

# POSITION PAPER

## The Sexual Assault Disclosure Scheme: Avenue for disclosure



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## About the Authors

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Carol is a member of the Australian and New Zealand Society of Criminology, the International Society for the Prevention of Child Abuse and Neglect, and the Child Protection Practitioners Association of Queensland. She sits on the Federal e-Safety Commissioner's Online Safety Consultative Working Group, the Queensland Victim Services Interagency Organisation Network, the Queensland Child Protection Advocates Group and Twitter's Trust and Safety Council.

In January 2017, Carol accepted a three year position as a Visiting Fellow in the School of Justice, Faculty of Law, at Queensland University of Technology.

**Hetty Johnston AM, GAICD** is Founder and Executive Chair of Bravehearts Foundation Ltd, established in 1997, Australia's leading child protection advocate. A born lobbyist, Hetty is a woman of passion and determination who has succeeded in highlighting the crime of paedophilia and child sexual assault to media, families, schools and the general community both nationally and internationally.

Hetty's most recent accolades include: 2016 inducted into Australian Businesswomen's '*Hall of Fame*'; 2015 Queensland Australian of the Year; and 2014 Awarded Member of the Order of Australia (AM).

Hetty has been recognised for her outstanding contributions to child protection with numerous awards and nominations over her career since 1996. In 2013 Hetty was awarded Ernst & Young Northern Australia's *Social Entrepreneur of the year*, Westpac's 2013 '*100 Women of Influence*' and YWCA Queensland's '*125 Leading Women*'. She was awarded a *Paul Harris Fellowship* in 2010 and is a *Fellow of the Australian Institute of Community Practice and Governance* (March 2010). In early 2009, Hetty was recognised as one of approximately 70 outstanding leaders worldwide, receiving the prestigious annual *Toastmasters International Communication and Leadership Award*. Hetty is the recipient of two *Australian Lawyers Alliance Civil Justice Awards* (2003, 2004).

Hetty works with government and non-government agencies on legislative reform, submissions, lobbying and research to improve child protection and political accountability in Australia.

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# About Bravehearts

Bravehearts has been actively contributing to the provision of child sexual assault services throughout Australia since 1997. As the first and largest registered charity specifically and holistically dedicated to addressing this issue in Australia, Bravehearts exists to protect Australian children against sexual harm.

## Our Mission

To prevent child sexual assault in our society.

## Our Vision

To make Australia the safest place in the world to raise a child.

## Our Guiding Principles

To, at all times, tenaciously pursue our Mission without fear, favour or compromise and to continually ensure that the best interests, human rights and protection of the child are placed before all other considerations.

## Our Guiding Values

To at all times, do all things to serve our Mission with uncompromising integrity, respect, energy and empathy ensuring fairness, justice, and hope for all children and those who protect them.

## The 3 Piers to Prevention

The work of Bravehearts is based on *3 Piers to Prevention: Educate, Empower, Protect* - Solid Foundations to Make Australia the safest place in the world to raise a child. The 3 Piers are:

**Educate** Education for children and young people

**Empower** Specialist counselling and support

Training for adults, professionals, business and community

Risk Management 'ChildPlace Health & Safety' Services

Community engagement and awareness

**Protect** Lobbying & Legislative Reform

Research

# Abstract

*“The fundamental truth is that we will never know who the abusers are unless the victims tell us - and the victims will never tell us unless we provide a society that actually encourages disclosure and then supports, protects and values their personal sacrifice when they do. This is currently not the case.*

*It is only when we as a society send all survivors of child sexual assault the clear message that, culturally, medically, legally and politically we will support, protect and thank them for their disclosure, that we will ever make any real impact on this ongoing national disgrace”.*

*- Hetty Johnston AM., 1997*

The Sexual Assault Disclosure Scheme (SADS) was developed by Bravehearts Founder Hetty Johnston as a police intelligence tool aimed at identifying child sex offenders and therefore protecting children.

Bravehearts understands that many victims need the belief and/or validation of others to gain the strength to disclose and to heal. Bravehearts also recognises that disclosure, awareness and education are the best weapons against the continuing sexual assault of children.

SADS was created with the help of the Queensland Police, Queensland Crime Commission, Criminal Justice Commission, Attorney General’s Office, Commission for Children and Young People, the Public Defenders and the Department of Public Prosecutions, and is administered by Bravehearts. It provides a safe, non-triggering, anonymous and protective opportunity for survivors to seek and find an active willingness by authorities to register their allegations of sexual assault.

Through SADS, survivors of child sexual assault are provided with an official, non-threatening means to disclose their experiences to the police. SADS provides a reporting avenue that does not require a detailed statement, nor direct police contact, until such time as the police request contact and the survivor is ready to proceed.

Our experience is, with only one exception, that when asked by police to come forward and make an official disclosure, all registered SADS participants opted to proceed. **The choice to proceed will always remain with the participant.**

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# The need for SADS

## Prevalence of Child Sexual Assault

- One in three girls and one in six boys will be sexually abused in some way before the age of 18 years. (*Australian Institute of Criminology, 1993*)
- A 1994 survey of 453 pedophiles, revealed they were collectively responsible for the molestation of over 67,000 children. That's an average of 148 children per individual pedophile. (*Abel, 1994*)
- There is widespread agreement in the literature that child sexual abuse spans all races, economic classes and ethnic groups. (*Finkelhor, 1994*)
- Research has estimated that between 7 and 45 per cent of females and between 3 and 19 per cent of males have been victims of sexual abuse during their childhood. (*Queensland Crime Commission, 2000*)
- Based on a review of research conducted on child abuse between 2000 and June 2008, researchers estimate that... between 5 and 10% of girls and up to 5% of boys are exposed to penetrative sexual abuse, and up to three times this number are exposed to any type of sexual abuse. (*Gilbert, Spatz-Widom, Browne, Fergusson, Webb & Janson, 2009*)

## Disclosure Issues around Child Sexual Assault

- Two studies cited by ICAC (Independent Commission Against Corruption NSW), suggest respectively that only 2% of familial and only 6% of extra-familial child sexual abuse were ever reported to police, and that only 10% of all child sexual abuse are notified (*Woods, 1997*)
- About half of the victims of child sexual abuse never report the abuse to another person and many do not disclose until they reach adulthood. (*Queensland Crime Commission & Queensland Police Service, 2000*)
- One in five parents who were aware that their child had been sexually abused did not report the abuse. (*Smallbone & Wortley, 2000*)
- A total of 17% of disclosures of sexual assault result in a conviction. (*Queensland Crime and Misconduct Commission, 2003*)

## The Offenders

- 169 child sex offenders who admitted having committed at least one sexual offence against a child later disclosed offences concerning 1010 children (748 boys and 262 girls) of which only 393 (38.9%) were reported to have been associated with official convictions. (*Smallbone & Wortley, 2000*)
- Most children know the perpetrator with studies estimating between 10-30% of offenders were strangers (*National Child Protection Clearinghouse, 2005*).

## The reasons for non-disclosure

Many challenges exist in the identification, reporting and disclosure of child sex offenders and offences. These include:

- Fears that the victim's story will not be heard let alone believed or validated;
- Fear of cold calling on a police station and having to tell, in excruciating detail, and usually to a male officer, the humiliating details of the offence/s, AND - without any indication that their testimony is wanted or will be of any use to Police or even that it is believed;
- The victims themselves are increasingly isolated by their own fear, shame and self persecution;
- Fear and lack of faith in the establishment/authority figures;
- Anxiety about their own families and society's potential disbelief, intolerance and lack of support;
- Fear that disclosure will result in them being treated 'differently' by friends and family;
- Concerns about confidentiality, losing control of the situation; and
- No confidence or gratification in the sentencing/justice outcomes.

## Breaking down barriers to disclosure

SADS acts to support survivors in overcoming these barriers.

Bravehearts recognises that public education and offender disclosures are our best weapons against the continuing sexual assault of children. We know that the majority of children (and then as adults) who are sexually assaulted don't tell anyone.

We know that when adult victims do tell it is generally driven by a realisation that they were probably not the only victim and they therefore have a desire to stop the offender harming other children.

We know that offenders never (or almost never) offend against one child once. We know they will continue a pattern of offending behaviours, often across many years, many partners, many locations and/or many generations, until such time as someone breaks their silence and discloses.

We know that when this happens, other children are immediately protected from these same offenders.

SADS is 'prevention' in one of its most effective forms. It is about overcoming the very real barriers to disclosures of child sexual assault. It is about empowering and assisting victims to break their silence.

Our experience in operating this scheme in Queensland since 24 May 2001 has proven that survivors will respond to a more appropriate and acceptable avenue for disclosure. Our task now is to engage all States and Territories and all survivors wherever they may live. Today's children are relying on us to make this happen.



## How SADS works

Survivors contact Bravehearts requesting to be included in the Bravehearts' Sexual Assault Disclosure Scheme (SADS).

Bravehearts then send by post two (2) forms to the survivor. Both forms will carry a link identification number (ie 08/11). ***NB: These forms are now able to be completed and submitted online.***

### **Form A**

The first form contains questions requiring information about the survivor together with a Statutory Declaration or some form of identification such as copy of Drivers Licence or Passport, which confirms the participant's name and address. This is to determine, so far as possible, that this is a genuine and real person.

This form is completed and returned to Bravehearts and remains confidential. **IT INCLUDES NO INFORMATION ABOUT THE ALLEGED OFFENDER.**

### **Form B**

The second confidential form contains non-triggering questions about the alleged offender and calls for broad details of the alleged offences. The format is in accordance with police requirements.

This form is completed and sent to Bravehearts to forward to the appropriate jurisdiction. **IT INCLUDES NO INFORMATION ABOUT THE SURVIVOR.**

On receipt of Form B, the police would contact Bravehearts quoting the linking ID No. (ie 08/11).

Bravehearts would verify that the survivor has provided the required identification to Bravehearts and that Bravehearts is satisfied that they are a real person.

In all conversations and other dealings between the police and Bravehearts, the link ID No. is used. This is to ensure that the identities of the survivor and the alleged offender are protected at all times.

Bravehearts contacts the survivor, letting them know that the Police are interested in speaking to them, what this means and seeking permission to pass on their name and contact details to the Police.

If the survivor is happy to speak to the Police their details are passed on and Police can establish whether or not an investigation is possible. If the discloser does not wish to speak to the Police, the information they provided remains in the Police system as intelligence.

## The story behind SADS

SADS was created after the disclosure of Hetty Johnston's then 7 year old daughter in 1996. The offender was her husband's father, a much loved and trusted family member.

In Hetty's family's case, it became apparent after a short time that the offender had sexually assaulted practically every female member of the Johnston family in New Zealand - across two generations including mothers and daughters and also including nieces and young female family friends - and not one of them had ever said anything to each other or anyone else.

Each believed they were the only one. Fuelled in part by his charismatic, charming and convincing social and family standing, each was sure that no-one would believe them if they did break their silence.

While at first very angry at these female family members for not warning her, for not giving her the opportunity to protect her daughter from this offender, Hetty soon came to realise the incredible power of this phenomena that silences the victims. Her anger dissipated and was replaced with an overwhelming desire to find a way to challenge this dangerous and destructive silence.

She would need to find a way to empower victims with knowledge, facts and support and to encourage them to overcome their fears and to instead speak out in defence of children.

SADS was officially launched in Queensland on the 24 May 2001 after two years of gruelling examination and ultimate approval by a State Government interagency working party. Since that time SADS has successfully demonstrated its effectiveness in achieving its stated objectives and is currently being introduced into other States across Australia.

**Case History:** Brisbane court and Hansard reporter Clarence Henry Osborne who gassed himself in his car on September 12, 1979, was found to have committed sexual acts with 2,500 under age boys - **not one of them had reported him to the police.** (Children's Commission Report, 1997, pg 10)

## Key outcomes

In 2008, Bravehearts conducted an internal evaluation of the Sexual Assault Disclosure Scheme. The evaluation focussed on the practicality, usability, and personal impact of participation in the SADS. Findings suggest that participants were reporting child sexual assaults not previously brought to the attention of the police. Results show a positive impact of participation on individuals' ability to talk about their childhood experiences with significant others in their life, and importantly, contributed to a reduction of negative perceptions of the police by participants.

Although none of the participants in the evaluation reported any convictions or charges being laid as a result of their disclosure, Queensland Police have reported that a number of offenders have been charged with offences as a result of disclosures made through SADS. Data on this is currently being prepared for Bravehearts.

The following excerpt from the evaluation paper summarises the key results:

The current evaluation provides encouraging information into the usefulness of the SADS. An overwhelming majority of participants found the forms practical and easy to use, and reported that the accompanying information provided with the forms was informative and powerful in and of itself. The majority of individuals requesting SADS did so to report a crime which was committed on themselves in childhood. Most participants were reporting historical assaults, with the majority of offenses occurring more than 20 years ago. In line with findings both recent and past, the vast majority of offenders were males from within the family, or closely related to the family.

The most common reasons participants cited for not disclosing their abuse in childhood related to feelings of shame, punishment, fear of not being believed, and not having enough support to deal with the negative consequences of a disclosure. These findings are consistent with the existing literature regarding non-disclosure in childhood (Jensen, et al 2005).

As expected, participation in SADS was reported as being helpful in increasing participants communication about their sexual assault across their family, friends, and within their community. A surprising finding was even when participants chose not to complete and send in the forms they too reported positive benefits regarding communication. We could speculate reasons as to why this may have occurred, one being that when participants called to request the SADS they may have been at a stage where they were more willing and able to engage in dealing with what they had experienced as children. Perhaps their experience through their phone contact with Bravehearts staff was positive, reaffirming and supportive, and this experience of knowing there are people out there who will listen, support and validate their experience made a difference. Further, additional information is provided to individuals when they request the SADS forms. These booklets cover areas such as the criminal justice process, as well as information about reactions and common experiences of individuals sexually assaulted in childhood. In the qualitative responses, a number of individuals mentioned how important and validating the additional information was to helping

them understand their experiences, and perhaps this also contributed to these positive outcomes.

Although most participants reported they would gain closure of their sexual assaults by having the offender jailed, even those who did not return the forms found that the simple request of asking for and receiving help and support was enough for them to feel better about their experience. In terms of increasing participant's ability to talk more openly, the benefits appeared to be as great for those who did not return the forms as those who did. The majority of all participants reported that requesting the SADS did increase their ability to communicate with others in their lives, regardless of whether they completed the forms or not. It could be posited that being offered support, and given an avenue of relief that something could be done, and that there were people who were there to help, was sufficient to cause a positive shift within them. Although the original reasoning for the SADS was to give people an option of disclosing to police without having to go through the potentially confronting experience of giving a formal statement.

No differences were found between groups of participants who were and were not contacted by the police in relation to any of the outcome variables measured, meaning that, regardless of whether the police opened an investigation into their disclosures, participants reported their SADS participation to be beneficial.

This evaluation does show that disclosing to the police via the SADS can be a safer option for individuals when notifying the police of their assault history. Further, it may also be a powerful way of helping to change some of the negative perceptions and stereotypes surrounding the police handling of sexual assault cases. This evaluation showed that participants' perceptions of police support and belief in their childhood experiences were positively impacted upon as a result of their participation. Approximately half of this sample had police contact as a result of their SADS participation, and both qualitative and quantitative data from this evaluation reveal that participants' original fears and concerns about how the police would respond to their disclosures had significantly changed through their subsequent involvement with the police. These are very encouraging findings for how the SADS process can be beneficial on a number of different levels, particularly in helping to change negative perceptions of the way police handle sexual assault cases, which in turn may help to increase the number of future reports to police.

In 2010, Queensland Police began to provide annual statistics on outcomes from SADS complaints. In the 2010-2011 year:

Number of SADS forms received	<b>39</b>
Of these:	
Number of arrests	<b>4</b> people arrested on total of <b>89</b> offences
Number of complaints under investigation	<b>13</b>
Number of intelligence reports compiled *	<b>16</b>
Number of matters referred to Interstate Police	<b>6</b>

\* Victims in these matters did not wish to make a formal complaint. In these matters Police retain the information in their system as intelligence.

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