

Victorian Law Reform Commission (VLRC)

Improving the Response of the Justice System to Sexual Offences



Response to Issues Paper D

Sexual Offences: Report to Charge

1. How well are Sexual Offence and Child Abuse Investigation Teams (SOCITs) and Multidisciplinary Centres (MDCs) working? How can they be improved?

MDCs and SOCITs play vital roles in the investigation of sexual offences. These initiatives underpin Victoria Police's victim-centric approach with the aim of enhanced service delivery and positive outcomes for victim-survivors. There are currently seven MDCs across Victoria in Bendigo, Dandenong, Geelong, Mildura, Morwell, Seaford and Wyndham.

As discussed in detail in Victoria Police's response to **Issues Paper A**, the success of the MDC model is evident, with work underway to establish an additional eighth MDC in Shepparton. Within MDCs themselves, there has been a demonstrable improvement in the responses to Victoria Police, reduced attrition during investigations and an increase in collaborative practice between agencies.

As acknowledged by the VLRC in this Issues Paper, SOCITs follow a 'victim-led process' when investigating sexual offences, and the safety, wellbeing and views of the victim-survivor are of paramount consideration. SOCITs support victim-survivor decision making and control over the process by withdrawing victim-survivor complaints where requested and allowing victim-survivors to make statements in their own time.

In line with requirements under the *Victims' Charter Act 2006*, police also inform victim-survivors about the progress of an investigation into a criminal offence unless the disclosure may jeopardise any criminal investigation.

This is supported by guidance in the Victoria Police Manual and the *Code of Practice for the Investigation of Sexual Crime*. In addition, amendments have been made to the *Reporting Sexual Offences to Police* booklet to make it clear to victim-survivors that police will discuss with them their preferences for how they wish to remain informed, and how they wish to be updated throughout the investigation process.

2. What other issues need to be addressed to improve the experience of the police investigation process for adults who have been sexually harmed? How can they be addressed?

Refer to Victoria Police's detailed responses to **Issues Papers A, B and C**

3. What other issues need to be addressed to improve the experience of the police investigation process for children who have been sexually harmed? How can they be addressed?

Refer to Victoria Police's detailed responses to **Issues Papers A, B and E**.

4. What other issues need to be addressed during the investigation process to support successful criminal prosecutions in sexual offence cases? How can they be addressed?

Refer to Victoria Police's detailed responses to **Issues Papers A, C and E**.

5. Do you support access to alternative ways of reporting sexual harm? Why or why not?

Victoria Police supports, in principle, access to alternative ways of reporting sexual harm, inclusive of necessary safeguards to ensure that it is clear to the individual making a report, as to whether or not the report will be referred to police or other agencies.

It is further acknowledged that the reporting of sexual harm has positive community safety benefits, even if the intent of the report is not to seek a criminal justice response.

6. If you support alternative ways of reporting sexual harm, what features should they have?

Victoria Police acknowledges that sexual offending is significantly underreported. An important step in improving the justice system response to sexual offending is to encourage victim-survivors from all cohorts to take steps to report sexual offending. As discussed in **Issues Paper D**, in some instances victim-survivors do not feel comfortable contacting police directly, and it can take them many years to decide to report to police if they do so at all. Alternative ways of reporting sexual harm provide pathways which enable victim-survivors to tell their story, in their own time, and access appropriate support and referral services.

There are several key risks and issues that would need to be considered in the development of any new reporting mechanism. It is critical that any alternative reporting mechanism is designed to ensure victim-survivors have adequate access to support and are not re-traumatised through the process. Appropriate monitoring, staffing and triage of such avenues would be vital, to ensure that the reporting mechanism does not require a victim-survivor to re-tell their story unnecessarily.

Victoria Police notes that in some instances, alternative ways of reporting sexual harm may cause confusion for victim-survivors. This may occur if the victim-survivor is not clear on whether the offending they have disclosed has been reported to police and is being investigated, and misunderstandings relating to how information can or will be used.

Anecdotally, Victoria Police investigators are aware of situations where victim-survivors have reported sexual offending through specific third-party services, such as dating apps or ride-share services, on the assumption that the platform receiving the complaint is taking steps to investigate the report, or in some instances refer it to police. The relationship between the reporting mechanism and police, including information sharing arrangements and processes for police involvement, needs to be clear from the outset so that victim-survivors can make informed decisions about who, and where they report sexual violence to.

Alternative reporting mechanisms may also have implications for criminal justice process systems that need to be considered to minimise impact on investigations and prosecutions. Consideration will need to be given as to how these reports can be used as evidence, and how to ensure proposed alternative pathways do not inadvertently lead to a loss of evidence.

In addition, there may be a risk that if a report to an alternative reporting mechanism is made that is inconsistent with a future police statement, this will have an impact on criminal prosecutions and witness credibility. Inconsistencies would not be uncommon given the impact of trauma and time on memory. Criminal justice system processes must be informed by this understanding.

As noted throughout Victoria Police's responses to **Issues Papers A and E**, delays are one of the key issues raised by victim-survivors as contributing to a negative justice system experience. Without proper consideration, additional alternative mechanisms to report sexual harm may increase delays and result in an ineffective use of police (and other agency) resources. Safeguards are necessary to ensure that (where requested), contact with police is facilitated quickly and effectively, and respective roles are clear.