



Women's Legal Services NSW - Ask LOIS - www.asklois.org.au

Reporting Sexual Assault to the Police

This fact sheet summarises the Ask LOIS webinar on this topic, presented by Micheal Haddow, Detective Inspector with the NSW Police Sex Crimes Squad. This webinar can be downloaded for free at www.asklois.org.au/webinars/past-webinars.

This fact sheet covers:

- What is sexual assault and consent?
- Who can report sexual assault?
- What is the process when a sexual assault is reported to the police? What happens in an investigation?
- What is the Sexual Assault Reporting Option?
- What services exist for victims of sexual assault?

What is sexual assault?

- Sexual assault occurs when a person is forced, coerced or tricked into sexual acts against their will or without their consent, or if a child or young person under 16 is exposed to sexual activities
- **Sexual Intercourse without consent** is the forced penetration of the vagina or anus of any person with any part of the body of another person, or any object, against their will or consent, or sexual connection by the introduction of any part of the penis of a person into the mouth of another person, or cunnilingus
 - o It is necessary that the person of interest knows the person is not consenting
- **Indecent assault** is unwanted touching of a person's body by another person
 - o Eg, kissing or inappropriate touching of a person's breasts, bottom or genitals
- **Child sexual abuse** is any sexual act or threat to a child or young person under the age of 16 that causes them harm or causes them to be frightened or fearful
 - o Children and young people are sexually assaulted when a person uses their age, size, authority or position of trust to force the child into a sexual activity
 - o Eg, forcing a child or young person to: look at pornographic material; watch someone masturbate; be kissed, touched or fondled in a sexual way or to sexually penetrate them

Consent

- Consent occurs when a person freely and voluntarily agrees to sexual intercourse. Sexual assault occurs when someone is unable to and/or does not give consent
- The law says that a person is unable to give consent when they are:
 - o Asleep or unconscious
 - o Significantly intoxicated or affected by drugs
 - o Unable to understand what they are consenting to due to their age or intellectual capacity
 - o Intimidated, coerced or threatened
 - o Unlawfully detained or held against their will
 - o They submit because the person is in a position of trust

What options does your client have?

1. **Engage police and having the matter formally investigated:** involves providing police with a statement and the offender may be arrested and charged. The victim may have to attend court
2. **Completing the sexual assault reporting option (SARO) questionnaire:** where vital information on the assault is provided to police, without the matter being formally investigated
3. **Engage any of the support services:** see the end of this factsheet for a list of support services
4. **Engage no external services:** not recommended

Who can report sexual assault?

- The victim can report a sexual assault by calling '000', by attending a police station, by reporting to a hospital (Sexual Assault Service) or their local GP
- You as a community worker or a friend or relative of the victim can report the assault, however the police will need to speak with the victim



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Advise for your client if they have been assaulted

- Encourage your clients to report the sexual assault to the police and offer to accompany them or organise a support person to go with them
- Advise your client to not wash, eat or drink. If they change their clothes, tell them not to wash them and to put them in a bag to give to the police
- Your client should tell the police immediately they suspect they were drugged or had their drink spiked. The police will arrange blood and urine tests. The sooner samples are taken, the better the chance of drugs or alcohol showing up. Advise your client that if they pass urine, they should collect it and take it to the police

What is the process when reporting sexual assault?

- Police will take your client to a private area, and a Senior Police Officer will explain the process to them
- You may remain with your client through the reporting stage as a support person, provided you are not a witness in the matter. If you are not present, the police will arrange a support person for your client
- Police will allocate a detective who is specially trained to speak to victims of sexual assault
- Police will arrange for urgent medical treatment, if required
- Police can arrange for the collection of evidence by specially trained doctors. Evidence is best collected within 72 hours of the sexual assault, but can be collected up to a week later
- At all times during the investigation police are obliged to comply with the Charter of Victims Rights, including that the victim;
 - o Be treated with courtesy, compassion and respect.
 - o Be given information about any prosecution, including details about charges, court appearances, bail conditions etc
 - o Be provided information about, and access to, welfare, health and counselling services.
 - o Be given privacy and protection
 - o Be provided with information about the criminal justice system

The investigation

- Detectives will obtain a detailed statement from the victim (complainant), as well as statements from other witnesses, including the person who reported the assault (first complainant)
- Detectives will conduct an investigation and gather evidence relevant to the case. The investigation may include examining the crime scene and talking to any other people or witnesses who may be able to give information about what occurred
- Police may arrange for the victim to have a forensic medical examination. This is to identify and collect any physical evidence and collect specimens that may be used as evidence if criminal charges are laid
- The detective in charge of the investigation decides whether to charge the offender based on the evidence
- Sometimes, the police may seek legal advice from the Office of the Director of Public Prosecutions
- The victim also has the choice to suspend the investigation

Sexual Assault Reporting Options (SARO)

- Victims who decide not to formally report the assault may decide to complete the SARO questionnaire
- The form is used by NSW Police to gather information on sexual offences and offending
- The form can be accessed online at http://www.police.nsw.gov.au/community_issues/adult_sexual_assault
- The SARO is **NOT a formal complaint to police** to initiate a criminal investigation. If at any stage a victim wishes to make a formal complaint they can contact their nearest police station
- The SARO contains questions to get specific information from the victim about the offence. There is a section where the victim can provide a summary in their own words about what happened to them
- Victims can choose to provide personal details or report anonymously and can elect to be contacted by police to provide further information



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Support services for sexual assault victims

- **NSW Rape Crisis Centre:** for 24/7 telephone counselling and referrals to local sexual assault services
<http://www.nswrapecrisis.com.au>
 - o **1800 424 017** or **9819 6565**
 - o They also have an interactive map with a comprehensive list of services in your local area, visit: <http://nswrapecrisis.com.au/GettingHelp/NSWServices.aspx>
- **National Sexual Assault, Domestic & Family Violence:** for 24/7 telephone counselling
<http://www.1800respect.org.au/>
 - o **1800 737 732**
- **The Victims Access Line (VAL):** assists victims in accessing services including counselling and compensation
www.lawlink.nsw.gov.au/lawlink/victimsservices/ll_vs.nsf/pages/VS_counselling24hour
 - o **1800 633 063** or **(02) 8688 5511**, 8:30am - 5:00pm Mon-Fri (excluding public holidays)
- **CASAC (Child & Adolescent Sexual Assault Counsellors)** www.casac.org.au
 - o **(02) 9601 3790**
- **NSW Domestic Violence Line** - telephone counselling, information and referrals service for women and same-sex partners who are experiencing or have experienced domestic violence
 - o **1800 656 463**
- **NSW Child Protection Helpline:** Phone this service if you think a child or young person is at risk of harm from abuse or neglect
 - o **132 111**
- **Community Based Counselling Services**
 - o Central Coast Community Women's Health Centre: **02 4324 2533**
 - o Leichhardt Women's Community Health Centre: **02 9560 3011**
 - o Lismore and District Women's Health Centre: **02 6621 9800**
 - o Liverpool Women's Health Centre: **02 9601 3555**
 - o Penrith Women's Health Centre: **02 4721 8749**
 - o Women's Centre Albury-Wodonga: **02 6041 1977**
- **Women's Legal Services NSW:** free telephone legal advice www.womenslegalnsw.asn.au/
 - o **Women's Legal Contact Line: 02 8745 6988 / 1800 801 501**
 - Mondays: 9:30am–12:30pm
 - Tuesdays: 1:30pm–4:30pm
 - Thursdays: 9:30am–12:30pm
 - o **Domestic Violence Advice Line: 02 8745 6999 / 1800 810 784**
 - Mondays: 1:30pm–4:30pm
 - Tuesdays: 9:30am–12:30pm
 - Thursdays: 1:30pm–4:30pm
 - Fridays: 9:30am–12:30pm
 - o **Indigenous Women's Legal Contact Line: 02 8745 6977 / 1800 639 784**
 - Mondays: 10am–12:30pm
 - Tuesdays: 10am–12:30pm
 - Thursdays: 10am–12:30pm
- **LawAccess NSW:** Free legal information, referrals and in some cases, legal advice
www.lawaccess.nsw.gov.au
 - o **1300 888 529** (9am - 5pm, Monday to Friday, excluding public holidays)

To find a Sexual Assault Service in your area, visit

<http://www0.health.nsw.gov.au/publichealth/sexualassault/contacts.asp>

For further information and resources relating to sexual assault, visit the Ask LOIS sexual resource library at www.asklois.org.au/library/police-and-crime/sexual-assault