

# Information Booklet

for people who have experienced  
**Sexual Assault or Sexual Abuse**



waratah

[www.waratah.asn.au](http://www.waratah.asn.au)

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“Courage is like  
a muscle.  
We strengthen it  
by use.”

— **RUTH GORDO**

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## Introduction

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This Booklet is designed to provide information to people who have experienced either a recent Sexual Assault or Sexual Assault/Abuse in the past. It is to give you an understanding about what might be going on for you right now. It provides a basic explanation about reporting the incident to Police and the Court Process. More indepth information can be accessed from other support agencies. Please refer top Helpful Resources (at the back of this Booklet) for agencies to contact for this information.

**The most important thing to remember is that you are not to blame for what has happened to you and that there are people who can help.**

## Waratah Support Centre

**Recent Sexual Assault – Crisis Medical, Forensic and Counseling service.**

Waratah Support Centre provides a free 24 hour rape crisis service for females and males - 13 years and over who have been sexually assaulted within the past 72 hours.

The Service enables a person:

- Access to crisis counseling support
- Access to a medical forensic evidence collection service, which is performed by a Doctor at the hospital
- Information on appropriate referral services
- Advocacy and support when accessing services
- Information to enable them to make informed choices
- Follow up counseling and support

**Past Sexual Assault/Abuse – Counseling Service**

Waratah Support Centre provides counseling support for people who have been Sexually Assaulted/Abused in the past. This service can be assessed by contacting the office on 08 9791 2884 Monday to Friday 9am – 5pm.

**The service provides:**

- Free, confidential, individual counseling in a safe place
- Access to educational and therapeutic groups
- Assistance with preparation & support for court trials
- Police liaison, advocacy and other agency referrals

- Assistance to apply for Criminal Injuries Compensation
- Counseling support for friends and family of people who have been sexually assaulted/abused

## What is Sexual Assault and Sexual Abuse?

### Sexual Assault

Sexual Assault is a crime of violence, where a person used their power and control to dominate another.

Sexual Assault can be any sexual behaviour or act which is threatening, violent, forced, coercive or exploitative and to which a person has not given consent or was not able to give consent (intoxicated).

#### **It can take many forms:**

- Sexual harassment – sexual comments, dirty jokes, leering, wolf whistling etc.
- Sexual texts or messages
- Any unwanted sexual touching
- Being forced to masturbate or watch another masturbate
- Being forced, coerced or bribed to view pornographic images
- Being forced to give or receive oral sex
- Being forced to perform sexual acts on themselves or others
- Sexual penetration of a person by penis, finger, object or other parts of the body – into the vagina, anus or mouth
- Exhibitionism
- Voyeurism

### Sexual Abuse

Sexual Abuse occurs when someone in a position of power and authority over another (adult or child) has taken advantage of that person's trust and respect to involve them in sexual activity. Any of the above acts can be involved.

#### **Sexual Abuse can occur between:**

- A child and an older child or adult
- A disabled person and a carer
- A patient and a medical practitioner

## The Impact of Sexual Assault/Abuse

There's a range of responses you may have to a Sexual Assault/Abuse. Some reactions can last a few days to a few weeks, but can last longer.

### These can include:

- Numbness and disbelief. While some people can appear rational and calm, others may appear anxious, fearful and disorientated.
- Emotional reactions such as fear, guilt, shame, rage, embarrassment and anger
- Feeling in some way responsible for the assault
- Sense of a loss of control
- Fear of disclosure to family and friends
- Physical symptoms such as headaches, stomach ache, loss of appetite, sleeplessness
- Exhausted, lethargic and unable to cope with everyday activities
- Feelings of isolation
- Flashbacks during the night or day, recurrent nightmares
- Loss of sense of trust, sense of powerlessness
- Low self-esteem
- Suicidal thoughts
- Substance abuse – drug, alcohol, tranquillizers

You need to give yourself time to recover and accept that your feelings and emotions are likely to change from day to day. Each person responds to and comes to terms with the experience at a different rate and in different ways, depending on age, circumstances of the assault, their coping strategies and the response of those from whom they seek support.

Talking to someone about the incident may help you to deal with its likely emotional impact. Counselors at Waratah can assist you in deal with the emotional impact of Sexual Assault/Abuse.

## Myths About Sexual Assault

There is a wide range of commonly held beliefs in the about sexual assault and abuse. These myths add to the trauma and distress experienced by those who have been sexually assaulted and have the effect of:

- Blaming the victim for what has happened to them
- Excusing the actions of the perpetrator
- Hiding the reality that it is more common to be assaulted by someone you know than by a stranger

## Myth

## Fact

Women enjoy being sexually assaulted	Any sexual violence is a frightening and humiliating experience during which the person has no control over what happens
Men who are assaulted will become or are homosexual	Both homosexual and heterosexual men can be assaulted
It is not possible for a man to sexually assault a woman	When someone is in fear they will submit to what is being forced upon them
If the person did not scream or fight, it could not have been a sexual assault	Not screaming or shouting is a common response – people become paralyzed with fear due to a physiological response
All sexual assaults occur at night in isolated places	Assaults can occur any time and most occur at home
Men who assault men are homosexual	Men who assault are often heterosexual and in a relationship with a woman at the time
It is a man's right to have sex with his partner/wife anytime	Forcing a partner/wife to have sex is assault under the law
Sexual assault or abuse by strangers is common	The majority of people assaulted know their assailant
Men sexually assault when frustrated or so excited they cannot control themselves	Most assaults are premeditated and do not involve a loss of control by the assailant
People effected by alcohol or drugs are asking to be sexually assaulted	People under the influence of drugs or alcohol cannot legally give consent to sex
Sexual abuse of a child or young person occurs within a loving relationship	Sexual abuse of a child or young person IS NOT a 'loving relationship' as abuse can have long-standing and harmful physical and emotional effects
Men cannot be sexually assaulted as they can defend themselves	Sexual violence is about power and control, both men and women are vulnerable
Women provoke sexual assault by the way they dress or act	No woman asks or deserves to be sexually assaulted – assailants are fully responsible for their actions

**All of these myths excuse the behaviour and imply that the assailant is not responsible for his/her actions.**

**In the case of a child, whatever the child's actions, the adult is always responsible.**

## Coping after Sexual Assault/Abuse

8 Because of the trauma associated with Sexual Assault/Abuse, it is important for your recovery that you take care of your physical and emotional needs.

### **Strategies which can assist include:**

- Seeking support from others – counselors, friends and family
- Keeping in touch with people and not isolating yourself
- Taking time out from usual activities, although maintaining a routine is important
- Writing down feelings, it may help you understand your emotions
- Getting plenty of rest, even if this is difficult
- Eating well balanced meals and eating regularly
- Make time for relaxation
- Getting regular exercise such as walking, cycling, swimming etc.
- Talking the Sexual Assault/Abuse through with someone you trust

Excessive intake of alcohol, drugs or other stimulants such as coffee or cigarettes is not likely to assist your recovery.

## Counselling after Sexual Assault/Abuse

Sexual Assault and Sexual Abuse are traumatic experiences and it is often useful for you to be able to talk to someone outside of your family or social network about your feelings, fears and concerns.

Waratah offers a counselor to talk to for support or to seek information from in a safe and confidential environment. Counseling focuses on the feelings and reactions that have arisen as a result of the Sexual Assault/Abuse and how you can cope with these feelings and reactions.



### **When you seek counseling you have a right to:**

- Be believed
- Have an opportunity to express feelings and thoughts without being judged
- Be treated with dignity, respect and understanding
- Be given up-to-date and correct information
- Be given the power to make decisions in your own time
- To communicate in your own language, an interpreter can be provided if necessary

Waratah counselors aim to assist people to regain control over their life and reclaim the confidence and abilities that may have been affected by the Sexual Assault/Abuse.

## **The impact of Sexual Assault/Abuse on Family and Friends**

Sexual Assault/Abuse has consequences not only for you, but also for partners, family and friends. They may experience grief, frustration and confusion or feel guilty for not having prevented the abuse. Some want revenge or want to take charge of the situation in an effort to make things better. Some feel angry with the person for being assaulted. The person who has been Sexually Assaulted/ Abused can often feel responsible for the reactions and feelings of the people close to them, it is important for family and friends to be aware of this, and how they react regarding the Sexual Assault/Abuse.

It can be important for family and friends to find support. They might want to talk about their feelings with people in their own support network or with a counselor. But it is important to respect the wishes of your friends or family members as to who they want to know about the abuse. A Waratah, counseling support is available for family and friends of people who have been Sexually Assaulted/Abused. Waratah does NOT see perpetrators of Sexual Assault/Abuse.

## How to help a person who has experienced Sexual Assault/Abuse

Support from family and friends is important, regardless of whether the person was Sexually Assaulted/Abused recently or years ago.

### **Family and friends can help by:**

- Acknowledging the person's experience and reactions
- Allowing them to be in control of what is happening
- Believing what has happened
- Encouraging them to talk about their feelings and listening to what they say
- Allowing them to talk about the Sexual Assault/Abuse at their own pace
- Assuring them it was not their fault
- Ensuring that the person feels safe and they are not in further danger
- Allowing privacy, choice and confidentiality (not telling unless they are a danger to themselves or others or unless they want you to)
- Being non-judgmental

## Making a decision to report to Police

People who have been Sexually Assaulted/Abused often have strong reasons for choosing whether or not to report to Police.

### **Some of the reasons people give for not reporting are because of:**

- Fear of not being believed
- Feeling humiliated, confused and guilty
- Their relationship with the assailant
- Feeling responsible for the Sexual Assault/Abuse occurring
- Threats of reprisal from the assailant
- Uncertainty about the legal process and fear of having to appear in court

If uncertain about reporting, you can talk to Police informally and/or anonymously, either by telephone or in person, to seek more information before making a decision to report. There is no statutory limitation on the time span you have to make a report. If the Sexual Assault/Abuse occurred a number of years ago the incident can still be reported to the Police.

You can choose to make an **Informal Statement**. This means the Police will write down information provided to them. You then sign a statement saying you do not want the matter investigated.

Alternatively you can make a **Formal Statement**. You have a right to request a female Police Officer to take the statement, but this may not always be possible in some regional areas.

The statement is a typed and signed record of details and events leading up to the Sexual Assault/Abuse and during and after the incident. Giving a statement can take a number of hours. The police officer will ask for a detailed description of what has happened and will also ask questions so no details are left out. It is very important that the statement is accurate because it will later be released to the defense lawyer if the matter goes to Court. If the information is not correct you can be charged with False Reporting.

Only sign the statement once you are satisfied with the contents. You can choose not to sign it immediately if you need time to reconsider the details. Investigation can not begin until the statement is signed by you. You also have the right to add to a statement if more details are remembered at a later time. You can request a copy of your statement. On the basis of the signed statement the Police will investigate and where possible apprehend and charge the assailant.

If after your statement is signed you decide to you do want to proceed, the Police should be informed as soon as possible. A form has to be completed which states that you do not want the Police to proceed with the investigation. If charges have already been laid, it is not possible to withdraw a statement. It is important to note that if a statement is withdrawn this may affect later claims for Criminal Injuries Compensation.

### The Police investigation

During the Police investigation an assailant is referred to as 'the person of interest'. You as the person who has made the statement is referred to as 'the complainant'. The Police investigate by gathering evidence which supports the statement. This evidence is later used to prove to the Court a crime has been committed.

Police may ask you to accompany them to the place where the Sexual Assault/Abuse occurred. This enables police to be sure of the circumstances and also to gather any evidence that may be present. Police will also interview witnesses to the Assault/Abuse or anyone with whom a complainant had contact prior to and soon after an assault. They will also interview the first person to whom you disclosed the Sexual Assault/Abuse to.

**If Police do not continue with an investigation due to a lack of evidence, you might feel disbelieved, disillusioned and feel that you have been denied justice. It can be helpful to discuss these feelings with a counselor or support friend. Waratah can prepare and support you through this process.**

If Police believe they have sufficient evidence to support the statement and have identified and found the assailant, the person will be arrested and charged. You may be asked to identify the assailant at the Police Station. In some cases, police do not lay charges. This is not because they do not believe you but sometimes there is insufficient evidence to enable the charges to be proven in Court.

After an assailant has been arrested and charged bail is considered depending on the circumstances. Bail is usually given under conditions, such as an assailant agreeing to have no contact with you. If bail conditions are broken Police need to be notified immediately. If you fear for your safety or that of others close to you, you should tell Police. Police will take this information into consideration when seeking bail conditions.

## The Court Proceedings

The Court proceedings and legal language can be confusing and many people feel as if they are on trial. To testify therefore takes courage and strength.

Talking with an officer from Victim Support Service or Child Witness Service can make the court proceedings less frightening and intimidating as these services are able to provide information about the proceedings as well as provide support. Waratah can also provide this type of support and information. A support worker can, if requested, accompany you to court.

Some people who have experienced sexual assault/abuse consider that instigating court proceedings is a way of regaining control over the situation and over their own life. They can achieve a sense of justice and have a chance to speak out against the sexual violence. Some people believe speaking out may stop the assailant from repeating offences against others.

### The Trial

At a Trial, an assailant is referred to as 'the accused'. You are referred to as 'the witness'. The process can take approximately 1 to 2 years after charges have been laid and the assailant arrested for it is to get to Trial. This will depend on demands for Court time. There will be numerous Preliminary Hearings before it goes to Trial. The Preliminary Hearings

are to decide if there is enough evidence to go before a Judge and Jury for Trial. The charges may be dropped during this time, this is because of insufficient evidence not because they do not believe you.

A Trial takes place in the District Court, evidence from both sides is put before a Judge and Jury. The Jury decides at the end of the Trial if the accused is guilty or not guilty. During the Trial you are required to go over the details and events of the assault/ abuse. You are not expected to repeat your statement word for word in Court, but you are expected to give a similar account of details and the order of events.

You can refresh your memory on what occurred by reading your statement prior to going to Court to give evidence. As a general rule you cannot refer to your statement whilst giving evidence. The accused is not obliged to give evidence (testify) at all.

If the verdict is 'guilty' the accused will be sentenced by the Judge. The Judge may ask at this time for a Victim Impact Statement to assist him to make the sentencing decision. If the verdict is 'not guilty' the case is dismissed and the accused is allowed to go.

**Whatever the outcome of the court proceedings, there is no right or wrong way to feel. If a 'not guilty' verdict is given or the accused is convicted but given a light sentence, this is not a reflection on you. Many witnesses instead acknowledge that going to court is a victory in itself as they have had the opportunity to speak out about what had happened to them.**

## What is a Victim Impact Statement

A Victim Impact Statement gives you the opportunity to tell the Court about the impact the Sexual Assault/Abuse has had upon your life. A Victim Impact Statement is provided to a sentencing Judge after a guilty verdict is given by a Jury and before sentence is passed on the accused.

### **A Victim Impact Statement can cover:**

- The emotional impact experienced as a result of the sexual assault/abuse
- Psychological trauma or stress caused by the sexual assault/abuse
- The Physiological (health) impact
- The impact on a partner, family or friends
- Financial loss or suffering
- Changes to housing, accommodation or employment as a result of the Sexual Assault/Abuse

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- Any other comments which it is believed the Court should be aware of in relation to the impact of the crime on your life

You may wish to give a verbal statement in Court, have a Court nominated person read the statement on your behalf, or give the written statement to the Judge.

**There are a number of options available when preparing a Victim Impact Statement. These options can be discussed with:**

- The Investigating Police Officer
- A Victim Support Service worker
- A Child Witness Service worker
- A Waratah counselor
- A Solicitor or Prosecutor from the Department of Public Prosecutions

## Criminal Injuries Compensation

Criminal Injuring Compensation is Government compensation made available to people who have been injured physically or emotionally as a result of a criminal offence.

Fund monies are collected through the Criminal Injuries Compensation Office. The compensation payments will vary from person to person. There is a number of criteria that must be met to apply for compensation and it is a good idea to talk to someone about these.

**These criteria and the process can be discussed with:**

- A Victim Support Worker
- A Waratah Counselor
- A Lawyer
- Information is also available on the Department of Justice Website: [www.justice.wa.gov.au](http://www.justice.wa.gov.au)



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