

Strike Force Kamiri: Sexual Assault Investigation in Remote Aboriginal Community – Policing Perspectives

*Stuart OWEN
Detective Sergeant – Team Leader
Child Protection Sex Crimes Squad
NSW Police Force*

Introduction

This paper will outline to the challenges faced, strategies devised and the successful outcome of a New South Wales (NSW) Police Investigation undertaken in a remote Aboriginal community.

Background

On 1 February 2005 a 47 year old male Aboriginal presented to an Aboriginal Community Health Centre in South East Queensland. He disclosed to staff that he had been responsible for the sexual abuse of a number of children within Aboriginal communities.

The male person was subsequently interviewed by Queensland Detectives and during the interview disclosed historical and current sexual assaults against 12 Aboriginal victims over a nominated period between 1985 to 2005. One of the victims resided in Queensland and the male intimated that he had recent contact with the children of a friend in Queensland but made no disclosures in relation to the children. The remaining 11 nominated victims and offences occurred in NSW.

One offence had occurred in Queensland and he was charged by Queensland Police. During the Queensland interview it was apparent that the male had further matters to discuss but these were not addressed in the interview. The male was refused bail and transported to a Queensland Correctional Centre.

Responsibility for the investigation of sexual assaults in NSW lies with the Local Area Command (LAC) in which the offences occur. Child Protection and Sex Crimes Command (CPSCS) has overall corporate responsibility for sexual assault issues in NSW. Its charter includes the following areas of responsibility (NSWP, 2006):

Sex Crimes Teams investigate sexual assault matters likely to be protracted, complex, serial and serious in nature. These include:

- Serial sexual assault allegations. ‘Serial’ for the purpose of this Charter means offences committed by a stranger towards multiple victims.
- Serious sexual assault allegations. ‘Serious’ for the purpose of this Charter means an investigation that requires a specialist response and/or involves serious injuries to the victim.

- Multiple or networked sex offenders. ‘Multiple or networked’ for the purpose of this charter means three or more offenders operating together.
- Organised child prostitution.
- Sexual servitude
- Matters involving female genital mutilation
- Proactive investigation of high risk sexual offenders.
- Historical sexual assaults that fall within this charter.

The Joint Investigation Response Teams (JIRT) investigates the sexual abuse of children as well as serious physical abuse and neglect. Serious physical abuse is defined as the serious and non-accidental injuries to the head and/or body of children and young people including;

- Intentional burns
- Non-accidental fractures, serious lacerations, internal injuries
- Symptoms consistent with ‘Shaken baby-syndrome’
- Serious bruises of varying ages of a non-accidental origin, and
- Attempted strangulation or suffocation.

JIRT’s investigate all sexual assaults of children under the age of 16. LAC police are responsible for the investigation of young people sexually assaulted between the ages of 16 and 18 years old where the offender is a stranger or acquaintance and there is no ongoing risk of harm.

Under certain criteria LAC’s may request the assistance of specialist commands such as CPSCS. NSW Police Local Area Command (LAC) Detectives and Joint Initial Response Teams (JIRT) comprising of Department of Community Services Officers (DOCS) and NSW Police initially assessed the information provided by the male. As a result of a request for assistance by the LAC on 4th February 2005 Strike Force Kamiri was established with the local LAC led by a CPSCS Sex Crimes Team to investigate the nominated NSW offences.

CPSCS investigators and an Aboriginal Community Liaison Officer (ACLO) initially travelled to Queensland where an attempt was made to re interview the offender. The request for an interview was declined by the offender and investigators were left only with scant details from the original interview conducted by Queensland Police with which to commence inquiries in North Western NSW.

Background to Community

The community where many of the offences took place and where the children who became victims resided typified many disadvantaged and isolated Aboriginal settlements.

In 1988 the Human Rights and Equal Opportunity Commission released findings which showed that standards of public health, infrastructure and facilities were poor. Specifically;

- 40 Dwellings averaging 12 people each, 1 dwelling housed 30 people.
- 83% of dwellings not connected to electricity
- 95% of houses without septic sewerage
- Water rationed twice a day for 15 minutes
- Raw sewerage covered children's playground
- Very few adults educated beyond 6th grade, Pre School operating in disused machine shed.
- Residents suffered from chest infections, chronic ear disease, skin disease, skin infections, trachoma, head lice, diabetes, alcoholism and sexually transmitted disease.

Immediate Challenges

The establishment of Strike Force Kamiri presented a number of challenges for investigating officers including the remote location, previous judicial issues, Community Health, External Agency partnerships and managing victim and community expectations.

Remote Location

Investigating officers attached to CPSCS are based at NSW Police Headquarters in Parramatta, Sydney. Although providing a state wide response to matters falling within the Commands Charter, relocating an investigation team to a remote area for a protracted period of time presented a number of challenges.

Due to limited local resources essential equipment such as computers had to be transported from Sydney. Ideally secure premises or rooms are required for the establishment of a Strike Force. On site facilities at the LAC where the Strike Force was to be based were scarce. Short term lease arrangements within the town centre were canvassed but the cost of establishing communication links was prohibitive and time frames for connection were not feasible. The Strike Force was eventually located within the LAC Police station in small but adequate working space.

Being able to operate in the field independent of Strike Force offices for protracted periods of time may appear to be feasible in this day and age but this is not the case. All information collected must be downloaded onto an investigation system, in the case of NSW Police this being E@glei. Investigators are capable of operating independently in the field for short periods of time but must eventually return to a central location for data input, storage of sensitive documents and accommodation requirements.

Lengthy periods of time were spent travelling from the Strike Force base to areas of inquiry and the subsequent return. This would impact on actual investigation time available during a working day. The allocation of dedicated vehicles to the investigation was essential for the progression of the investigation.

Investigating officers were required to spend long periods of time absent from families in Sydney working on 9 day rotational shifts with travel in excess of 9hrs from Sydney by car. Adequate and full time staffing was required to maintain continuity of the investigation and establish rapport with victims and witnesses.

Previous Judicial Issues

Investigators were initially confronted with a number of issues impacting on the victims and local Aboriginal communities. There was a reluctance of victims to come forward and report sexual assault matters through a combination of shame and reluctance to approach police stations and police. There was also a perception within the local communities that investigations undertaken by local police into Aboriginal matters were not adequate and that there was a lack of judicial action in relation to Aboriginal sexual assault matters placed before the court.

Community Health

Alcohol abuse was prevalent which impacted on some victims and needed to be managed as well as reports of unaddressed sexual abuse of young aboriginal children within remote communities in the region.

External Agency Partnerships

Within the early stages of the investigation numerous government agencies including Department of Community Services (DoCS), NSW Premiers Department, Department of Health and NSW Police (LAC/CPSCS) were all identified as possible stakeholders in the investigation to be conducted. Agency agendas and strategies were varied with not all fitting into the strategies and Terms of Reference of the police investigation to be conducted.

Investigation Strategies

A number of investigation strategies were developed after consultation with LAC police, External Agencies and ACLO's. Upon analysis of available information it was ascertained that the major agency participation would involve NSW Police and Department of Health. The main focus for NSW Police was the investigation of the allegations of sexual assault assisted by Department of Health in the welfare of the victims. Other agencies would be free to pursue their own strategies for assistance to the affected communities on wide ranging issues as long as they did not impact on the investigation being conducted. Lines of communication were to be left open with all agencies.

Developing Trust and Confidence and Managing Welfare Issues

The welfare of the victims and the establishing of trust between investigating police, victims and the broader Aboriginal community were to be the primary focus of the investigation in the initial stages. A decision was made that the Strike Force, although based in LAC offices would remain autonomous from the LAC and local police issues. Although local investigators were attached to the investigation their involvement was minimal.

Advice was sought from ACLO's within the LAC in regards to cultural issues and perception of police by local Aboriginal communities. One liaison officer was identified as being of particular importance to the investigation through his knowledge of the affected communities and the rapport that he had with them. This officer was included in the Strike Force team and became a valuable member.

A reluctance by some Aboriginal community members, especially victims of crime, to attend a police station was identified as a large impediment. A strategy was agreed upon that any potential victims would be offered the option of meeting investigators at any location and at any time which was suitable and comfortable for them. First meetings with potential victims were to be only for the purpose of introductions, explanation of the investigation and to inform of counselling services available. At each of these meetings the officer in charge of the investigation was present to explain the inquiries being undertaken and commitment of police to the victims and their needs. Due to the constant need for travel and transportation in remote locations transport options were offered to victims to assist them in removing themselves from their environs to meet with investigators

Although in many sexual assault matters victim's will often feel comfortable confiding in either a male or female investigator advice was given to the investigation by the assisting ACLO that it would be highly unlikely that a female Aboriginal victim would confide in a male investigator. A female investigator was present when any contact was made with victims and any disclosures made to investigators during the course of the investigation were made to female investigators.

In conjunction with the process of victim introductions close liaison was established with the NSW Department of Health. Protocols were agreed upon in relation to a councillor being available to meet with victims in person, if required, after initial meetings. The nominated counsellor worked from health service offices within the town in which the Strike Force was based and also frequented and was familiar with the particular remote communities in which a number of victims resided.

None of the victims were aware that they had been nominated as potential victims. To lessen intrusive and confronting approaches to victims the ACLO attached to the Strike Force was to make discrete inquiries in relation to the location of various victims, many of whom were related to the offender.

After the initial meetings victims would be given the opportunity to consider their options over a period of weeks, in conjunction with, if required, counselling. Contact details were to be provided for investigators as well as the assisting ACLO.

Managing Victim and Community Expectations

Investigators recognised that substantial social issues existed in relation to the effected Aboriginal communities in regards to ongoing alcohol abuse and allegations of violence and sexual abuse. The investigation operated under a defined Terms of Reference. At no time were promises held out in relation to any expectations of results other than as defined in the Terms of Reference. What Investigators were able to offer to identified victims and to a lesser degree the broader Aboriginal community

was a guarantee that the investigation was well resourced and would remain in the area until such time as all enquiries had been completed. This gave the investigation a great deal of credibility with victims and emphasised a genuine commitment by NSW Police and investigators attached to the Strike Force in relation to the investigation of sexual assaults in Aboriginal communities.

Sexual assault within the communities in which a number of the victims resided or had resided was an issue which was causing great distress. The Strike Force Team entered these communities at a time of great unrest. Promises of community or legal action by various agencies were seen by the communities as not being delivered. There was a ground swell of discontent which was drawing political attention.

Working through the Investigation

With initial strategies in place the investigation proceeded with contact being made with all 11 nominated victims. This contact could not have been possible without the assistance of the ACLO appointed to the Strike force. His assistance in providing an insight into the workings of the communities, family ties and groups gave the investigation some understanding of the dynamics of the communities. The locating of potential victims and initiating first contact would not have been possible without his tireless efforts and confidentiality.

Traditional “city” methods of investigation, in particular the locations of potential victims or witnesses proved futile in a remote setting. Routine checks such as Roads and Traffic records, Centre link, Electoral Rolls and the like had little relevance as many persons were not recorded on official records or if records existed were out of date or contained incorrect personal data. Many were located by a network of word of mouth and family links accessible only through the ACLO. The ACLO became a valued member of the investigation team whilst still maintaining his autonomy, independence and credibility within the Aboriginal community. After many tentative approaches a number of the victims indicated that they would be willing to meet with investigators. Initial meetings were arranged in various locations including parks, river beds, truck stops and individual’s houses.

The partnership established with the NSW Department of Health proved to be invaluable in relation to the provision of timely counselling and health services to victims. Although it must be said that the agreed protocols are not standard practice their success in relation to this investigation is beyond doubt.

During the course of the investigation a number of victims indicated to investigators, when originally approached, that they were not aware until that time that sexual assaults committed against them were in fact offences. This was usually expressed to investigators after initial contact. From what was indicated to investigators it would appear that some forms of sexual assaults committed upon children were perceived as normal behaviour by the child. This is not to suggest that this is isolated to Aboriginal communities but there appears to have been a distinct lack of personal development education within the community in years gone by. It also became evident from discussions with victims that the sexual assaults committed by the offender were not isolated incidents and that a number of victims had been the subject of numerous sexual assaults by various persons throughout their lives.

Many of the victims were related to the offender by birth or marriage. This proved to be a major impediment in relation to victims making formal complaint statements. There was a great fear of isolation by the community and family and although availing themselves of counselling most sought no further action.

A clear message was conveyed by all victims that they did not want other members of their communities involved in any of the investigation or counselling process. Strict confidentiality was maintained in relation to the identity of all victims.

During the period of initial contact with victims a number of enquiries were relayed to investigators via the ACLO from Elders within the affected communities wanting input into the police investigation. A meeting was arranged at a remote community which was the focus of a majority of the offences. Elder members of the community were given the opportunity to voice their concerns also indicating their desire to be informed of the identity of the victims. A number of these persons were related to the offender. In line with the wishes of the victims no information was provided to the community although lines of communication were left open. This caused some annoyance and frustration within sections of the community. Although not questioning the respect that is held for Elders in most Aboriginal communities all victims clearly indicated that they wished their matters to be dealt with in strict confidence.

Upon initial contact with victims it became evident that many had little or no understanding of the legal system. A great deal of time was spent explaining the processes involved and the requirement of victims to provide statements of complaint before legal proceeding could be commenced. There was great anguish at the prospect of being required to give evidence, even though current protocols in NSW allow for the giving of evidence removed from the court setting and with a support person. The prospect of entering the legal system proved too great for many of the victims and was a major impediment in the provision of statements of disclosure and further action being taken.

During the course of the inquiry investigators experienced time management difficulties in relation to the attendance of victims at pre arranged meetings. Often a meeting would be organised involving investigators travelling to remote locations only for the victim to not arrive or to arrive a considerable time after the nominated meeting time. This would often result in investigators losing the better part of a day in investigation time from a victim not attending an organised meeting. Many of the victims had a loose concept of time and the making of a somewhat formal arrangement to be at a certain place at a certain time. Investigators were inexperienced with these issues and recognised the need to be more flexible and move away from the “city” way of thinking and operating and adapt to the surroundings.

The level of literacy amongst many of the victims was low. This was experienced when literature was provided or a statement taken which further compounded the anguish and embarrassment experienced by the victims. Traditional languages still existed within the communities but this was not an impediment to the investigation.

Outcome

Strike Force Kamiri was conducted over a period of approximately three months. All Eleven nominated victims of offences committed in NSW were located and met with investigators on a number of occasions. A majority of the victims availed themselves of counselling services in some form. Three of the victims provided statements of complaint to police with the offender successfully prosecuted on matters involving two of the victims.

Results for the investigation are not only measured by the successful prosecution of the offender but also in the fact that investigators were able to gain the trust of all victims and provide some closure either through the legal process or counselling services. The door has been left open for all victims to re contact investigators in the future if their personal circumstances change and they wish to pursue matters against the offender.

Conclusion

The investigation of sexual assault offences in remote Aboriginal communities provides many challenges requiring an understanding of both cultural issues and logistical requirements. It is an environment in which the majority of investigators have little experience, knowledge or understanding of the challenges to be faced. Strike Force Kamiri was a valuable lesson to NSW Police, in particular the CPSCS in the formulating of strategies to successfully investigate and provide consultative advice to police in regards to sexual assaults within remote Aboriginal communities.

Unless adequately resourced investigations in remote locations stand little chance of success, regardless of the enthusiasm and commitment of investigators involved. Financial commitment must be in line with defined Terms of Reference and goals for the investigation. Strike Force Kamiri was able to meet the expectations of all parties by an undertaking by the CPSCS to adequately resource the investigation. S/F Kamiri was not an extension of the general policing role undertaken in remote communities. Specialist investigators are a scarce resource and should be effectively utilised. Investigations undertaken in remote communities require effective planning to ensure long term results.

An investigation will not achieve its full potential and will leave a perception in the community that there is no commitment to the issues that exist in remote communities if it is commenced without investigation strategies and internal/external partnerships.

Where to from here

In 2003 the Aboriginal Child Sexual Assault Taskforce was established by the NSW Attorney Generals Department to consult with Aboriginal communities throughout NSW in regards to child sexual assaults within their communities. The report by the Taskforce, published in July 2006 titled "Breaking the Silence – Creating the future" has been completed and is currently before the NSW Parliament. The report concludes that many child victims see sexual assault as a normal way of life. Sexual assaults are likely to be committed by male family members such as grandfathers, fathers, stepfathers, uncles, cousins or brothers of victims. The report also notes that

victims rarely come forward due to complex extended family and community networks, isolation, fear of retribution, mistrust of the service system and poor response from service providers.

The report provides 119 recommendations for consideration by NSW Government to improve the capacity of services and Aboriginal Communities to respond to the incidents and impact of child sexual assault.

All these issues raised by the task force were experienced to some degree by victims involved with Strike Force Kamiri. Considering that many of the offences were of a historical nature and that victims are well into adulthood it is clear that these identified issues have been prevalent in Aboriginal communities for many decades.

Successful police investigations and policing strategies involving remote aboriginal communities is a tangible means of regaining the trust of the communities and in turn creating an environment which is conducive for reporting crime.

Bibliography

Aboriginal Child Sexual Assault Taskforce (2006) *Breaking the Silence: Creating the Future – Addressing Child Sexual Assault in Aboriginal Communities in NSW*, NSW Attorney Generals, Sydney.
<http://www.austlii.edu.au/au/journals/AboriginalLB/1988/40.html> viewed 24 July 2006

Aboriginal Law Bulletin *Toomelah: Human Rights and Equal Opportunity Commission Inquiry Finding 1987-88*.
<http://www.austlii.edu.au/au/au/journals/AboriginalLB/1988/40.html> viewed 6 July 2006.

NSW Police (2006) *Child Protection and Sex Crimes Squad* intranet page
http://intranettst.police.nsw.gov.au/organisational_units/operations_command/state_crime_command/squads/child_protection_and_sex_crimes viewed 25 July 2006.