

**Australian Law Reform Commission
Issues Paper**

Justice responses to sexual violence

Personal Submission

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Introduction

My name is Amanda Brownlie, and this is my personal submission of my lived experience of reporting my rape to South Australia Police and the criminal justice response that ensued. I am a 42 year old sole parent of 2 teenagers, working full time and prior to my rape, lived a relatively "normal" life and had never had any prior encounters or experience with Police or the legal system.

On March 18th, 2022, my entire world changed, when at the end of a night out I was raped in my home by a stranger. I naively had faith that reporting would result in a fair process, where I would see my perpetrator held to some kind of account. I could not have been more wrong, I have been deeply traumatised by the legal system and have spent most of my spare time since, advocating for change in the hopes no more women have to endure what I have had to.

Whilst I will go into further detail of my experience in subsequent responses, for overall context my matter was discontinued by the ODPP prior to trial. As a result, I will be answering questions related to the Police and Prosecution responses. I am only responding to questions relevant to my experience so they will not necessarily be in sequential order.

Reporting the experience of sexual violence safely

Question 1

If you are a victim survivor, did you decide to tell someone about your experience?

Yes. The first person I reported to was my best friend the following morning. She then called another friend and they both made their way over. With my consent, my friend reported to police using 131 444 (Police assistance) My rape was reported the morning after it happened.

Was there sufficient information available to you to help you decide who to tell and what to do? Where did you find that information? Was the response you received adequate?

No, there was not sufficient information available. We did some googling but it was all very confusing and decided the best option was to report to the Police in the first instance. The Police response was very good, and they had a uniformed officer to my address within the hour.

What supports did you need at the time? Were the supports adequate? How could they be improved?

At the time I needed something to reference to understand the process. Even if it was for my friends to reference to understand next steps. I was in such a state of shock I felt like I was always waiting for someone to tell me what to do. I could not proactively find anything. There are so many moving parts once CIB, Crime Scene and Forensics get involved and it felt absolutely overwhelming and very difficult to take any information in.

Question 3

How can accessing the justice system and reporting be made easier for victim survivors? What would make the process of seeking information and help, and reporting, better?

More information in a centralised location, with independent support to help navigate the process. There are so many different areas involved, you are forever looking at different websites and can't remember everything. There needs to be a central source of truth. I learnt more about my rights and what to expect from @withyouwecan (*Home - With You We Can*, 2024) than I did from police. I was given brochure after brochure that I had to hide from my children and try and sneakily read in bed at night. At that time, I really needed someone to talk to and talk me through the process. I felt extremely alone. I was hiding it from my children, didn't want to share with family and friends as it was upsetting for them, and I had no idea what was in store for me.

Once you are in the system, you start receiving letters and information from many different departments. I requested not to have any kind of information sent to my house, however with Police, victims of crime, ODPP all involved this inevitably failed, as each department is not interacting with the next. My wishes given to one department were not passed on to the next. I had to race home every day to try and get the mail before my children, so they didn't read "victims of crime" and ask me what it was. When you are dealing with a traumatised rape victim, this kind of lapse in process is simply not good enough. It adds another layer of vigilance which is exhausted and could be avoided.

Question 5

If you are a victim survivor, did you contact the police? If so, how? What was your experience with police response?

Yes, and I consider myself lucky that my interactions with police overall were positive. I think there is value in discussing what worked well for me in hopes it is adopted by other officers. A friend with my consent contacted police via the 131 444 number (police attendance)

The first officer to attend was very kind and treated me in what I now know was a trauma informed way. Everything was at my pace, he allowed me to take breaks if I needed, ask questions and he was non judgemental. He set the tone for me and immediately made me feel heard and believed. He explained that there was a process that needed to be followed and regardless of where that process lead it wasn't due to me not being believed.

My next interaction with police was when CIB arrived, and they immediately apologised for not being female and let me know there were no female officers available. They took me into another room of the house so I was not in the main lounge room while crime scene were taking photos and gathering evidence.

They organised for my forensic exam and for an advocate from Yarrow place (Women's and Children's Health Network, 2023) to meet in the emergency room. They kept me informed and made me feel believed.

Question 7

What are your ideas for improving police responses to reports of sexual violence? What can be done?

Lived experience voices are vital in improving police responses. I present my lived experience once a month to graduating classes of police cadets as part of their respect and respond training. Seeing the impacts on a victim first hand and understanding the trauma brings the learning to life. I hope that when they are responding to a victim in future they will think of me and understand how important their role is in responding in a trauma informed way.

Improving reports is a little more challenging. Until rates of charges proceeding to trial with actual consequence improve, women will be reluctant to come forward. The entire process is traumatising and for most does not have the desired outcome. There also needs to be more education around a victim survivors rights in reporting.

Question 8

If you are a victim survivor, did you have contact with the ODPP? What was your experience of the ODPP response? What support, if any, was provided to you?

Yes, my experience with the ODPP is difficult to articulate. It was traumatic, humiliating, confusing and crushing. I was victim-blamed, gaslit and spoken down to. I was asked to make decisions with little to no time and ultimately let down.

Prior to attending my proofing meeting, I had asked detectives what this term “proofing” even meant and what I would need to prepare for. The only thing I was told is that this is a formality in the process before we can move to the next step. I was told that they would like to meet me to determine what kind of witness I would be, however not to worry I was the “perfect witness”

Some of the incidents that happened to me with the ODPP are outlined below:

- Being told that I am “credible not reliable” due to being intoxicated
- “You don’t remember ordering Uber Eats at 4am, perhaps you don’t remember consenting”
- “You didn’t push him off you or ask him to stop when you woke, therefore he may have considered that consent”
- “You were intoxicated and on anti depressants, which can cause gaps in memory, that makes you unreliable”.
- “He was arrested in front of his wife, so at least that’s something”
- “Woman to woman, I know this happened to you and this is keeping me awake at night, but we can’t proceed”
- Having the perpetrator’s photo in the folder that they continually opened.
- Being asked to make a decision about appeal within 10 minutes and then a result coming back within 24 hours (in hindsight this appeared to be purely an attempt to placate me)

Whilst I understand this is likely the language that would have been used with me if I had proceeded to trial, this is not how it was framed. This is how I was made to feel, it was almost like I was being tested to see if I could handle the heat. This kind of language and treatment has no bearing on what actually happened, that I was raped. I had absolutely no say or control on how this would proceed, I felt like I was a piece on their chess board to be moved and discarded as they saw fit.

I was allocated a witness support person through this process, however I had very little interaction with them and did not understand their role in the process. The most interaction I had with this person was them meeting me in the foyer and then walking me out at the end. A sympathetic glance across the table and handing me tissues while I cried. Since my own experience, I now have a better understanding of their role but only because I have sought to find out. This information was not provided to me at the time.

Question 10

Do you have ideas for improving ODPP responses to the prosecution of sexual violence?

Yes, there are many proven other models for dealing with prosecution of sexual violence. One suggestion or improvement is independent legal representation for victim survivors. I was not aware that the DPP were not representing me. I had just assumed that they were there for me, it was quite a shock to me to find out that I was considered a witness in my own rape.

The New Zealand pilot model (*Sexual Violence Court Pilot Evaluation Report | the District Court of New Zealand*, n.d.) is proving to be very successful and is a model that should be considered for Australia.

Conclusion

In conclusion, while my experience overall with the police was good, my entire experience changed once I got the ODPP. The shift in narrative was immediate and I did not feel safe to speak up, ask questions or defend myself. I was completely overwhelmed, traumatised and other than the support person I had with me, had little to no support. We must do better. My experience with the ODPP exacerbated my trauma and stripped me of my voice and choice at a time when that had already been taken.

Looking at the statistics of what actually proceeds to trial, I was never likely to have my day in court, even being the “perfect witness”. Being in a relatively “privileged” position, I hate to think of the additional barriers and trauma that women in a minority group would face. We all deserve better.

References

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