

THE WINSTON CHURCHILL MEMORIAL TRUST OF AUSTRALIA

Report by Detective Senior Sergeant Gordon Fairman

2009 Churchill Fellow

To examine child sexual abuse intervention strategies in remote Indigenous communities.

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Dated: _____

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Introduction

I conducted my Churchill Fellowship between September and November 2009 throughout the United States and Canada examining child sexual abuse intervention strategies in remote Indigenous communities.

During an intensive 8 week schedule I travelled to 13 law enforcement jurisdictions, both in major cities and remote communities. My experiences while travelling provided me with a profound and unique learning and development opportunity, for which I am extremely grateful.

I would like to acknowledge the generosity of each of my host agencies and the individual officers who coordinated my visits, without whom none of this would have been possible. In each of these jurisdictions I was privileged to work alongside dedicated and hardworking individuals responsible for investigating the most appalling and horrific crimes perpetrated against children. I am acutely aware of the stresses and pressures unique to this crime type and I offer my thanks and gratitude to these officers who dedicate their careers and lives to the protection of children.

The Western Australia Police continues to be a proud supporter of the Churchill Fellowship and I am grateful for the support and encouragement provided to me by my immediate supervisors and by the Police Commissioner.

Finally, to my daughters, who missed their daddy for 2 months while he was *“trying to help little children who get hurt”*, thank you for understanding. The things that I have learned will make a difference, and making a difference is what counts.

Gordon Fairman
December 28th 2009

Executive Summary

There are many historical, demographic, political and geographical similarities between Australia and North America and factors affecting the Aboriginal and Native American people. My fellowship was to examine child sexual abuse intervention strategies in remote indigenous communities and I travelled to regional and remote areas in the United States and Canada to examine the law enforcement response to indigenous communities to identify opportunities to improve the response to child abuse in Aboriginal communities in Australia.

I reviewed intervention and response strategies throughout the United States and Canada in areas as remote and diverse as El Paso and Alaska. While in the main I found that the current WA Police response to child abuse can proudly be regarded as contemporary and sophisticated when measured against international standards, I was able to identify innovative investigative techniques that can influence and improve the development of response strategies in Australia. In particular, the Federal Bureau of Investigation (FBI) Crimes Against Children Unit provided me with an insight into the investigation of child exploitation in remote indigenous communities that will influence the development of future child prostitution responses in Western Australia. In addition, the Dallas Children's Advocacy Center was an exceptional example of multi-disciplinary response to child abuse and has provided an outline for training and development that has the potential to positively influence interview and investigative techniques.

I have made nine formal recommendations for development of the WA Police child abuse response. Some of these recommendations can be implemented immediately while others require further research and development. The recommendations have been formally presented to the WA Police Sex Crime Division and Assistant Commissioner for Specialist Crime and will inform the blueprint for development for years to come.

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Programme

DESTINATION

AGENCY

11th – 16th September 2009
Dallas, Texas – USA

Dallas Police Department
Dallas Children's Advocacy Center

16th – 20th September 2009
El Paso, Texas – USA

El Paso Police Department

20th – 27th September 2009
Washington DC – USA

Federal Bureau of Investigation
Crimes Against Children Unit

27th – 30th September 2009
Boulder, Colorado – USA

Boulder Police Department

1st – 2nd October 2009
Billings, Montana

Billings Police Department

3rd – 5th October 2009
Bismarck, North Dakota

Bismarck Police Department

6th – 7th October 2009
Fargo, North Dakota

Fargo Police Department

8th – 9th October 2009
Sioux Falls, South Dakota

Sioux Falls Police Department

10th – 12th October 2009
Lincoln, Nebraska

Lincoln Police Department

13th – 21st October 2009
New York – USA

New York Police Department
Special Victims Liaison Unit

21st – 31st October 2009
Ottawa – Canada

Royal Canadian Mounted Police

1st – 5th November 2009
Anchorage, Alaska – USA

Alaska Bureau of Investigation
Federal Bureau of Investigation

5 – 8th November 2009
Fairbanks, Alaska – USA

Alaska State Troopers

Key Findings

Throughout my Fellowship I found the legal and legislative frameworks of the jurisdictions I examined to be essentially similar to that of Western Australia. While there were specific legislative differences evident in each of the jurisdictions, these differences were generally minor and technical in nature. As a result, it was possible to effectively compare responses across jurisdictions and identify examples of good practice.

In each of the jurisdictions I examined specific examples pertaining to the following four key areas;

- Investigation and response
- Remote community response
- Community engagement strategies
- Research and evaluation

Law enforcement service provision in the United States and Canada includes multiple jurisdictions in each State and Province. In many instances, the geographical area and population base that is serviced by each jurisdiction is relatively small in comparison with the State jurisdictions in Australia. City Police, Sheriff's Departments, State Troopers, Transit Police, Campus Police, Housing Police and federal agencies often operate in close proximity to each other or have overlapping boundaries.

Western Australia Police currently maintains a strength of approximately 5500 sworn members. In comparison, some of the smaller jurisdictions I visited had strengths of less than 100 sworn officers. There are many differences in policing between small and large jurisdiction, however the fundamental requirements of response and investigation remain.

In making direct comparisons between jurisdictions I have attempted to factor these differences in and the conclusions I have made are based on my own experiences and training.

Investigation and Response

The investigation and response to incidents of child sexual abuse can be broken down into three separate and distinct areas;

- Notification and Primary Response
- Forensic Interview
- Investigation

Notification and Primary Response

Notification and primary response to child abuse allegations is of critical importance. To ensure that appropriate protection is provided for victims it is essential that Police are able to receive and respond to complaints in an efficient and consistent manner. The response to allegations of child abuse requires a coordinated response that includes collaboration with agencies such as child protection authorities, health and education providers.

The management of initial notification and primary response to incidents varied broadly across jurisdictions and was governed generally by the sophistication of the communication systems and the size and complexity of the agencies. Large metropolitan jurisdictions, such as New York and Dallas, maintain complex communication infrastructure and the management of emergency calls and responses is governed by policy and procedure. As in Western Australia, in these large jurisdictions the initial notification is generally managed through a communications officer before being assigned to specialist response units.

As is the case in Western Australia, the management of child abuse notifications to Police in the United States and Canada is a complex issue. Child abuse notifications are referred to Police from multiple sources, including Government agencies, non-government service providers and individuals. The situation is further complicated by internal Police processes which can result in the referral being received and processed at many different locations and with inconsistent outcomes.

Smaller jurisdictions in the United States, including Bismarck, Billings and Sioux Falls, were observed to have streamlined and consistent entry points for referrals. All complaints of neglect and abuse were the subject of an initial assessment and referred for investigation in a consistent and efficient manner. This consistent intake process enabled a timely primary response to be provided by Police and minimised the likelihood of confusion or inconsistent referral to child protection authorities.

Larger jurisdictions in the United States, including Dallas and New York, were observed to have more complex processes in place to address the volume of notifications. In these jurisdictions notifications to Police were referred to specialist investigative units. These units were co-located with multi-jurisdictional teams in special purpose child advocacy centres.

The advocacy centre model within the United States is administered to a set of national standards that promotes a child focused response to allegations of abuse. I attended and reviewed processes within advocacy centres in each jurisdiction I visited and I found the standard of response within these centres to be consistent and of a very high standard. Due to the multiple law enforcement jurisdictions in the United States the advocacy centres also perform a vital role in the standardisation of service delivery as various law enforcement agencies are able to access specialist child interviewers, medical practitioners and child protection staff.

Child advocacy centres provide specialist advocates who act on behalf of victims and their families. The law enforcement, judicial and child protection systems are complex and confusing and this confusion can be heightened for victims and families who are experiencing trauma. A specialist advocate acting on behalf of a child abuse victim can act as a case worker who manages appointments, referrals, interview requests and who can provide advice and specialist knowledge to assist with the management of the many processes involved in the response to disclosures of abuse.

Currently in Western Australia, the Child Witness Service (CWS) and Victim Support Service (VSS) provide some assistance to victims and their families. CWS provide valuable assistance to address the judicial requirements but do not provide assistance for victims where no prosecution is commenced. Given the low rate of prosecution in

child abuse matters this means that more than 80% of reported victims receive no support from CWS. VSS provide a conduit to some support services for child abuse victims however in practical terms this assistance is very limited and often not able to be delivered in a timely fashion.

Recommendation: That the WA Police Child Abuse Squad researches the potential role for child advocates within the existing response framework.

The development of a child advocacy role within the existing response framework has the potential to provide valuable support and assistance to victims and their families. Similar advocacy services are currently being provided by family violence advocates provided by non government agencies working from police premises.

Forensic Interview

Forensic interview practices for child victims of sexual abuse have been extensively reviewed internationally in recent years as a result of the introduction of visually recorded interview processes. I observed a variety of child interview models in use throughout the jurisdictions I reviewed. These interview models were generally consistent with Western Australian practices and principles and interview facilities, procedures and standards were generally very high.

The Dallas Children's Advocacy Center is internationally recognised as an example of good practice for the child interview process. In consultation with representatives from the Dallas Police Department and the Dallas Criminal District Attorney's Office I examined the standard of child interview produced by specialist interviewers from the Center and the level of satisfaction from investigators and prosecutors was found to be very high.

I reviewed the training methods utilised by the Dallas specialist child interviewers and identified that the interviewers attributed their level of competency and skill in part to a training and supervision process that provided graduated skills training through a series of modules. This training process allowed interviewers to develop and practice foundation skills in a progressive nature and resulted in a higher level of confidence in

the development of specialist interview skills. The current training process for specialist child interviewers in Western Australia requires trainees to undergo a two week intensive course. This training course is highly challenging and has a high attrition rate and as the training is conducted in a single block there is limited opportunity for trainees to practice or develop new skills before proceeding on in the syllabus.

Recommendation: That the WA Child Assessment Interview Team review the Dallas Children's Advocacy Center modulised training process for consideration of implementation in Western Australia.

Improvements in specialist child interview training provision have the potential to improve the level of competency of interviews and reduce the level of attrition in current training.

Investigation

Criminal investigation procedures and practices the United States and Canada are generally comparable with those in Western Australia. While the level of specialist skill and investigative knowledge varied throughout the jurisdictions I visited, the general investigative methodology was consistent.

As part of my examination of investigative practices in the city of Dallas, in consultation with the Dallas Police Department and Dallas Criminal District Attorney's Office, I was afforded the opportunity to attend a medical case conference for a shaken baby homicide investigation. This case conference was conducted at the Dallas Children's Hospital and was presented by Forensic Pathologist, Doctor Evan Matshes.

Doctor Matshes is a leading researcher in shaken baby syndrome and has conducted and published extensive research material in this field. In presentation at the case conferences Doctor Matshes announced the imminent publication of a newly developed forensic technique for the identification of trauma in suspected shaken baby episodes. This forensic technique can identify at post mortem a shearing of specific nerve endings that confirms the application of force and trauma to an infant.

Current forensic procedures and tests focus on retinal haemorrhage and brain injury but are often unable to rule out other medical causes for these injuries.

Recommendation: That the WA Police Major Crime Squad review the research and findings of Doctor Evan Matshes for consideration of applicability in forensic pathology procedures in western Australia.

After consultation with representatives from the Federal Bureau of Investigation (FBI) Crimes Against Children unit I reviewed responses and investigative methodology for child prostitution. The FBI currently conducts specialist child prostitution investigations in selected locations and I attended and reviewed the processes in place in Dallas and Anchorage.

Proactive investigation methods and intelligence review for child prostitution response by the FBI are highly advanced. After discussion with FBI intelligence specialists in this field it was identified that children in Aboriginal communities in regional Western Australia may be at a heightened risk of exploitation. The issues of social isolation, alcohol abuse and other social factors present in some Aboriginal communities are similar to issues in many Native American communities where child prostitution is evident. Intelligence analysts with the FBI Crimes Against Children unit suggest that the collection and review of intelligence may identify the existence of previously undetected child prostitution in Aboriginal communities.

Recommendation: That the WA Police Child Abuse Squad develops and implements an intelligence tool for patrol officers to enhance the identification of instances of child prostitution.

Development of improved intelligence gathering methods may assist in the identification of children at risk and predatory child sex offenders in regional communities.

Remote Community Response

The police response to child abuse in regional and remote communities is complicated in the United States and Canada by the presence of multiple law enforcement jurisdictions. In most instances, indigenous communities are policed by small, local police departments who are responsible for a single community. This local policing model means that investigative response varies in quality between communities and the gathering of quality intelligence is inhibited as reporting methodology differs across jurisdictions. As a result, the response to sexual abuse in indigenous communities is primarily reactive.

The single jurisdiction in Western Australia provides for standardised reporting methods to be utilised and enables the gathering of more accurate intelligence across communities to identify trends and patterns in offending. This intelligence enables the proactive intervention strategies to be developed and implemented and provides for the efficient deployment of resources to regional and remote locations.

In January 2009 a Community Risk Assessment tool was piloted across all indigenous communities in Western Australia by the WA Child Abuse Squad. This risk assessment sought to identify indicators of risk for child sexual abuse through the evaluation of crime, demographic and environmental factors. The Community Risk Assessment was presented for review to intelligence officers within the Federal Bureau of Investigation (FBI) and the Royal Canadian Mounted Police (RCMP). In consultation with these agencies it was identified that the development of effective risk assessment was essential for the development of targeted proactive intervention strategies.

The pilot Community Risk Assessment was developed utilising a series of variable factors and conducted using limited resources. To measure the effectiveness of the risk assessment tool further review and evaluation will be required.

Recommendation: That WA Police evaluate the Child Abuse Squad Community Risk Assessment process.

To enable the development of effective remote community responses it is important that Police are able to measure the effectiveness of service delivery through reliable performance indicators.

The development and implementation of proactive intervention models in Western Australia has identified that improved policing services in remote communities results in increased reporting of previously unreported and undetected offences.

Recommendation: That the WA Police Child Abuse Squad implements a research project to develop performance indicators to enable proactive child abuse strategies to be measured and evaluated.

Current organisation performance reporting structures within WA Police record instances of child sexual abuse in the same way that other offences against the person are recorded. As a result, an increase in detected child abuse can result in the conclusion being drawn that a community is less safe due to an increase in reported crime.

It is widely accepted that due to the complex social nature of child sexual abuse only a small percentage of offences are ever reported to or detected by Police. Consideration should therefore be given to reviewing the way in which child sexual abuse matters are recorded to ensure that increased reporting and detection of child abuse as a result of improved policing methods is recognised as a positive effect.

Recommendation: That WA Police review the organisational performance reporting methodology for child sexual abuse reports to ensure appropriate recognition is attributed to the under reporting of abuse.

Community Engagement Strategies

The challenges of providing law enforcement services in remote communities are common across jurisdictions and not unique to Western Australia. Throughout my review of law enforcement agencies in the United States and Canada I observed consistent themes in relation to policing small communities, particularly where there was no permanent police presence.

The development of consistent local contacts within remote communities can assist with the development of community relationships and can provide valuable and timely information and intelligence about incidents that occur in remote locations. Each of the jurisdictions I observed maintained an informal relationship with a number of people who resided in remote communities. These contact people are often contacted by Police to provide intelligence and information about the status of their community and other information about community members.

In consultation with the Royal Canadian Mounted Police (RCMP) National Crime Prevention Services I reviewed the RCMP Community Champion project. This project, which has been discontinued in Canada, identified appropriate local people who were suitable for development as community representatives.

The development of a Community Champion project by WA Police would provide an opportunity to formalise and consolidate the relationships that are maintained by Police Officers with remote community members. Expansion of the original RCMP concept could be considered to facilitate regular community contact, risk assessment and intelligence gathering as well as to support and develop community members for use in local mentoring and education programs.

Recommendation: That the WA Police Child Abuse Squad consider the development of a Community Champion project for implementation in regional and remote indigenous communities.

Many similarities between indigenous communities in Western Australia and those in the United States and Canada were evident during my fellowship. In particular, indigenous community structures in Canada were generally comparable to those in Western Australia.

The Royal Canadian Mounted Police (RCMP) National Child Exploitation Coordination Centre (NCECC) collates and reviews intelligence in relation to crime trends and patterns in Canada.

The development of effective intervention methods for indigenous communities is dependent on improved knowledge of the complex social dynamic that exists in these remote locations. The response to child abuse in these communities requires a holistic approach to broader social issues, including alcohol abuse and social isolation.

Despite the common issues confronting Police internationally in relation to remote community response, there is a scarcity of applicable research in relation to child abuse intervention methods. An opportunity exists to develop shared research projects between WA Police and the RCMP to identify opportunities to enhance and develop indigenous community responses. The identification of common research topics should enable both agencies to combine resources and develop a coordinated program to improve their knowledge and response to child abuse.

Recommendation: That WA Police and the Royal Canadian Mounted Police (RCMP) develop a partnership to conduct shared research for remote child abuse intervention strategies.

Summary of Recommendations

- That the WA Police Child Abuse Squad researches the potential role for *child advocates* within the existing response framework.
- That the WA Child Assessment Interview Team review the Dallas Children's Advocacy Center modularised training process for consideration of implementation in Western Australia.
- That the WA Police Major Crime Squad review the research and findings of Doctor Evan Matshes for consideration of applicability in forensic pathology procedures in Western Australia.
- That the WA Police Child Abuse Squad develops and implements an intelligence tool for patrol officers to enhance the identification of instances of child prostitution.
- That WA Police evaluate the Child Abuse Squad Community Risk Assessment process.
- That the WA Police Child Abuse Squad implements a research project to develop performance indicators to enable proactive child abuse strategies to be measured and evaluated.
- That WA Police review the organisational performance reporting methodology for child sexual abuse reports to ensure appropriate recognition is attributed to the under reporting of abuse.
- That the WA Police Child Abuse Squad consider the development of a Community Champion project for implementation in regional and remote indigenous communities.
- That WA Police and the Royal Canadian Mounted Police (RCMP) develop a partnership to conduct shared research for remote child abuse intervention strategies.