only:

Section 4

This section relates to aspects of the offence.

Question 92
 Who was the offender?
(Please tick one or more boxes. If you answer 'other' please write details.)

a total stranger *(someone you had never met)* 1

a casual acquaintance 2

someone you knew well
 (e.g. a friend, family member, partner) 3

other *(please give details)* 4

Question 93
 What was the most serious offence with which the offender was charged?
(Please tick one box only. If you answer 'other', please write details.)

If you are unsure about the charge, just write it in the 'other' box below.

aggravated sexual assault, or assault with intent to have sexual intercourse 1

sexual assault, or sexual intercourse without consent 2

indecent assault, or act of indecency 3

other *(please give details)* 4

Question 94
 Was this offence committed when you were under 18?

yes 1

no 2

Question 95
 How was the matter finalised?
(Please tick one box only. If you answer 'other', please write details.)

the charges were dropped 1

the offender died 2

the offender pleaded guilty to all charges 3

the case went to trial – the offender was found guilty of all charges 4

the case went to trial – the offender was found guilty of some charges 5

the case went to trial – the offender was acquitted of all charges 6

other *(please give details)* 7

Section 5: other/general

Question 96
What is your age?

Question 97
What is your sex?

male 1
female 2

Question 98
In which country were you born?
(Please tick one box only. If you answer 'other', please write details.)

Australia 01
China 02
Vietnam 03
Italy 04
Greece 05
Lebanon 06
Turkey 07
other (please give details) 08

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Question 99
Are you of Aboriginal or Torres Strait Island origin?

yes 1
no 2

Question 100
Do you speak a language other than English at home?

yes 1 **→ go to next question**
no 2 **→ go to question 105**

Question 101
Which languages other than English do you speak?

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Question 102
 Did you need an interpreter to help you at any point in the process of reporting your assault and taking it to court?

yes 1 *go to next question*
 no 2 *go to question 105*

Question 103
 Was there always a qualified interpreter available to you?

yes 1 *go to question 105*
 no 2 *go to next question*

Question 104
 When was a qualified interpreter made available to you?
 (Please tick one or more boxes.)

when I first reported the assault to the police 01
 when I was examined by a doctor 02
 when I was at a Sexual Assault Centre 03
 when I made the statement to the police 04
 when I met with the DPP solicitor 05
 when I met with the Crown Prosecutor 06
 when I was sitting in the courtroom listening to the trial 07
 when I was giving evidence and being cross-examined 08

Question 105
 Were you informed about any bail arrangements relating to the offender in your case?
 (Please tick one box only.)

yes 1 *go to next question*
 no 2 *go to question 107*
 not applicable 3 *go to question 107*

Question 106
 Who informed you about bail arrangements?
 (Please tick one or more boxes.)

the police 1
 the Sexual Assault Centre 2
 the DPP solicitor 3
 the Crown Prosecutor 4
 someone else (please give details) 5

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Question 107

Taking into account your experience with reporting this offence, would you advise someone in a similar situation to take the case to court?

yes 1

no 2

Please explain:

(Please write details below.)

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Office use only:

Question 108

Can you list the three most important things which you think that the Government should do to help victims of sexual assault?

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| 1..... |
| |
| 2..... |
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| 3..... |
| |

Office use only

Thank you for your participation in this survey. your response is very important to us in the investigation of services to sexual assault victims, and we are very grateful for the time and effort you have given to complete the questionnaire.

APPENDIX 2

STATEMENT OF ENDORSEMENT

“This survey is such an important step for you to be heard - for you to be a part of changing the judicial system. Silence doesn’t change things ... I know to do this after your own trial is hard, but try thinking about it as a healing step, to remove pain and anger, to replace some of the turmoil of emotions in a healthy and positive way ... The most important thing is what you have to say ... They cannot improve treatment in the courts if we stay silent ”