

WESTERN AUSTRALIAN FEDERATION OF SEXUAL
ASSAULT SERVICES (WAFSAS) FORUM
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Legal Response to sexual Assault. WA Police

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SLIDE 1: SEX OFFENDING AGAINST CHILDREN: UNDERSTANDING THE
PROBLEM

- Extent of the abuse
- Selection of victim
- Adolescent sex offending
- Female sex offenders
- Network and organised abuse
- Victim to offender link
- Recidivism and reconviction rates

Notes from Slide 1:

EXTENT OF ABUSE: Child sexual abuse is largely a hidden crime, so it is difficult to estimate the number of children who are sexually abused. Both adults and children are reluctant to report such abuse for a variety of reasons. Keeping such behaviours a secret because of a sense of shame. The fact that the victims are young and dependent. Or the fact that the perpetrator is someone within the family and they may be deterred due to a false belief that by doing so will split the family up.

SELECTION OF VICTIM: Research suggests 60/70% target only girls, 20/30% only boys and about 10% either sex. The vast majority of perpetrators (80%) sexually assault children known to them.

ADOLESCENT SEX OFFENDING: Account for up to a third of all sexual abuse, usually an older sibling offending against a younger one. The sex offending of many adults can be traced back to their adolescent years.

FEMALE SEX OFFENDERS: Official statistics suggest that about 5% of sex offences committed against children are by females – however, this is a vastly under reported crime. Females are often in company with males, but this is not always the case.

NETWORKS: Networks form within institutions, within extended families, or amongst groups of paedophiles. The latest is those groups whom form almost anonymously on the internet and exchange child porn and other details.

VICTIM/OFFENDER: The link between being a victim of child sex abuse and becoming an offender as an adult remain controversial. Offenders who target male victims of victims of both sexes are more likely to have a history of child sex abuse, than those who target females. Those who are abused at a younger age also start abusing earlier. What is clear, however, is that being a victim of child sexual abuse is neither necessary nor sufficient to lead to adult sexual offending.

RECIDIVISM: About 20% of those who have been convicted of sexual offences are reconvicted of similar offences (over a 20 year period). Although it is known that re-offences do not lead to reconvictions. There is little evidence that the true re-offending rate is higher than the 20%. The normal recidivism rate is about 50% over a two year period and 60% over four.

SLIDE 2: TREATING THE PROBLEM

- Treatment facilities (sex offender programs)
- Education and awareness
- Multi-agency risk assessment and management of sex offenders in the community (sex offender register)

Notes from slide 2:

The problem as described point to the need for effective multi-agency work and communication.

TREATMENT FACILITIES: While treatment programs are able to reduce sex offence recidivism, the results are modest. None the less community based sex offender treatment programs are a good way to monitor offenders and to identify offending behaviour.

EDUCATION AND AWARENESS : All members of the community need to be targeted, including children, to let them know that it is acceptable to disclose abuse. Parent, carers and teachers need to be alerted to the signs of abuse and who to inform should they suspect it.

MULTI-AGENCY RISK ASSESSMENT : The Police and Justice Departments work together to assess the risk/threat to the community when convicted child sex offenders are released into the community. The STATIC 99 and Risk Matrix 2000 risk assessment instruments can be used to identify offenders who represent a higher risk of re-offending, contributing to interagency risk management strategies.

SLIDE 3: CHILD ABUSE: TRAINING INVESTIGATING OFFICERS

- Interviewing of child victims/witnesses
- Education in aspects of child development, for example a child's concept of time
- Tactics and behaviour of sex offenders
- Interviewing Persons of Interest

Notes from slide 3:

INTERVIEWING OF CHILDREN : The main training in interviewing children is provided as a component of joint Police/DCD courses. The joint training is not only an efficient way to deliver training, but also promotes effective working practices between police officers and social workers.

The content of the training includes: aspects of child development, for example children's concept of time; interviewing suspects and tactics and behaviour of sex offenders.

There is a need to ensure that the trainers have operational experience. An greater emphasis on interviewing practices and more opportunities to learn from viewing actual interviews.

SLIDE 4: POLICE TRAINING COURSES

- Crime Investigation Training
- Sex Assault Course
- Specialist Child Interviewing Course
- Joint Approach to Child Abuse
- Cognitive Interviewing of Sex Offenders
- On-line child exploitation

Notes from slide 4:

In all these courses there is a more proactive stance in relation to child abuse investigations and a greater emphasis on evidence gathering.

They include as much practice in interviewing as possible, with professional actors as the interviewees (both as victims and offenders).

Training is also aimed at managers, which might be short courses designed to increase awareness in the salient issues.

Working together police/DCD/Health is promoted at all times. The joint training encourages liaison between the various agencies, networking etc.

SLIDE 5: CHILD INTERVIEW UNIT

- A partnership between and staffed by Dpt. for Community Development, Police, Health (PMH) and DPP.
- A purpose built electronic recording unit to forensically interview children who have been abused.
- 110 Hay Street, Subiaco

SLIDE 6: WHY DO WE HAVE CIU?

- It's child centred
- Children required to 'tell their story' less often - recordings will be used as Evidence in Chief
- Reduction in children submitted to judicial system
- Interviews take less time
- Specialist Interviews decrease trauma for child

Notes from slide 6:

1.Children tell the story to the SCI's and do not have to give their evidence again at a later stage in a Court process

2.Experience from USA, UK and Baltic states is that Persons Of Interest are more likely to admit to offences when the child has recorded their statement as they don't want the recording played in Court

3.Electronically recorded interviews take less time than written ones. In research undertaken by Penelope Welbourne (2002) The length of a Memorandum Interview (UK) in which a disclosure took place varied in length from 30 to 88 minutes. The average length being 53 minutes.

4.Specialist interviews decrease trauma for child because they are able to minimise the number of times a child is interviewed

SLIDE 7: WHO WILL CIU INTERVIEW?

- Children who have made a disclosure that they have been sexually or physically abused.
- Children who have witnessed a serious physical or sexual assault of another child or an adult.

SLIDE 8: INTERVIEWING CHILD VICTIM/WITNESSES

Child development

- Planning the interview
- Conducting the interview
- Appearing in court

SLIDE 9: CHILD DEVELOPMENT

- Vulnerabilities of very young children
- Value of prompt interviewing
- Ways of reducing the possibility that children will go along with suggestive questioning
- Need to accommodate the child's language and understanding
- Importance of asking questions at a level, in a form, appropriate to the child
- Whether credibility can be assessed through the content of the child's statement, or their non-verbal behaviour
- Importance of listening to what the child has to say

Notes from slide 9: CHILD DEVELOPMENT: Attention is given to ...

The vulnerability of very young witnesses/victims;

That value of prompt and timely interviewing;

Ways of reducing the possibility that the children will go along with suggestive questioning;

The need to accommodate the child's language and understanding;

The importance of asking questions at a level, and in a form, appropriate to the child;

Whether credibility can be assessed through the content of the child's statement, or their non-verbal behaviour; and

The importance of listening to what the child has to say.

SLIDE 10: PLANNING THE INTERVIEW

- Differences in children's disclosure of abuse
- Proper preparation of the child for interview
- Tailoring the interview to suit the child
- The influence of the interviewer

Notes from slide 10: PLANNING THE INTERVIEW: When planning the interview a range of issues, other than those purely connected with the interview, need to be taken into account. Interviewers need to be aware of:

Differences in children's disclosure of abuse: disclosure can be 'accidental' or deliberate, immediate or delayed, partial or complete, and many other factors may influence disclosure. Children may later retract their disclosure.

Proper preparation of the child for interview: the child should be given much choice (and therefore control) as possible over factors such as where and when the interview takes place, the gender of the interviewer and who accompanies them.

Tailoring the interview to the child: factors such as the age of the child, their state of mind, physical or learning impairments, their race/culture and their ability to use/understand English are considered.

The influence of the interviewer: children need support throughout the interview.

SLIDE 11: FOUR PHASE INTERVIEW

- The WA forensic interview is a "4 phase" interview - similar to a JACA interview
- Rapport
- Free narrative
- Clarification
- Closure

Notes from slide 11:

The 4 stage forensic interview has been adopted by the Baltic states (Sweden, Iceland, Denmark, Norway Latvia). It is the US 3 gold star standard and is the interview technique adopted federally in the US programme "Half a Nation by 2010" - Currently around 15 US States are using it and the wait list for training is

now 3 years for other states wishing to adopt it. . England, Wales and Northern Ireland have adopted it (2001).

The WA Four Phase Forensic Interview model has combined elements from the US, Baltic States and England and Wales to ensure the model meets the uniqueness of WA

SLIDE 12: CONDUCTING THE INTERVIEW

- Rapport
- Ground Rules
- Truth and lies
- Free narrative
- Questioning styles
- Closure

Notes from slide 12:

RAPPORT: help reduce the distance between the child and the interviewer. Also provides opportunity to lay appropriate ground rules and explore the child's understanding of truth and lies.

GROUND RULES: Assumptions that every question has an answer and that every question has a right or wrong answer must be challenged by the interviewers. Sometimes even a "don't know" can be acceptable.

TRUTH AND LIES: Children are asked to distinguish between truth and lies to gain credibility to what they may be about to disclose.

FREE NARATIVE: This provides the most accurate information as the child is allowed to tell their version of events as they see it without interruption.

Achieved by setting appropriate ground rules and teaching interviewers restraint before interrupting.

QUESTIONING STYLES: Open questions generally produce more detailed answers than closed questions and produce more accurate information, particularly from young children. However, in some circumstances a more direct questioning style is required.

CLOSURE: The closure of the interview should attempt to leave the child in a positive state of mind and should provide the interviewer with the opportunity to summarize what the child has says, to answer any questions the child has and to thank the child fro their time and effort.

SLIDE 13: APPEARANCE AT COURT

- A new and potentially traumatic experience for the child
- Impact of a court appearance
- Child Witness Service
- Family Support
- Timeliness of hearing/trial

SLIDE 14: WHAT CAN BE DONE TO PREVENT CHILD SEXUAL ABUSE?

- Specialised Training
- Knowledge and Skills
- Information
- Prevention Education

Notes from slide 14:

Police, lawyers, judges, psychologists, doctors, social workers and other professionals who provide assistance to victims of child sexual abuse should receive specialised training.

Children can best be protected by giving them the knowledge and skills necessary for their safety and well-bearing, and by creating in our families and communities an atmosphere in which they feel safe enough to come forward if they are being mistreated or abused.

Children who are well informed about inappropriate touching, who are taught to trust their feelings about situations and people, and who know where to get help if they require it are less likely to be victims of any type of assault

Prevention education is particularly important for children who have been sexually abused, as they are at higher risk of revictimization than children who have not been sexually assaulted.

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