

27/9/2024

Ms Natasha Stott Despoja AO

The Commissioner SA Royal Commission into Domestic, Family, and Sexual Violence

PO Box 464

Adelaide SA 5001

Please note: This submission replaces the submission made yesterday with information redacted that could identify the offender in this matter.

Dear Ms Stott Despoja

My name is [REDACTED] and I am Survivor Advocate for the [REDACTED] [REDACTED] and work [REDACTED] as a Counsellor [REDACTED]. I write to offer a submission in collaboration with a survivor of coercive control, sexual and psychological abuse perpetrated by a [REDACTED] worker. Her name is [REDACTED] and I have been supporting [REDACTED] by providing counselling services and advocacy in seeking accountability in relation to the abuse she was subjected to. Her experiences provide vital context for your work in understanding the challenges faced by survivors of sexual abuse and coercive control in South Australia when seeking to have their justice needs met. This submission will focus on her experiences of reporting the abuse to police and [REDACTED] authorities, and highlights the many shortcomings often faced by survivors when seeking engagement with these systems of accountability.

In summary [REDACTED] was subjected to coercive control, sexual, psychological and spiritual abuse perpetrated by a [REDACTED] worker who was a [REDACTED] leader over a 15-month period from June [REDACTED] to October [REDACTED]. The sexual abuse began after a period of grooming, starting with her being coerced into sending sexual photos to the offender, progressing to indecent assault and rape, as well as physical abuse which included strangulation and physical assault. The grooming commenced when [REDACTED] was aged [REDACTED] years, and the sexual abuse commenced after she turned 18 years old. As is commonly the case for this kind of abuse it took time for [REDACTED] to disclose, firstly to her family and she subsequently sought counselling in [REDACTED]. Her counsellor was the first to name the abuse that she was subjected to as criminal offending. [REDACTED] decided to report her experiences of abuse to police, and she also made a professional standards complaint to the religious organisation the accused worked with as she was concerned for the safety of other young vulnerable people he had influence over as he was continuing to work as a youth group leader.

[REDACTED]

█ describes her experiences as follows:

I am a █-year-old female who enjoys the simple things in life. My family, friends, loving partner and █ bring me lots of joy. I love my work as a █, reading, knitting and rescuing animals. I am also a survivor of sexual violence, and I was forced to become a survivor of the detrimental shortcomings of the Criminal Justice System. I'd like to take this opportunity to draw attention to the South Australian Police (SAPOL) and their appalling attitudes when responding to violence against women and marginalised groups.

My early life was simple and loving but also small and restrained. My world views did not stray far from what my own conservative, religious father created for me. Safe, controlled and rooted in religion. As a daughter of immigrant parents who both were children of violent wars and difficult upbringings, an environment that was emotionally unstable was the norm for all of us. Growing up we were taught that 'Fathers are the head of the house' and to always follow the teachings of the Bible and Church. As I entered my teenage years my world remained just as small. My father chose to remove me from any sexual health education classes as he believed the Bible would provide all the required teaching. There were no conversations at home around sexual health or education and nothing around consent. I never knew or imagined that sex could be weaponized.

During my formative years my environment built the core belief that male dominance was normal, and religion was the ever present "power" guiding me towards the correct and safe path. My upbringing subconsciously taught me that religion and marriage provides safety, so consent did not need to exist. The words "power dynamics" were not in my vocabulary. The thought that religious institutions could conceal genuine evil never crossed my mind. Certainly not until my encounters later in life with SAPOL did I expect to discover that I would experience a multitude of institutional betrayals.

As a young adult I was diagnosed with ADHD, putting into perspective the intellectual delay in my youth and trusting approach to life well into my teens. There have been [studies](#) conducted that indicate those with ADHD and Autism have a significantly higher rate of unwanted sexual encounters and assaults. The reality of a large part of my childhood meant I was an at-risk youth, powerless and naive.

Graduating high school tends to be a period of confusion and uncertainty. Routines, life goals and identities begin to change. During the same week as schoolies, I was extended the invitation to attend a █ group. Not being allowed to attend schoolies, I chose to attend the █ group with a few friends. It was at this █ group that I met my perpetrator. He used religion to lower any suspicion surrounding his obsessive attention-giving and love-bombing. This quickly became grooming which insidiously transitioned into a cycle of abuse I silently endured without knowing that I was being assaulted. I only knew to pray to God for guidance in what to do.

█

For nearly one year of my life I was ignored, scrutinised, dismissed, patronised, isolated and intimidated. These are the basics of any perpetrator's toolbox but apparently, also the South Australian Police when it comes to sexual offences, based on my experiences and unfortunately, a large number of other victims.

I'd like to draw some parallels between the well-known traits of perpetrators and SAPOL. Not only do victims experience traumatic event/s forced upon their lives but then we are forced to relive the experience in unsafe environments that are not trauma informed. Unfortunately, SAPOL have long established their reputation of rigorously adhering to seriously outdated views. My experience when reporting to law enforcement demonstrated the failures and systemic flaws within the South Australian Police Force.

Oversimplified gendered stereotypes glorify hypermasculinity, while women assume the degrading position of being "vindictive, overly emotional & purposely deceitful". Closely associated with these views are the antiquated prejudiced beliefs around what "real rape" is. The year I reported the assault was late [REDACTED], and I had only just started cognitive behavioural therapy for Panic Disorder and PTSD and had still yet to unpack the extent of my abuse. The female police officer who heard my report was the one who asked me if I "...was aware that [the abuse] was classified as rape?" As I began to cry, she exited the room, returning shortly with two detectives.

The report quickly became an interrogation where I, the victim, was being asked to provide evidentiary support of my assault. Intimidating questioning surrounding my "failure to promptly report" the assault began. In accordance with SAPOL's uneducated views on how victims "should" behave; if incident/incidents are not immediately reported with a plethora of evidence, "apparently" the next plausible explanation driving victims to report is pure fabrication.

With the knowledge I have now on trauma responses I am able to see how all my interactions with SAPOL were not trauma informed. It has long been documented that perpetrators use coercive control and insidious grooming techniques. So, it is astounding to still see the current law enforcement's uneducated expectations on reporting timelines and how all the responsibility for accountability falls on victims. If I had the knowledge to understand the crime being perpetrated against me and how to break free from the cycle of coercive control PRIOR to my therapy then would I have a need to report to SAPOL? No. So why are these the questions that victims are being asked? Or why are victims being treated like they had all the resources all along and just chose to act "too late"?

The attitudes and questions that SAPOL conduct themselves in only serve to dismiss, minimise, intimidate, humiliate and remove the security and hope of accountability through the justice system. It needs to be recognised that the similarities between the

[REDACTED]

justice system and perpetrating behaviour have eroded much of the confidence victims have. It's torturous to escape the cycles of abuse only to discover how widespread perpetrating behaviour is. How it has seeped into the everyday lives of many of those working in SAPOL and how easy it is for detectives and officers to turn a blind eye on victim blaming behaviour. How it has become so easy for them to exploit victim vulnerabilities, quietly twisting words and manipulating truths with subtle, yet harmful questioning.

There needs to be a serious shift to create victim centred responses that are trauma informed. A significant increase in SAPOL's education levels needs to initiate and propel this into a cultural shift away from victim-blaming. Reports need to be taken seriously regardless of timelines and "stereotypes". Without these changes occurring within the criminal justice system, perpetrators will not be held accountable.

SAPOL was an institution that I instinctively trusted and turned to for help and they dismissed my report. I was given a police report number and sent off; no official statement was conducted. No further investigations were made. My report was filed away amongst 'petty crimes' and I was reassured I had "done the right thing in informing the police".

Many victims suffer similar situations, the unchanging behaviour of police demonstrates the extent of society's attitudes towards violence and their level of understanding. Without the law leading appropriate examples when reports are made, how is it possible for societal views to progress appropriately. The world's longest representative population level survey on community attitudes, the [National Community Attitudes towards Violence against Women Survey](#), conducted every 4 years since 1995, demonstrated that [mistrust of female reports](#) of sexual violence underpins attitudinal judgements on violence against women. This plainly illustrates the important drastic changes SAPOL needs to make to lead by example to help bring about and effect change across society.

In the year [REDACTED] I recontacted SAPOL to continue to advocate for accountability and reattempt to report the abuse. I received a call from a senior female member in the Victim Management Team (VMT) who looked into my previous report and was calling to reassure me that the detectives conducted a thorough investigation. It had long been an understanding of mine that an investigation - at its bare minimum - would involve formal enquiries into all parties involved and an examination of evidence (including carrying out evidentiary searches where required) to establish the truth. Apparently, I was wrong. The entire phone call was a display of the abhorrent attitudes SAPOL has on victims, which have permeated so far into the VMT, where you'd least expect it. There was no regard for victim centred or trauma informed responses.

[REDACTED]

Being caught by surprise on the phone and by the officer's repugnant attitude, I did not question - until later - her integrity. How is it possible for the detectives to have conducted a "thorough" investigation if they did not even locate and question the perpetrator? Clearly this was not an important factor in their investigation, blatantly displaying the old-fashioned views on violence against women. During the conversation she proceeded to shamelessly ask me if "[I] am sure that this wasn't just regretted sex?"

Someone of her position should not be so uninformed in responding to victims and her lack of awareness that the effects of a comment like that will forever affect a victim. There is already so much deep-rooted trauma that becomes complexly intertwined with the victim's core beliefs. PTSD progresses to CPTSD, traumatic incidents become complex and stuck beliefs. This, for me, is largely due to the faults of SAPOL. The above example demonstrates yet another comparison between perpetrator's behaviours and my experiences with SAPOL.

Comparatively in [REDACTED] after a series of invalidating experiences, with the support of [REDACTED] I made another report to the Professional Standards Office within the [REDACTED]. The [REDACTED] appointed an independent investigator who was capable and conducted a thorough investigation, incomparable by nature to what SAPOL attempted. The investigator compiled a [REDACTED]-page assessment report detailing her findings which were provided to the religious institution, and to myself. The investigator determined that, based on analysis of the evidence, "the allegation that the respondent sexually assaulted the complainant, by being recklessly indifferent to whether she consented, was substantiated on the balance of probabilities." The investigator remarked that she found the most compelling evidence to be the perpetrator's own testimony. This stark contrast shows that if SAPOL even attempted to locate and interview the perpetrator when the initial report was made, he most likely would have responded. As stated in literature many perpetrators enjoy the spotlight and the chance to manipulate the story in attempts to ensure they create a favourable impression. If SAPOL had conducted such an interview at that time, they may have found admissible evidence on the reported crime and possible other crimes.

When I spoke with [REDACTED] she described her experiences with SAPOL to me. [REDACTED] reported to police in [REDACTED] [REDACTED] in Adelaide. She initially provided information at the counter to a desk sergeant in the police station. She was invited into an interview room, where she provided more details regarding the nature of the offending. The detectives asked her to provide the evidence to support her allegations, rather than take responsibility for conducting an investigation to seek this. The detectives asked her if there was any CCTV footage from the public locations where some of the offending had taken place, such as the [REDACTED]. This is an odd question to put to a victim, as members of the public are unlikely to be aware of the location of all CCTV cameras in public, private and commercial locations, and of how long footage

[REDACTED]

might be kept for, and only the police have the authority to seize this as evidence. They did not ask her to provide a detailed statement. They did not attempt to interview the [REDACTED] worker she made the allegations about or seek to examine his phone or computer to see if he had retained the text messages and intimate photos (or if he may have had any other inappropriate material in his possession on his devices). [REDACTED] was told that there was nothing they could do without evidence, therefore they could not proceed any further. The police didn't take any steps to seek evidence, and expected [REDACTED] as a sexual assault victim to provide all of this to them *before* they would investigate. When victims report crimes to police, part of the evidence is the statement they provide to police. They did not take a statement from [REDACTED], nor did they seek to interview any other potential witnesses, or the alleged offender. When victims of crime report to police they are not usually expected to provide all the evidence needed to substantiate their allegation before police conduct an investigation, except in the case of sexual assault it would seem.

In 2021 [REDACTED] approached police again to attempt to report the abuse, by speaking with a senior member of the Victim Management Team (VMT) of the Special Crime Investigation Section (SCIS). She did so at my suggestion as it may have been possible that this time police might take an interest in her report, and it could have been the case that there may have been subsequent reports to police (without accountability offenders rarely stop their offending behaviour, and [REDACTED] had concerns about him targeting another young woman known to her from the youth group). [REDACTED] provided information to the person from the VMT, and they informed her they would look into the previous report she had made. A few weeks later [REDACTED] received a call from the Victim Management team member to say that they had reviewed the file, and that she had read the notes made by the detectives [REDACTED] provided her police incident report to. She informed [REDACTED] that she was satisfied that the detectives had conducted a "thorough investigation" of her report to police, and that no further action was possible. The use of the term "thorough investigation" is questionable in this context. People reporting allegations of serious criminal offences might expect a "thorough investigation" to involve, at the very least, a statement to be taken from the victim and an interview with the person who is the subject of the allegations.

The accused in this matter is a person who is alleged to have committed major indictable offences, and who may have retained incriminating evidence on his electronic devices. He is also in an ongoing [REDACTED] within a [REDACTED] organisation. The lack of police curiosity and interest in his alleged offending is concerning. The timing of this is also questionable, given that new legislation was introduced in South Australia, the Statutes Amendment (Child Sexual Abuse) Act 2021 which amended the Criminal Law Consolidation Act 1935 to introduce criminal offences for the failure by a prescribed person within an institutional context to report to police that they know or suspect that another person (the abuser) has, or is likely to sexually abuse a child within an

[REDACTED]

institutional context. This legislation was introduced based on recommendations made the Royal Commission into Institutional Response to Child Sexual Abuse and imposes an additional obligation to mandated notifier responsibilities, with the need for the report to go directly to police rather than to the Department for Child Protection. This legislation suggests that police will take a proactive approach to allegations of sexual abuse within institutional contexts. People who commit sex offences are not a homogenous group, and may also commit further offences, or 'crossover' offences. Offenders who sexually abuse children may also commit sexual offences against adults. It would seem reasonable for a victim/survivor of sexual abuse within an institutional context to expect the VMT within the Sexual Crime Investigation Section to be most concerned about and receptive to information about her experiences of abuse. This has not been [REDACTED]'s experience. During this conversation [REDACTED] disclosed that she was strangled by the accused, and the response to this was "there's nothing on the file about strangulation". This would have been an opportunity to arrange for a statement to be provided by [REDACTED] to give more information about the sexual and physical abuse she was subjected to. [REDACTED] was not invited to provide a statement, even though [REDACTED] had initiated contact with police again as she wanted to make a report. The VMT member did not offer [REDACTED] the option of doing this, and said there was no further action possible.

Despite this very disappointing response from police [REDACTED] decided to make a professional standards complaint to the [REDACTED] organisation the accused worked with. Her experience of reporting to the [REDACTED] institution was vastly different from her interactions with police. Her allegations were met with curiosity and concern, and detailed information was sought from her as she engaged in the process of reporting. She provided a [REDACTED] statement describing her experiences of grooming and abuse to inform and guide the investigation. In August [REDACTED] an investigator was appointed, who interviewed a range of witnesses, including the alleged offender (known as a respondent in this context). The investigator was tasked with investigating the complaint and asked to report back to the religious institution on whether there were grounds for concluding, on the balance of probabilities, that the allegations were justified. The investigator compiled a [REDACTED]-page assessment report detailing her findings which were provided to the religious institution, and to [REDACTED] in January [REDACTED]. The investigator determined that, based on analysis of the evidence, the allegation that the respondent sexually assaulted the complainant, by being recklessly indifferent to whether she consented, was substantiated on the balance of probabilities. The investigator remarked that she preferred the complainant's account of events, finding these to be more plausible than the respondent's. [REDACTED] will never know if the allegations could have also resulted in a finding of guilt beyond reasonable doubt in a criminal court, as the police did not seek and therefore could not analyse the evidence to enable a prosecution to occur. South Australia does not have a reportable conduct scheme, and so it is not possible for

[REDACTED]

information about a person who has been found to have perpetrated sexual misconduct to be shared with other institutions as part of any safety clearance process.

As a Counsellor [REDACTED] I consider it essential to ensure victim/survivors of sexual offences have a range of options and choices regarding the way they would like to see their complaint responded to, and for them to retain agency over which option they consider will best meet their need for recognition of the harm the offending had for them, and accountability and justice. The decision to report to police is a big one to make, and once that decision is made survivors might expect police to take an interest in their allegation, obtain a statement from them, investigate the allegation and seek the evidence available, which would include putting the allegation to the person accused as part of a routine police investigation.

Adult victim/survivors of recent or past sexual offences in South Australia face a more challenging process when reporting to SAPOL due to the lack of a specialised team to respond to sexual crimes where the victim and offender are known to each other. The most recent [Personal Safety Survey 2021-2022](#) revealed that women were over three times more likely to have been subjected to sexual violence by a man they knew than by a male stranger. The only specialised police response is the Special Crimes Investigation Section (SCIS) within the Public Protection Branch (PPB) and has a diminished role in relation to responding to historical and recent sexual offences where the victim and offender are known to each other compared with past SAPOL sex offence policing models. SCIS comprises of three teams within the PPB:

- Sexual Crime Investigation Team (SCIT) who investigate what SAPOL terms as ‘Tier 2’ offences – sexual offences which are deemed complex, resource intensive, high profile or involve a ‘stranger’ element, historical offences where victim and offender are unknown to each other, and referrals regarding online child exploitation offences. ‘Tier 1’ sexual offences are matters where victim and offender are known to each other, and anyone wanting to report a Tier 1 sexual offence needs to contact their local police station to make a report.
- Victim Management Team (VMT) who support vulnerable witnesses in matters managed by SCIT as well as conduct investigative interviews for any crimes where the victim has a significant cognitive impairment or complex communication need.
- Joint Anti-Child Exploitation Team (JACET), whose focus is online child exploitation in South Australia and are co-located with Australian Federal Police investigators who focus on offshore online child exploitation matters.

This information is not available on the SAPOL [website](#), and there is currently no information at all about how to report a sexual assault on the SAPOL website. Sexual assault does not appear as an option under the “Your Safety” section of the SAPOL website. There is no publicly available information about the Special Crime Investigation

[REDACTED]

There is currently a three-year statute of limitations for civil proceedings in South Australia. However, if the victim/survivor was underage when the sexual assault occurred there is no statute of limitations for a civil compensation claim to be made. The absence of the same provision in relation to no time limit on applications for adult sexual assault and sexual harassment survivors can undermine the bargaining position of adult sexual harm victim/survivors in institutional redress schemes. Victim/survivors who are dissatisfied with the monetary settlement amount offered through the institution's redress scheme could then opt out and seek a remedy through the civil court if this were possible. Where there is no option for adult sexual assault victim/survivors to seek a remedy through the civil court due to the statute of limitations, they can be forced to accept a lower redress amount. The statute of limitations for prosecuting sexual offences via the criminal courts was repealed, and this should also be repealed for adults who have been sexually harassed or sexually assaulted to enable parity for civil cases. [REDACTED] legal service is funded to provide specialised free and independent legal advice for survivors of child sexual abuse regarding their redress options but does not offer legal advice to adult sexual assault victim/survivors. There is no comparable specialised legal service for adult sexual assault victim/survivors such as [REDACTED] to seek legal advice from regarding their civil legal rights and options.

By writing this submission [REDACTED] and I both hope to shed light on the unnecessary difficulties victim/survivors endure on the journey to finding accountability for perpetrators of sexual offences in a justice system that in its current form seems designed to allow them to slip through the cracks. If the option of providing a verbal submission exists both [REDACTED] and I would welcome that opportunity, and my contact details are listed below.

Yours sincerely

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
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