



Reporting Sexual Assault to the Police 2014

If you have been a victim of rape or sexual assault you can go to a police station 24 x 7 and speak to the police. You have a number of options available to you when reporting a rape or sexual assault to the police. You are able to make a statement of complaint or a statement of no further action. If you go, or are taken to the hospital following a rape or sexual assault hospital staff will ask if you would like to speak to the police and will contact the police to come to the hospital to see you. They will also ask if you would like to speak with a Centre Against Sexual Assault (CASA) counsellor.

Uniformed Police:

When you make a report you will speak to a uniformed police officer initially. The uniformed police officer will ask you some questions to confirm the nature of your complaint. The uniformed police officer will then arrange for a Sexual Offences & Child Abuse Investigation Team (SOCIT) officer to speak with you.

Sexual Offences & Child Abuse Investigation Team:

The SOCIT officer will speak to you either at the police station or the hospital. SOCIT officers are detectives who work specifically with people who report sexual offences. SOCIT detectives do not wear police uniforms. The SOCIT officer will listen to you and ask you further questions about the offence, including whether the offender is known or unknown to you, where the offence took place and what happened. The SOCIT officer will treat you with respect and dignity. The SOCIT officer will also ask if you would like to speak with a CASA counsellor and arrange for a counsellor to meet you at the Crisis Care Unit (CCU) of the hospital. CASA Counsellors are available 24x7. The SOCIT officer will take you to the CCU to meet the CASA counsellor. The SOCIT officer will investigate your complaint and collect evidence to support your complaint in court, if you choose to take legal action. The first SOCIT officer you speak to will support you from your initial contact through to the conclusion of the court case, and beyond. The CASA counsellor will ask you if you would like to talk to a forensic medical officer about a forensic medical examination. A forensic medical examination is conducted for the purpose of collecting forensic evidence to be used in court. The SOCIT officer will arrange for a forensic medical officer to talk to you. The SOCIT officer will take a statement from you in support of your complaint; however you will not have to make a statement at that point in time. Your statement may not be taken until the following day, after you have rested and had any medical needs attended to. The CASA counsellor will provide you with information regarding on-going counselling and support and make an appointment for you if you would like to receive further counselling.

Statement of Complaint:

A statement of complaint is a detailed account of the rape or sexual assault in your own words, recorded by the SOCIT officer and signed by you on completion of the process. A statement of complaint forms the basis of the SOCIT investigation and the evidence presented in court.

Statement of No Further Action:

Barwon CASA

Barwon: (03) 5222 4310 Wimmera: (03) 5381 1211

Sexual Assault Crisis Line 24x7: 1800 806 292

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A statement of no further action allows you to report a rape or sexual assault to SOCIT, without SOCIT commencing an investigation or collecting evidence. A statement of no further action may be actioned by SOCIT on your request in the future, should you so wish. Information contained in a statement of no further action may assist SOCIT to develop a profile of an offender. If SOCIT determines it is in the public interest to proceed with a statement of no further action you will be advised of the decision, the rationale and be supported throughout the proceedings.

The Police Investigation:

If you make a statement of complaint to SOCIT there are a range of possible outcomes including: The SOCIT officer who took your statement will investigate the offence and collect any evidence. SOCIT will form a decision of whether there is enough evidence to proceed to court or not

Potential Outcomes:

- SOCIT may decide to discontinue the investigation.
- If the offender is charged with sexual assault, the legal process will involve the court.
- You will become a witness for the case, which is prosecuted by the state.
- If the defendant pleads not guilty, witnesses including you, will be required to go to court, give evidence under oath and be cross-examined by the defence lawyer.
- If the defendant pleads guilty, you may still be required to go to court to give evidence from your statement.
- If the defendant pleads guilty on all charges, you may not be required to go to court at all.

Legal Options:

You may be undecided whether to report the rape or sexual assault to the police. You can discuss making a statement informally with a SOCIT officer to ensure you have all the information you need to make the best decision for yourself. If you decide to report the rape or sexual assault, it is best to do so as soon as possible. Prompt reporting to police will assist SOCIT to conduct an investigation and to collect evidence to support your complaint.

A CASA Counsellor can provide you with information about your legal rights, advocate on your behalf, where necessary and support you through the process. If you report a rape or sexual assault to the police, SOCIT will provide you with information and support, whether you decide to make a Statement of Complaint or not. If you decide to proceed with the court process an Office of Public Prosecution (OPP) lawyer and the SOCIT officer you first spoke to will provide you with support and information throughout the court proceedings and beyond.

Your Legal Rights:

If you decide to go to the police to report a rape or sexual assault you have the right to:

- Delay making your statement until you have rested and had a medical check
- Have a friend, family member or support worker with you the whole time you are there, including while making a statement
- Be kept informed of the progress of the SOCIT investigation
- Be given information about the law and what might happen in court
- Not sign anything unless you are completely happy with it
- Have an interpreter assist you
- Have your statement tape recorded and receive a copy of your signed statement as soon as possible after the statement has been made
- Change your mind about making a statement and leave the police station at any time

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- Ask SOCIT for written reasons for any decisions made about your case including a decision not to investigate
- Ask the OPP to look at your case if you are not happy with a SOCIT decision
- Make a statement of no further action.
- Make a complaint

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