Attrition of sexual offence incidents across the Victorian criminal justice system

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# 1. Introduction

Attrition of sexual offence cases as they move through the justice system is a well-established and well-documented issue both in Australia and internationally. Sexual offences have higher levels of attrition relative to all other offence types (Roberts, 1996). Concern about elevated levels of attrition for sexual offence cases stems from perceptions that attrition contributes to diminished access to justice for victims and a decreased likelihood that perpetrators are held to account for their offending. Understanding the rate of attrition and reasons for cases not proceeding at each stage of the criminal justice process is a critical first step towards improving policy and practice aimed at increasing progression of cases to adjudication (Triggs, Jordan & Kingi 2009). As a result, an abundance of research has been conducted in an attempt to understand and reduce sexual offence attrition rates at various stages of the justice system since at least the mid-1980s (Attorney General’s Department of NSW, 2005). The research that has been conducted to date, however, has produced somewhat inconsistent findings.

## 1.1 What do we know about attrition?

### Points through the justice system where attrition occurs

The key stages at which case attrition can occur include: the police investigation stage, where police gather evidence, identify a suspect and subsequently make a decision about whether to lay charges against that suspect; the prosecution stage, where prosecutors collate evidence, build a case, and determine whether to proceed to trial; and, the trial stage, where the case is heard in court and the perpetrator is ultimately proven guilty or acquitted (Lees & Gregory, 1996). Taken together across all stages of the criminal justice system, studies have found that between approximately 10% and 20% of incidents reported to police result in a conviction in court (see for example Daly and Bouhours, 2010; Fitzgerald, 2006). However, different rates of attrition occur at different points across the criminal justice system. Studies have focused, in particular, on the rate at which cases progress from police to prosecution, and on the rate at which cases progress from prosecution to a court hearing or trial.

Though various studies have found diverse rates of case progression from the police stage to prosecution stage, a consistent finding is that less than half of all cases that are reported to police progress further than the police investigation stage. For example:

* In the UK, Kelly et al., (2005) found that between half and three-quarters of reported sexual assault incidents do not proceed beyond the police investigation stage.
* In New Zealand, Triggs, Mossman, Jordan and Kingi (2009) identified that police laid charges in 31% of cases.
* The Bureau of Crime Statistics and Research (BOCSAR) in New South Wales found that of all sexual offences reported to police, criminal proceedings are initiated in only 15% of incidents involving child victims and 19% of incidents involving adult victims (Fitzgerald, 2006).
* Daly and Bouhours (2010) combined the results of 75 studies across five countries and identified that the rate of attrition (once a case enters the criminal justice system) is highest at the police investigation stage, with around 65% of cases dropping off during the police investigation.

Rates of attrition at the prosecution stage appear to be somewhat lower than at the police stage. Daly and Bouhours’ cross-national comparative analysis found that of all cases that reach prosecutors, 66% proceed to court. In their study of a substantial number of cases in the UK, Kelly et al., (2005) identified that of those cases referred by police for prosecution, just under two thirds (61%) proceeded to the trial stage. Similarly in a study of five Australian jurisdictions excluding Victoria, Lievore (2004) found that 62% of cases proceed from the prosecution stage to the court stage.

### Factors related to attrition of sexual offence cases

Research has also been conducted in an attempt to understand the characteristics of sexual offence cases that are most likely to progress or be discontinued at various points throughout the criminal justice process. Studies have been conducted on the impact of a variety of characteristics on progression, including victim demographics, the relationships between victims and offenders, the location where the offence took place, and the time between occurrence and reporting of the offence to police. Very limited research was found on the relationship between perpetrator characteristics and progression of cases. Further, the findings of the various studies that have been conducted are somewhat conflicting.

For example, findings related to the impact of the relationship between offender and victim have been inconsistent. Some studies have found that closer relationships between offenders and victims are associated with increased rates of attrition. In particular, where the offender is the victim’s current or former partner, attrition is more likely (e.g., Lievore, 2005) and where the offender is a stranger to the victim, cases are more likely to progress (e.g., Tasca et al., 2012, Triggs et al., 2009). On the other hand, Fitzgerald (2006), found that progression is more likely for cases where the perpetrator is known to the victim, and Spears and Spohn (1996) found that whether the offender was a stranger was not a key consideration for progression at the prosecution stage. Similarly, while some research has found that progression of cases is less likely where the offence took place in a private location, such as the victim’s or offender’s residence (Lea et al., 2003; Spohn et al., 2002), other studies have found that location of offence is not statistically related to progression (e.g., Lievore, 2005).

In relation to victim demographics, progression through the police investigation stage has been found to be higher for female victims and where the victim was aged older than five (Fitzgerald, 2006), though other research found that charges were more likely to be laid by police where the victim was male (Heenan and Murray, 2006). Spohn et al. (2002), identified that victims aged thirteen to sixteen are more likely to have their cases progressed through the prosecution stage. Other studies have suggested that young adult victims are less likely than other victims to have their cases progressed by police (Kelly and Campbell, 2013; Spears and Spohn, 1997; Spohn and Spears, 1996).

Somewhat more consistent findings are that progression is positively associated with: more serious or severe offences such as where the offence was aggravated, involved the use of a weapon or where the victim sustained injuries (Bouffard, 2000; Kelly et al., 2005; Kelley & Campbell, 2013; Slaughter et al., 1997) and with shorter periods of time between occurrence of the offence and the victim reporting the offence to police (Fitzgerald, 2006; Muldoon et al., 2013). On the other hand, progression is negatively related to victim drug and/or alcohol use at the time of the offence (Crocker, 2005; Holleran, Beichner and Spohn, 2008; Konradi, 2007; Schuller and Stewart, 2000).

There is obvious disparity in research results of studies that examine factors related to the likelihood of attrition/progression of sexual offences through the criminal justice system. However, this is not particularly surprising given that these studies have been conducted in different social and legal contexts, and at different points in time. Muldoon, Taylor and Norma (2013) note that in this area “comparative research is not readily compatible with changes to legislation over time and jurisdictions…and criminal justice agency practices” (p.400). This highlights the importance of conducting context-specific research, and of re-visiting the issue of sexual offence attrition regularly. It may not be appropriate or even possible to attempt to generalise the results of studies conducted elsewhere to the Victorian context.

## 1.2 What do we know about attrition in Victoria?

In Victoria, limited research has been conducted on rates of attrition in the context of sexual assault. The Victorian Law Reform Commission (VLRC) found that, based on cases reported between 1997-99, fewer than one in six reports to police of rape, and fewer than one in seven reports of incest or sexual penetration of a child proceeded to prosecution (VLRC, 2004). No Victorian studies were located that examined the impact of case characteristics on the progression of cases through the prosecution stage to appearance in court.

One of the few quantitative Victorian studies carried out on factors related to attrition in Victoria was conducted by Heenan and Murray (2006). This was the first comprehensive Victorian study of attrition at the police stage undertaken since 1991. The study examined a random sample of 850 records of police recorded rape offences over a three-year period from 2000 to 2003, and identified that police did not proceed with their investigations in more than 60% of cases.

Heenan and Murray (2006) found that charges were more likely to be laid by police if: the victim was physically injured; the victim was not influenced by alcohol at the time of the offence; other non-sexual offences were also committed by the perpetrator; and/or the perpetrator had a history of alleged or proven sexual offending. Charges were also more likely to be laid where the victim was male, despite the fact that the overwhelming majority of victims are female. Conversely, charges were less likely to be laid where the offender was the victim’s current or former partner. Interestingly, Heenan and Murray also found that victims often withdrew from the process due to time delays and lack of certainty about whether their case would proceed or not.

## 1.3 The current study

Through consultation to inform its Research Agenda 2015-2017, the Crime Statistics Agency (CSA, 2015a), identified that updated analyses of police recorded sexual offences in Victoria and their attrition through the criminal justice system are required and overdue. In addition, no Victorian research has tracked the progress of sexual assault cases to and through the court stage of the criminal justice system, or compared the characteristics of those sexual offences that do progress to court with those that do not. Given the discrepancies in the results of studies conducted elsewhere and the importance of conducting context-specific research on progression of sexual offence cases, Victorian-specific research holds value in building the evidence-base for policy-makers and practitioners seeking to improve progression rates.

As a result, this research will aim to track a sample of sexual offences from the point at which they are recorded by Victoria Police, through to their finalisation in Victorian criminal courts in order to determine what proportion of cases progress from being recorded by police, to being finalised in court. Specifically, it will aim to answer the following research questions:

1. What is the rate of attrition of sexual offence cases at key points across the criminal justice system in Victoria?
2. Are cases where an offender is accused of a particular type of sexual offence more likely to proceed through the system?
3. Do case characteristics, such as victim and offender demographics, the relationship between the victim and the offender, location of the offence, the offender’s criminal history, time between offence and reporting, or length of police investigation impact on attrition?
4. What police and court outcomes are recorded for sexual offence cases?

# 2. Methodology

Police record incidents of offending, which can be defined as a single event or occurrence in which one or more crimes are reported to and/or detected by police. Though incidents can involve more than one unique alleged offender, this study uses ‘offender incidents’ as the primary counting unit, where one offender incident is counted for each alleged offender involved in each incident. The sample for this study included offender incidents recorded by Victoria Police in their Law Enforcement Assistance Program (LEAP) database between 1 January 2009 and 31 December 2010 that involved at least one rape, indecent assault or incest offence (as defined by the Crime Statistics Agency’s Offence Classification, 2015b).

In order to follow these incidents as they progressed through the justice system, it was necessary to link data from Victoria Police data and the criminal courts data. The researchers sought data on cases appearing in the Magistrates’, Children’s and County Courts. Data from the Magistrates’ and Children’s Courts on cases heard between 1 January 2009 and 31 December 2015 was provided on request to enable offender incidents sufficient time (at least five years) to progress to finalisation in court.

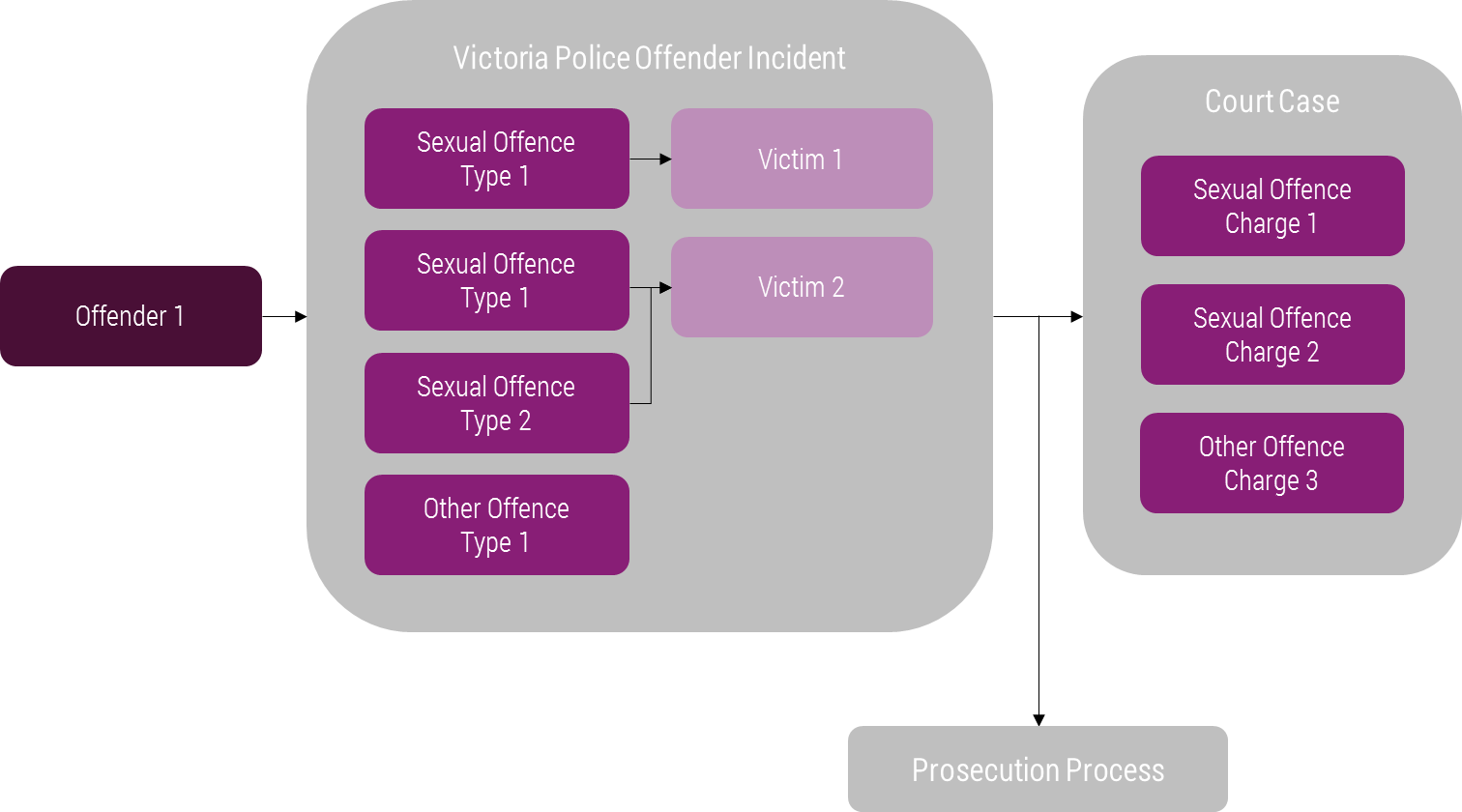
Unfortunately, the County Court did not provide data to the CSA for this project. As a result, the research was able to follow incidents recorded by police through to the Magistrates’ and Children’s Courts, but where a case was transferred from these courts to a higher court, case progression past the point of transfer to a higher court could not be examined.

It should be noted that for the purpose of this paper, references to offenders, incidents and offences refer to alleged rather than proven offenders, incidents and offences. Exceptions to this are where data is provided on court outcomes for incidents.

## 2.1 Data matching

It is not possible to link individual sexual offences initially recorded by police to individual charges eventually heard in court, because no unique police/court identifiers for individual offences/charges are consistently recorded in both the police and court databases. In addition, the specific offences recorded by police may change over time so that they reflect different or even additional charges when eventually heard in court. Figure 1 provides an example of how offender incidents were linked to court cases for the purpose of this research. It represents an offender who is recorded by police as committing one sexual offence against Victim 1, two sexual offences against Victim 2, and one other type of offence within the same incident. However, when this incident reaches court, it involves charges for two sexual offences and one other offence. It is not possible to determine, using the available data, which sexual offences progressed from police to court and which did not, particularly as the type of offences recorded and the type of offences charged may not match precisely (even though they might be broadly categorised as sexual offences). Though the prosecution stage is a further process between police and courts, as depicted in Figure 1, it should be noted that prosecution data was not provided or analysed for this project.

Figure 1: Counting units used to match data between police and court databases (example)



When a case appears in court, it is assigned a Court Case ID, which is ideally provided to police and recorded against the offending incident to which it relates within the LEAP database. However, given this variable is not consistently recorded within the LEAP database, it was necessary to identify a series of secondary matching criteria for this research. As a result, various combinations of the following variables were used to identify as many offending incidents involving sexual offences as possible that progressed to court cases:

* Offender Statistical Linkage Key (SLK) – a unique identifier generated using offender name and date of birth, applied to disparate datasets and then used to anonymously and confidentially match individuals across datasets.
* Dates sexual offences committed in both LEAP and courts data.

## 2.2 Final dataset

This study examined the relationships between a number of independent variables and two key dependent variables. The dependent variables were used to represent the progression of incidents through the justice system. The first of these, ‘police progression outcome’ was a binary variable, where police investigation outcomes of ‘arrest’ or ‘summons’ were classified as having a progression outcome recorded, and all other outcomes were categorised as not having a progression outcome recorded. This is because arrest and summons police outcome indicate that the incident will progress to the prosecution stage, and subsequently will potentially progress to the court stage. Twenty-five incidents that did not have an arrest or summons outcomes recorded by police were found to appear in the court data, and so were also classified as having a police progression outcome. It was assumed that, for these incidents, police did not update the final recorded outcome for these incidents from ‘intent to summons’ to ‘summons’ in LEAP. The second dependent variable was whether the incident could be matched to a court case record in the Magistrates’ or Children’s Court data, and was therefore considered to have progressed through the prosecution stage.

Table 1 outlines all of the independent variables that were included in the final dataset. Alleged offender characteristics and characteristics of the offender incident were sourced from the police data, and characteristics of the court case were sourced from the court data.

Table 1: Independent variables included in final dataset

| Category | Data items |
| --- | --- |
| Alleged offender characteristics | * Sex. * Age at time first offence recorded in incident. * Number of prior sexual offences recorded against offender. |
| Characteristics of offender incident | * The most serious sexual offence recorded within the incident\*. * Whether the incident related to a family violence incident report. * Whether the incident involved multiple victims. * Whether the incident involved multiple offenders. * Whether the incident involved multiple offences. * The sex of all victims involved in the incident. * The relationship between the offender and all victims involved in the incident (current partner, former partner, family member, acquaintance, stranger). * The age of all victims involved in the incident. * The location type where all of the offences within the incident were recorded to have occurred (residential location, community location, other location type). * Other offence types (besides sexual offences) recorded within the incident. * The time between the first recorded offence date and last recorded offence date within the incident (to indicate the period of time over which the offending took place). * The time between the first recorded offence date and the first date an offence within the incident was recorded on the LEAP system (to indicate the time between offence occurrence and reporting of offence to police). * The time between the first date the offence was recorded on the LEAP system and the last date police recorded an outcome for an offence within the incident (to indicate the length of the police investigation). |
| Characteristics of court case | * The charges within the court case. * The most serious outcome for a sexual offence charge within the court case. * The time between the first and last court hearing dates (to indicate the length of the court case). |

\* Derived from the National Offence Index (Australian Bureau of Statistics, 2009).

## 2.3 Statistical analyses

Statistical analyses were conducted to examine the relationships between the independent and dependent variables (whether a police progression outcome was recorded and whether the incident was heard in court). Two sets of chi-square analyses were used to examine whether there were bivariate relationships between the independent variables and each of the dependent variables. Only incidents that had a police progression outcome were included in the second set of chi-square analyses, where the dependent variable was appearance in court, as it is not possible for incidents that did not have a police progression outcome recorded to proceed to the court stage. Where the significance level associated with each chi-square test (indicated by the symbol *p*) is less than .05, this indicates that there was a statistically significant relationship between an independent and the dependent variable. The closer the significance level is to zero, the less likely it is that the results of the statistical test presented could have occurred by chance, or conversely, the more likely it is that the results represent true relationships between factors tested and progression in the population, as opposed to random variation in the data.

Following these initial chi-square analyses, independent variables that had statistically significant bivariate relationships with progression (at the *p*<.05 level) were included in two logistic regression models. The first model was used to determine which combination of explanatory factors is most useful in determining whether or not an incident will have a police progression outcome recorded. The second model was used to determine which combination is most useful in determining whether an incident will progress to court.

# 3. Results

Between 1 January 2009 and 31 December 2010, 7,066 offender incidents that involved one or more alleged rape, indecent assault and/or incest offences were recorded by Victoria Police. Rape was the most serious sexual offence for 49.7% (n=3,513) of incidents, indecent assault was the most serious sexual offence (as classified by the CSA Offence Classification; CSA, 2015) for 46.5% (n=3,286) and incest was the most serious for 3.8% (n=267) incidents. The offender incidents were committed by 4,174 unique alleged offenders and involved 7,023 unique victims. However, it should be noted that for over a third of these incidents (35.0%, n=2,474), no alleged offender was identified by police. The majority of incidents (82.9% or 5,860 incidents) involved only one sexual offence, 9.7% (n=688) involved two, 6.7% (n=470) involved between three and nine, and 0.7% (n=48) involved ten or more sexual offences.

For the vast majority of incidents where an offender was identified by police, offenders were male (97.4% or 4,373 incidents). Table 2 shows the age and sex breakdown for the alleged offenders of each of the 4,492 incidents where offender age and sex was recorded, as at the time the the incident was recorded to have occurred.

Table 2: Age and sex breakdown for offender incidents, 2009-2010

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Age category when incident occurred** | **Male offenders** | | **Female offenders** | |
| ***n*** | **%** | ***n*** | **%** |
| 10 to 17  18 to 24  25 to 34  35 to 49  50 to 69  70 or older | 783  811  995  1,112  589  83 | 17.9  18.5  22.8  25.4  13.5  1.9 | 27  13  35  37  7  0 | 22.7  10.9  29.4  31.1  5.9  0.0 |
| **Total** | 4,373 | 100.0 | 119 | 100.0 |

## 3.1 Progression of incidents

Figure 2 shows the progression of the 7,066 offender incidents recorded by police. Overall, of the 7,066 offender incidents, 33.7% had a police progression outcome recorded, 23.3% of incidents were matched to a court case (indicating progression from prosecution to court), 8.9% of cases included a sexual offence charge proven in the Magistrates’ or Children’s Court, and a further 8.3% were transferred to a higher court. The following sections of this report explore in detail the characteristics of incidents that were recorded for a police progression outcome, the characteristics of those that appeared in court, and the outcomes of court cases for those that did progress to court.

Figure 2: Progression of offender incidents from police recording through to finalisation in the Magistrates’ or Children’s Court



## 3.2 Factors related to police recorded progression outcome

Table 3 shows the most serious outcome recorded by police against any offence within each of the 7,066 offending incidents. As noted earlier, 2,381 (33.7%) of the 7,066 recorded offender incidents included one or more offences where the final outcome recorded by police was an arrest, summons or other outcome indicating police progression of the case. In other words, for 33.7% of incidents, police recorded an outcome suggesting that the incident progressed to the prosecution stage of the criminal justice system.

Table 3: Most serious police recorded outcome per offending incident

|  |  |  |
| --- | --- | --- |
| **Police outcome recorded** | **Incidents** | |
| ***n*** | **%** |
| Arrest  Summons  Other outcome with court appearance | 929  1,427  25 | 13.1  20.2  0.4 |
| *Sub-total incidents with a police progression outcome recorded by police* | *2,381* | *33.6* |
| Intent to summons  Caution  Complaint withdrawn  No offence disclosed  Unsolved  Other | 2,175  36  1,042  376  967  89 | 30.8  0.5  14.7  5.3  13.7  1.3 |
| *Sub-total incidents with other outcomes recorded by police* | *4,685* | *66.3* |
| **Total** | 7,066 | 100.00 |

Table 4 presents the results for the chi-square analyses of the bivariate relationships between incident characteristics and whether incidents had a police progression outcome recorded. Significant relationships were found between a number of incident characteristics and recording of a police progression outcome. Specifically, the nature of these relationships was that:

### Offender characteristics

* Incidents alleged to have been committed by a male offender made up a slightly higher proportion of progressed incidents (97.9%) compared with incidents that did not progress (96.7%). Conversely, incidents where the offender was female made up a slightly lower proportion of progressed incidents: 2.1% of those that progressed compared with 3.3% of those that did not progress. The size of these differences was small but statistically significant.
* Incidents perpetrated by offenders age 10 to 17 were less likely to progress (16.5% of progressed incidents compared with 19.5% of incidents not progressed), and those perpetrated by offenders aged between 25 and 34 were more likely to progress (25.1% of progressed incidents compared with 20.6% of incidents not progressed).
* Incidents were slightly more likely to progress where the offender had a history of two or more prior recorded alleged sexual offences.

### Victim Characteristics

* There were no significant differences in progression rates based on whether the incident involved male victim(s) or female victim(s).
* Where an incident involved victim(s) aged between 10 and 17 years old, it was more likely to have a progression outcome recorded (41.6% of progressed incidents compared with 32.3% of incidents that did not progress). The opposite was the case for incidents involving one or more adult victims. They made up 48.3% of progressed incidents compared with 57% of incidents that did not progress. There was no significant difference in progression rates for incidents involving young victims aged between 0 and 9 years old and incidents not involving victims in this age group.

### Incident Characteristics

* Incidents where the most serious sexual offence was rape were less likely to have a progression outcome recorded than incidents where the most serious offence was indecent assault. The most serious sexual offence recorded was rape for 44.3% of offences that progressed at this stage, compared with 52.5% of those that did not progress. The opposite was the case for indecent assault offences: they made up 51.3% of offences that progressed and only 44.1% of offences that did not progress.
* There were significant differences between progression rates based on the relationships between offenders and victim(s) involved in incidents. Incidents involving current and former partners were less likely to have a progression outcome recorded, and those involving other family members and acquaintances were more likely to have a progression outcome recorded. There were no significant differences in progression rates based on whether or not an incident involved a victim who was a stranger to the offender.
* Incidents that involved one sexual offence made up 61.3% of progressed offences compared with 93.9% of non-progressed offences. However, incidents involving two to five or six or more sexual offences made up much higher proportions of progressed compared with non-progressed incidents (33.3% compared with 5.9% for incidents involving two to five sexual offences, and 5.3% compared with just 0.1% for incidents involving six or more offences).
* Incidents that involved at least one offence that occurred in a community location (e.g., street/footpath, education locations, public transport) made up a lower proportion of incidents that progressed (23.4% of those that progressed compared with 27.4% of those that did not progress). There were no significant differences in progression rates for incidents involving offences that occurred in other location types.
* Where multiple offences were involved in an offender incident, 40.4% of incidents progressed compared with 32.5% that did not progress.
* Incidents involving multiple offenders made up 4.9% of progressed incidents, which is slightly but statistically significantly higher than the incidents involving multiple offenders that did not progress (3.1%).
* Incidents involving more than one victim were more likely to progress. They made up 6.1% of progressed incidents compared with just 1.0% of non-progressed incidents.
* Incidents with a family violence incident flag made up 13.0% of incidents that progressed compared with 9.9% of incidents that did not progress.
* Incidents that involved more than one sexual offence were more likely to progress. Those involving between two and five sexual offences made up 33.3% of progressed incidents compared with 5.9% of non-progressed incidents, and those involving six or more sexual offences made up 5.3% of progressed incidents compared with 0.1% of non-progressed incidents.
* Where any of the following other offence types were also recorded in the incident, cases were more likely to progress: assault and related offences; abduction and related offences; robbery offences; stalking, harassment and threatening behaviour offences; property and deception offences; drug offences; public order and security offences; justice procedures offences.

### Time variables

* Where the time between the earliest and latest offence committed date recorded for the incident was within two weeks, incidents were less likely to have a progression outcome recorded (54.3% of progressed incidents compared with 68.5% of non-progressed incidents), while where it was greater than six months, incidents were significantly more likely to progress (31.7% of progressed incidents compared with 17.5% of non-progressed incidents). There were no significant differences in progression rates for incidents that occurred over a period of between two weeks and six months.
* Where the time between the date the first offence was committed and the date the incident was first recorded was within two weeks, or between two weeks and six months, incidents were less likely to have a progression outcome recorded (42.0% of progressed incidents compared with 46.8% of non-progressed incidents, and 20.2% of progressed incidents compared with 23.5% of non-progressed incidents). Conversely, where time between offence and recording was greater than six months, incidents were significantly more likely to progress. These incidents made up 37.8% of progressed incidents compared with 29.7% of non-progressed incidents.
* The length of the police investigation was also statistically related to progression. Incidents that were resolved by police within two weeks, made up 18.5% of progressed incidents compared with 40.2% of incidents that did not progress. On the other hand, incidents where the investigation took between two weeks and 6 months made up a higher proportion of progressed than non-progressed incidents (35.7% compared with 30.7%) and incidents where the investigation took more than six months were also significantly more likely to progress (45.8% of progressed incidents compared with 29.1% of non-progressed incidents).

Table 4: Characteristics of incidents with progression outcome not recorded vs those with progression outcome recorded

| Incident characteristics | Incidents without police progression outcome recorded | | | Incidents with police progression outcome recorded | | | | Significance | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *n* | % | | *n* | | % | | *p* | |
| **Offender Sex**  Female  Male | 73  2,124 | | 3.3  96.7 | | 51  2,325 | | 2.1  97.9 | | .01 |
| **Offender age at date first offence within incident committed**  10 to 17  18 to 24  25 to 34  35 to 49  50 to 69  70 or older | 421  397  443  572  278  43 | | 19.5  18.4  20.6  26.6  12.9  2.0 | | 389  427  591  583  322  42 | | 16.5  18.1  25.1  24.8  13.7  1.8 | | <.01 |
| **Sex of victim(s) within incident**  Male victim  Female victim | 659  4,013 | | 14.1  85.7 | | 338  2,036 | | 14.2  85.5 | | Not significant  Not significant |
| **Age of victim(s) within incident**  Victim aged 0 to 9  Victim aged 10 to 17  Victim aged 18 or older | 421  1,514  2,670 | | 9.0  32.3  57.0 | | 216  991  1,148 | | 9.1  41.6  48.3 | | Not significant  <.001  <.001 |
| **Number of prior sexual offences recorded against offender**  No offences  1 offence  2 to 5 offences  6 or more offences | 4,395  185  87  18 | | 93.8  3.9  1.9  0.4 | | 2,207  95  56  23 | | 92.7  4.0  2.4  1.0 | | .01 |
| **Most serious sexual offence within incident**  Rape  Indecent assault  Incest | 2,459  2,064  162 | | 52.5  44.1  3.5 | | 1,054  1,222  105 | | 44.3  51.3  4.4 | | <.001 |
| **Relationship(s) between offender and victim(s) within incident**  Current partner  Former partner  Family member  Acquaintance  Stranger | 362  190  760  1,895  965 | | 7.7  4.1  16.2  40.4  20.6 | | 146  67  495  1,039  484 | | 6.1  2.8  20.8  43.6  20.3 | | .01  .01  <.001  .01  Not significant |
| **Location(s) where offence(s) within incident occurred**  Residential location  Community location  Other location type | 2,820  1,284  355 | | 60.2  27.4  7.6 | | 1,474  558  195 | | 61.9  23.4  8.2 | | Not significant  <.001  Not significant |
| **Whether incident involved:**  Multiple offences  Multiple offenders  Multiple victims  Family violence related offence(s) | 1,521  145  46  466 | | 32.5  3.1  1.0  9.9 | | 962  117  144  309 | | 40.4  4.9  6.1  13.0 | | <.001  <.001  <.001  <.001 |
| **Number of sexual offences recorded within incident**  1 offence  2 to 5 offences  6 or more offences | 4,400  278  7 | | 93.9  5.9  0.1 | | 1,460  794  127 | | 61.3  33.3  5.3 | | <.01 |
| **Whether other offence types recorded within incident**  Assault and related offences  Abduction and related offences  Robbery offences  Stalking, harassment, threatening behaviour  Property and deception offences  Drug offences  Public order and security offences  Justice procedures offences | 66  17  11  18  36  0  21  11 | | 1.4  0.4  0.2  0.4  0.8  0.0  0.4  0.2 | | 320  118  19  145  125  72  175  112 | | 13.4  5.0  0.8  6.1  5.2  3.0  7.3  4.7 | | <.001  <.001  .001  <.001  <.001  <.001  <.001  <.001 |
| **Time between earliest offence committed date and latest offence committed date within incident**  Within 2 weeks  Between 2 weeks and 6 months  More than 6 months | 3,211  654  820 | | 68.5  14.0  17.5 | | 1,294  333  754 | | 54.3  14.0  31.7 | | <.001 |
| **Time between date first offence committed and date incident recorded by police**  Within 2 weeks  Between 2 weeks and 6 months  More than 6 months | 2,192  1,103  1,390 | | 46.8  23.5  29.7 | | 1,000  481  900 | | 42.0  20.2  37.8 | | <.001 |
| **Time between date incident first recorded by police and date outcome recorded by police**  Within 2 weeks  Between 2 weeks and 6 months  More than 6 months | 1,883  1,439  1,363 | | 40.2  30.7  29.1 | | 441  850  1,090 | | 18.5  35.7  45.8 | | <.001 |

All of the independent variables that were identified as having significant bivariate relationships with recording of a police progression outcome were included in a logistic regression model to explore which combination of these variables has the most predictive validity in determining which incidents will progress past the police stage. The final model excludes any variables that do not have any relationship with recording of a police progression outcome when the effects of all other possible predictor variables are taken into account. Note that this technique also excludes incidents that had missing data on one of more of the variables included in the model. The final model was therefore based on 4,492 incidents. This was primarily due to missing data on offender sex and age at time of incident, potentially where police did not identify an offender for the incident. Note that obviously no incident could be progressed where an offender was not identified, and so the final model cannot be considered to be relevant to such cases.

The overall adequacy of the model was assessed according to its ability to discriminate between those incidents that had a recorded progression outcome and those that did not, using the ROC Area Under the Curve statistic (AUC). This statistic can be interpreted as the likelihood that the model will produce a higher predicted probability of police progression for incidents that progressed recorded compared with those that did not progress.

The better the model’s overall ability to discriminate between cases that progress at this stage and those that don’t, the more accurate the model in explaining the factors related to progression. An AUC of 0.5 indicates the model has no ability to discriminate, an AUC between 0.7 and 0.8 indicates acceptable ability to discriminate, an AUC between 0.8 and 0.9 is considered to have excellent ability to discriminate, and an AUC greater than 0.9 is considered to have outstanding discrimination (Hosmer and Lemeshow, 2000). The AUC for the final model presented here was 0.84 (p<.001, 95% Confidence Interval: 0.83, 0.73), indicating that there is an 84% chance that the final model will produce a higher probability of progression at this stage for incidents that do progress past the police stage, and that the model has excellent ability to discriminate between those incidents that will and will not have a progression outcome recorded.

The final variables included in the model are presented in Table 5. These are the factors that contribute significantly to predicting that a progression outcome will be recorded by police, taking into account the effects of all other variables included in the model. The odds ratio column can be interpreted as the likelihood that an incident with that characteristic will go on to have a progression outcome recorded. For example, incidents involving male offenders were 1.74 times more likely to have a progression outcome recorded than females. For characteristics with more than two categories, the ‘reference’ category is the category to which other categories are compared. This means, for example, that incidents where the most serious sexual offence is an indecent assault are 1.50 times more likely to have a progression outcome recorded than incidents where the most serious sexual offence is rape (the reference category) and that incidents with an offender aged between 50 and 69 are 1.32 times more likely to have a progression outcome recorded than those aged between ten and 17 (the reference category).

In summary, taken together, the following incident characteristics were associated with an increased likelihood that an incident would have a police progression outcome recorded:

* Offender is male
* Offender is aged between 18 and 34 years old or 50 and 69 years old.
* The most serious recorded sexual offence of indecent assault.
* Offender had six or more prior recorded sexual offences.
* Incident involved multiple offences.
* Victims were aged 10-17.
* Incident also involved any of the following offence types: assault and related offences; abduction and related offences; robbery offences; stalking/harassment/threatening behaviour offences; property and deception offences; public order and security offences; justice procedures offences.
* Incident occurred over a period of six months or more.

On the other hand, when all other predictors are taken into account, incidents where the relationship between the offender and victim(s) was current partner, former partner, acquaintance or family member, were associated with a decreased likelihood that the incident would have a police progression outcome recorded.

Where the time between the first offence within the incident occurring and the incident being recorded by police was greater than two weeks, the incident was less likely to have a progression outcome recorded. Similarly, when the time between the date the incident was recorded by police and the date it was finalised by police was greater than two weeks, the incident was less likely to progress.

Table 5: Logistic regression model comparing odds of a police progression outcome being recorded versus a police progression outcome not being recorded

| Incident characteristics | Odds Ratio | 95% Confidence Interval of the Odds Ratio | Significance level (*p*) |
| --- | --- | --- | --- |
| Offender sex (male vs female) | 1.74 | 1.09, 2.79 | .02 |
| Offender age  *10-17*  *18-24*  *25-34*  *35-49*  *50-69*  *70 or older* | Reference category  1.395  1.532  -  1.322  - | 1.093, 1.780  1.209, 1.941  -  1.011, 1.730  - | .01  .01  <.001  Not significant  .04  Not significant |
| Most serious sex offence in incident  *Rape*  *Indecent Assault*  *Incest* | Reference category  1.502  - | 1.276, 1.769  - | <.001  <.001  Not significant |
| Number of prior sexual offences recorded against offender  *0*  *1*  *2-5*  *6 or more* | Reference category  -  -  4.49 | -  -  1.630, 12.366 | Not significant  Not significant  .03 |
| Incident involved multiple recorded offences | 1.80 | 1.457, 2.226 | <.001 |
| Incident involved victim(s) aged 10-17 | 1.61 | 1.38, 1.89 | <.001 |
| Incident involved victim(s) who were a current partner | 0.50 | 0.35, 0.71 | <.001 |
| Incident involved victim(s) who were a former partner | 0.25 | 0.15, 0.41 | <.001 |
| Incident involved victim(s) who were a family member | 0.50 | 0.39, 0.65 | <.001 |
| Incident involved victim(s) who were an acquaintance | 0.72 | 0.59, 0.88 | .001 |
| Incident also involved assault and related offence(s) | 6.91 | 4.723, 10.116 | <.001 |
| Incident also involved abduction and related offence(s) | 10.80 | 4.33, 26.96 | <.001 |
| Incident also involved robbery offence(s) | 8.63 | 7.70, 43.80 | .009 |
| Incident also involved stalking/harassment/threatening behaviour offence(s) | 6.54 | 3.23, 13.27 | <.001 |
| Incident also involved property and deception offences | 3.94 | 2.11, 7.34 | <.001 |
| Incident also involved public order and security offences | 19.75 | 8.38, 46.57 | <.001 |
| Incident also involved justice procedures offences | 9.46 | 4.18, 21.42 | <.001 |
| Time between earliest offence offence committed date and latest offence committed date within incident  *Within 2 weeks*  *Between 2 weeks and 6 months*  *More than 6 months* | Reference category  -  2.11 | -  1.54, 2.91 | <.001  Not significant  <.001 |
| Time between first offence date and date recorded by police  *Within 2 weeks*  *Between 2 weeks and 6 months*  *More than 6 months* | Reference category  0.69  0.48 | 0.56, 0.86  0.36, 0.64 | <.001  .001  <.001 |
| Time between date incident first recorded by police and date outcome recorded by police  *Within 2 weeks*  *Between 2 weeks and 6 months*  *More than 6 months* | Reference category  0.16  0.13 | 0.12, 0.21  0.10, 0.18 | <.001  <.001  <.001 |

## 3.3 Factors related to progression to court appearance

A second set of chi-square analyses were conducted on the reduced sample of incidents that included only those that did have a progression outcome recorded by police. These analyses were designed to examine the bivariate relationships between the characteristics of incidents and whether these incidents went on to be heard in the Magistrates’ or Children’s Courts. Table 6 presents the results for these chi-square. As shown in the significance column of the table, fewer significant relationships were found between the predictor variables and whether the incident was heard in court, compared with the significant relationships found between the predictor variables and whether the incident had a police progression outcome recorded. Nevertheless, the results of the analyses indicated the following statistically significant relationships:

* Incidents where the alleged offender was aged 10 to 17 years old or 70 years or older were more likely to proceed to court, while those involving alleged offenders aged 18 to 24 and 25 to 34 years old were less likely to proceed to court.
* Again, where the most serious sexual offence was rape, incidents were less likely to be heard in court compared with where the most serious offence was indecent assault. Incidents involving a rape comprised 39.4% of incidents heard in court compared with 55.0% of incidents not heard in court, while those involving an indecent assault made up 56.7% of incidents heard in court compared with 39.4% of those not heard in court.
* Incidents involving one or more victim(s) aged 18 or older were slightly less likely to proceed (46.7% of those incidents heard in court compared with 51.6% of those not heard in court).
* Incidents involving victim(s) who were the offender’s current partner were less likely to proceed to being heard in court (8.7% of incidents heard in court compared with 5.0% of incidents not heard in court), and incidents involving victim(s) who were strangers to the offender were more likely to proceed (22.5% of incidents heard in court compared with 15.4% of incidents not heard in court).
* Incidents involving offences that occurred in residential locations were less likely to proceed to court, while those involving offences that occurred in community and other locations were more likely to proceed.
* Incidents involving one or more public order and security offences in addition to sexual offence(s) were more likely to proceed to court (8.3% of incidents heard in court compared to 5.3% of those not heard in court).
* Incidents that were associated with a police recorded family violence incident were less likely to proceed to court. They made up 11.4% of incidents heard in court compared with 16.5% of incidents not heard in court.
* Incidents where offending took place over a period of more than two weeks were more likely to proceed. They accounted for 56.6% of incidents heard in court compared with 49.3% of incidents not heard in court. On the other hand, incidents with an offending period between two weeks and six months accounted for 13.0% of cases heard in court compared with 16.3% of cases not heard in court, and incidents with an offending period of greater than six months accounted for 30.4% of cases heard in court compared with 34.4% of cases not heard in court.
* Where the incident was recorded by police within two weeks of the first offence within the incident being committed, cases were more likely to be heard in court (making up 45.2% of cases heard in court compared with 35.0% of cases not heard in court). Conversely, where there was a period of more than six months between offence occurrence and recording by police, incidents made up 34.6% of cases heard in court compared with 45.0% of cases not heard in court.
* Finally, where the length of the police investigation was six months or less, incidents were more likely to proceed to being heard in court. This was particularly true for incidents with investigation lengths between two weeks and six months, which made up 39.8% of progressed cases compared with 26.6% of cases that did not proceed to court. On the other hand, incidents with an investigation length of longer than six months made up 40.9% of cases that progressed to court compared with 56.6% of cases that did not progress.

Table 6: Characteristics of incidents that were not heard in court vs those that were heard in court

| Incident characteristics | Incidents that were not heard in court | | | Incidents that were heard in court | | | | Significance | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *n* | % | | *n* | | % | | *p* | |
| **Offender Sex**  Female  Male | 20  716 | | 2.7  97.3 | | 31  1,609 | | 1.9  98.1 | | Not significant |
| **Offender age at date first offence within incident committed**  10 to 17  18 to 24  25 to 34  35 to 49  50 to 69  70 or older | 91  157  206  173  101  5 | | 12.4  21.4  28.1  23.6  13.8  0.7 | | 298  270  385  410  221  37 | | 18.4  16.7  23.8  25.3  13.6  2.3 | | <.001 |
| **Number of prior sexual offences recorded against offender**  No offences  1 offence  2 to 5 offences  6 or more offences | 693  25  14  6 | | 93.9  3.4  1.9  0.8 | | 1,514  70  42  17 | | 92.1  4.3  2.6  1.0 | | Not significant |
| **Most serious sexual offence within incident**  Rape  Indecent assault  Incest | 406  291  41 | | 55.0  39.4  5.6 | | 648  931  64 | | 39.4  56.7  3.9 | | <.001 |
| **Sex of victim(s) within incident**  Male victim  Female victim | 104  629 | | 14.1  85.2 | | 234  1,407 | | 14.2  85.6 | | Not significant  Not significant |
| **Age of victim(s) within incident**  Victim aged 0 to 9  Victim aged 10 to 17  Victim aged 18 or older | 55  291  381 | | 7.5  39.4  51.6 | | 161  700  768 | | 9.8  42.6  46.7 | | Not significant  Not significant  .03 |
| **Relationship between offender and victim(s) within incident**  Current partner  Former partner  Family member  Acquaintance  Stranger | 64  24  153  331  114 | | 8.7  3.3  20.7  44.9  15.4 | | 82  43  342  708  370 | | 5.0  2.6  20.8  43.1  22.5 | | .001  Not significant  Not significant  Not significant  <.001 |
| **Location where offence(s) within incident occurred**  Residential location  Community location  Other location type | 505  151  42 | | 68.4  20.5  5.7 | | 969  407  153 | | 59.0  24.8  9.3 | | <.001  .02  <.01 |
| **Whether incident involved:**  Multiple offences  Multiple offenders  Multiple victims  Family violence related offence(s) | 288  40  35  122 | | 39.0  5.4  4.7  16.5 | | 674  77  109  187 | | 41.0  4.7  6.6  11.4 | | Not significant  Not significant  Not significant  .001 |
| **Number of sexual offences recorded within incident**  1 offence  2 to 5 offences  6 or more offences | 440  266  32 | | 59.6  36.0  4.3 | | 1,020  528  95 | | 62.1  32.1  5.7 | | Not significant |
| **Whether other offence types recorded within incident**  Assault and related offences  Abduction and related offences  Robbery offences  Stalking, harassment, threatening behaviour  Property and deception offences  Drug offences  Public order and security offences  Justice procedures offences | 100  43  6  41  39  29  39  42 | | 13.6  5.8  0.8  5.6  5.3  3.9  5.3  5.7 | | 220  75  13  104  86  43  136  70 | | 13.4  4.6  0.8  6.3  5.2  2.6  8.3  4.3 | | Not significant  Not significant  Not significant  Not significant  Not significant  Not significant  .01  Not significant |
| **Time between earliest offence, offence committed date and latest offence committed date within incident**  Within 2 weeks  Between 2 weeks and 6 months  More than 6 months | 364  120  254 | | 49.3  16.3  34.4 | | 930  213  500 | | 56.6  13.0  30.4 | | .003 |
| **Time between date first offence committed and date incident recorded by police**  Within 2 weeks  Between 2 weeks and 6 months  More than 6 months | 258  148  332 | | 35.0  20.1  45.0 | | 742  333  568 | | 45.2  20.3  34.6 | | <.001 |
| **Time between date incident first recorded by police and date outcome recorded by police**  Within 2 weeks  Between 2 weeks and 6 months  More than 6 months | 124  196  418 | | 16.8  26.6  56.6 | | 317  654  672 | | 19.3  39.8  40.9 | | <.001 |

Again, the predictor variables that had a significant relationship with progression to court were entered into a final logistic regression model, to determine which combination of these variables is most useful in predicting those incidents that progress to court compared with those that don’t progress to court. The final model included 2,354 of the 2,381 incidents that had a police progression outcome recorded, due to missing data on one or more of the independent variables. The AUC for the final model, presented in Table 7, was 0.67 (*p*<.001, 95% Confidence Interval: 0.64, 0.69). This suggests that there is a 67% chance that the final model will produce a higher probability of an incident progressing to court for incidents that actually do progress to court. This model is considered to have acceptable ability to discriminate between incidents that progress to court and those that do not progress to court.

As mentioned in relation to the previous logistic regression model, the odds ratio column can be used to interpret the increased or decreased likelihood that an incident with the relevant characteristic will progress to being heard in court. The odds ratios presented in Table 7 indicate that, when all other predictors are taken into account:

* Incidents relating to offenders aged older than 10 to 17 are less likely to proceed to court. In particular, incidents with offenders aged between 18 and 34 are about half as likely to proceed as those involving 10 to 17 year olds.
* Incidents involving an indecent assault as the most serious sexual offence are more likely to proceed than incidents involving a rape.
* Incidents where the offending occurred over a period of more than six months are more likely to proceed to court.
* Where the time between the earliest offence within the incident occurring and the incident being recorded by police is more than two weeks, incidents are less likely to proceed to court.
* Where the length of the police investigation is longer than six months, incidents are less likely to proceed to court than where the length of the investigation is within two weeks of the offence being recorded.

Table 7: Logistic regression model comparing odds of an incident being heard in court versus not being heard in court

|  |  |  |  |
| --- | --- | --- | --- |
| Incident characteristics | Odds Ratio | 95% Confidence Interval of the Odds Ratio | Significance level (*p*) |
| Offender age  *10-17*  *18-24*  *25-34*  *35-49*  *50-69*  *70 or older* | Reference category  0.48  0.49  0.61  0.54  - | 0.35, 0.66  0.36, 0.66  0.45, 0.83  0.38, 0.77  - | <.001  <.001  <.001  .001  .001  Not significant |
| Most serious sex offence in incident  *Rape*  *Indecent Assault*  *Incest* | Reference category  1.99  - | 1.64, 2.41  - | <.001  <.001  Not significant |
| Time between earliest offence offence committed date and latest offence committed date within incident  *Within 2 weeks*  *Between 2 weeks and 6 months*  *More than 6 months* | Reference category  -  2.39 | -  1.63, 3.51 | <.001  Not significant  <.001 |
| Time between first offence date and date recorded by police  *Within 2 weeks*  *Between 2 weeks and 6 months*  *More than 6 months* | Reference category  0.74  0.35 | 0.56, 0.99  0.24, 0.51 | <.001  0.04  <.001 |
| Time between date incident first recorded by police and date outcome recorded by police  *Within 2 weeks*  *Between 2 weeks and 6 months*  *More than 6 months* | Reference category  -  0.61 | -  0.47, 0.78 | <.001  Not significant  <.001 |

## 3.4 Court outcomes

As noted, 38.4% (n=631) of cases that were heard in court had at least one proven sexual offence charge, and a further 35.4% (n=583) were transferred to a higher court. Across all cases heard in the Children’s Court (n=242), 51.7% (n=125) were proven, 0.8% (<=3[[1]](#footnote-1)) were transferred to a higher court, and the remaining 47.5% (n=115) were not proven. Across those cases heard in the Magistrates’ Court (n=1,401), 36.1% (n=506) were proven, 41.5% (n=581) were transferred to a higher court, and the remaining 22.4% (n=314) were not proven.

Figure 3 provides a more detailed breakdown of the court outcomes for court cases that had at least one proven sexual offence charge.

Figure 3: Children’s and Magistrates’ Court outcomes for incidents with at least one proven sexual offence

It was beyond the capacity or scope of this project to comment on factors that are related to sexual offence charge outcomes in court, in part due to the fact that County Court data was not provided for the project and so final case outcomes could not be incorporated for all cases. In addition, comprehensive examination of court outcomes is likely to require more information about possible outcome predictors than is available using data from the LEAP and courts databases drawn on for this project. For example, it would likely require qualitative analysis of court case files and sentencing remarks.

# 4. Discussion

This is the first Victorian study that was able to match incidents of sexual offending recorded by police through to court and provides areas for further inquiry. This study found that around a third of sexual offence incidents recorded by Victoria Police over the 2009 and 2010 calendar years have a final outcome suggesting they will progress to the prosecution stage of the criminal justice system. This is broadly consistent with previous research, which has found that less than half of all cases reported to police are referred to prosecutors. Of all cases that were progressed by police, 69% were matched to a court case that was heard in the Magistrates’ or Children’s Court to end of 2015. Again, this is broadly consistent with the results of previous studies, which have established that about two thirds of cases that reach prosecution go on to be heard in court.

Table 8 summarises the characteristics that were found to be statistically related to progression at both stages, as identified through the final logistic regression models developed for this work. As shown, fewer characteristics were related to progression to court than to a police progression outcome being recorded, which potentially may result from the fact that characteristics initially recorded by police were used in the prediction models. Factors that appear relevant across both stages are the most serious sexual offence involved, with indecent assault cases more likely to progress than rape cases at both stages, as well as the period of time over which the incident occurred, the time between occurrence of the incident and recording by police, and the length of the investigation undertaken by police.

Similar to the previous work undertaken by Heenan and Murray (2006), where other offences were involved in the offence, and where the offender had previous sexual offences recorded, a police progression outcome was more likely to be recorded. Their research also found that cases involving a male victim were more likely to progress, but no significant victim gender effects were identified in this study. This may be because the present study included a broader range of sexual offence cases, wherease the Heenan and Murray (2006) study included a sample of rape cases only.

Table 8: Summary of incident characteristics impacting on progression

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Police progression outcome recorded** | **Incident heard in court** | |
| **More likely to progress** | - Male offender.  - Offender aged 18 to 34 or 50 to 69.  - Indecent assault as most serious sexual offence.  - Offender recorded for 6 or more prior sexual offences.  - Current incident involved multiple offences.  - Incident involved a victim aged 10-17.  - Incident involved other offence types (assault, abduction, robbery, stalking/harassment/threatening behaviour, public order/security, justice procedures offences).  - Incident occurred over a period of more than 6 months. | | - Indecent assault as most serious sexual offence.  - Incident occurred over a period of more than 6 months. |
| **Less likely to progress** | - Incident involved a known person (current or former partner, family member or acquaintance).  - Offence recorded by police more than 2 weeks after occurring.  - Investigation length of more than 2 weeks. | | **-** Offender aged 18 or older.  - Offence recorded by police more than 2 weeks after occurring.  - Investigation length of more than 2 weeks. |

Though this study was able to examine the characteristics of cases that progress and do not progress at each of these stages, the specific reasons for case attrition (for example, whether a victim chooses to withdraw from the process or whether there is considered to be insufficient evidence to proceed) could not be established. This research suggests that understanding reasons for attrition at the police stage should be prioritised, as the greatest number of cases drop-off during this stage. Heenan and Murray’s (2006) study used narrative case file information recorded by police to enhance understanding of reasons for attrition. A limitation of the current study is that narrative information was not available for analysis. It is therefore recommended that further work be undertaken in this area in order to better understand the reasons for attrition of cases to enable the design and targeting strategies to address the specific barriers to attrition. This study did not compare the progression of sexual offence incidents through the policing stage with progression of other types of offence incidents. Such work may provide an updated indication of the extent of the issue of sexual offence attrition as it relates to attrition at the police stage more generally. A further, similar limitation was that prosecution data was not able to be accessed for the project, and accessing and analysing this data would likely be illustrative in further determining reasons for discontinuation of cases during the prosecution stage.

Finally, over 40% of cases that reached the Magistrates’ Court were transferred to a higher court. Because County Court data was not provided for this study, it was not possible to determine whether and how many cases actually progressed through to being finalised by way of a trial. The provision of this data would again further improve our understanding of the criminal justice process and the proportion of cases that finally result in a court outcome.

# References

Attorney General’s Department of NSW (2005). *Responding to sexual assault: The way forward*. Retrieved 16 October 2015, from: www.justice.nsw.gov.au/justicepolicy/Documents/cjsot\_report.pdf

Australian Bureau of Statistics (2009). *1234.0.55.0012009 – National Offence Index*. Retrieved 5 January 2016, from: www.abs.gov.au/ausstats/abs@.nsf/DetailsPage/1234.0.55.0012009

Australian Institute of Criminology (2007). *Guilty outcomes reported in sexual assault and related incidents*. Crime Facts Info, No.162. Canberra: Australian Institute of Criminology.

Australian Law Reform Commission (2005). *Attrition in Sexual Assault Cases Reporting, Prosecution and Pre-trial Process*. Retrieved 30 November 2015, from: www://www.alrc.gov.au/publications/Reporting Prosecution and Pre-trial processes/attrition-sexual-assault-cases

Bouffard, J. (2000). *Predicting type of sexual assault case closure from victim, suspect and case characteristics*. Journal of Criminal Justice, 28(6), pp. 527-542.

Campbell, R., Wasco, S., Ahrens, C., Sefl, T. & Barnes, H. (2001). Preventing the second rape: Rape survivors’ experiences with community service providers. *Journal of Interpersonal Violence*, 16(12), pp. 1239-1259.

Centre for Innovative Justice (2014). *Innovative justice responses to sexual offending – Pathways to better outcomes for victims, offenders and the community*. Retrieved 16 October 2015, from: mams.rmit.edu.au/qt1g6twlv0q3.pdf

Cook, B., David, F., and Grant, A. (2001). *Sexual Violence in Australia.* Research and Public Policy Series, No.36. Canberra: Australian Institute of Criminology.

Crime Statistics Agency (2015a). *Research Agenda 2015–17*. Melbourne: Crime Statistics Agency.

Crime Statistics Agency (2015b). *Offence Classification.* Melbourne: Crime Statistics Agency.

Crocker, D. (2005). Regulating intimacy: Judicial discourse in cases of wife assault (1970 to 2000). *Violence Against Women*, *11*(2), pp. 197-226.

Daly, K. & Bouhours, B. (2010). Rape and attrition in the legal process: A comparative analysis of five countries. *Crime and Justice*, *39*, pp. 565-650.

Fitzgerald, J. (2006). *The attrition of sexual offences from the New South Wales criminal justice system.* Contemporary Issues in Crime and Justice, No. 92. Sydney: NSW Bureau of Crime Statistics and Research. Retrieved 16 October 2015, from: [www.bocsar.nsw.gov.au/Documents/CJB/cjb92.pdf](http://www.bocsar.nsw.gov.au/Documents/CJB/cjb92.pdf)

Heenan, M. & Murray, S. (2006). *Study of Reported Rapes in Victoria 2000–2003: Summary Research Report*. Statewide Steering Committee to Reduce Sexual Assault. Melbourne: Office of Women’s Policy, Department for Victorian Communities.

Holleran, D., Beichner, D. & Spohn, C. (2008). Examining charge agreement between police and prosecutors in rape cases. *Crime and Delinquency*, *56*(3), pp. 385-413.

Hosmer, D. & Lemeshow, S. (2000). *Applied Logistic Regression*. New York: Wiley.

Kelley, K.D. & Campbell, R. (2013). Moving on or dropping out: Police processing of adult sexual assault cases. *Women & Criminal Justice*, 23(1), pp. 1-18.

Kelly, L., Lovett, J. & Regan, L. (2005). *A gap or a chasm? Attrition in reported rape cases*. Home Office Research Study 293. London: Home Office.

Konradi, A. (2007). Taking the Stand: Rape survivors and the Prosecution of Rapists. Westport: Greenwood.

Lea, S.J., Lanvers, U. & Shaw, S. (2003). Attrition in rape cases: Developing a profile and identifying relevant factors. *British Journal of Criminology*, 43(3), pp. 583-599.

Lees, S. & Gregory, J. (1993). *Rape and Sexual Assault: A Study of Attrition*. London: Islington Council Police and Crime Prevention Unit.

Lievore, D. (2003). *Non-reporting and hidden reporting of sexual assault: An international literature review*. Report prepared by the Australian Institute of Criminology for the Commonwealth Office of the Status of Women. Canberra: Australian Institute of Criminology. Retrieved 16 October 2015, from: [www.aic.gov.au/media\_library/archive/publications-2000s/non-reporting-and-hidden-recording-of-sexual- assaults-an-international-literature-reivew.pdf](http://www.aic.gov.au/media_library/archive/publications-2000s/non-reporting-and-hidden-recording-of-sexual-%20assaults-an-international-literature-reivew.pdf)

Lievore, D. (2004). *Prosecutorial Decisions in Adult Sexual Assault Cases: An Australian Study*. Canberra: Australian Government Office of the Status of Women. Retrieved 16 October 2015, from: [www.aic.gov.au/media\_library/archive/publications-2000s/prosecutorial-decisions-in-adult-sexual-assault- cases.pdf](http://www.aic.gov.au/media_library/archive/publications-2000s/prosecutorial-decisions-in-adult-sexual-assault-%20cases.pdf)

Lievore, D. (2005). *Prosecutorial decisions in adult sexual assault cases. Trends & Issues in Crime and Criminal Justice*, No. 291. Canberra: Australian Institute of Criminology. Retrieved 16 October 2015, from: [www.aic.gov.au/media\_library/publications/tandi\_pdf/tandi291.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi291.pdf)

Muldoon, S.D., Taylor, S.C. & Norma, C. (2013). Patterned characteristics of continued and discontinued sexual assault complaints in the criminal justice process. *Current Issues in Criminal Justice*, 24(3), pp. 395-417.

Roberts, J.V. (1996). Sexual assaults in Canada: Recent statistical trends. *Queens Law Journal*, *21*, pp. 395-421.

Schuller, R. & Stewart, A. (2000). Police responses to sexual assault complaints: The role of perpetrator/complainant intoxication. *Law and Human Behavior,* *24*(5), pp. 535-551.

Slaughter, L., Brown, C., Crowley, S. & Peck, R. (1997). Patterns of genital injury in female sexual assault victims. *American Journal of Obstetrics and Gynecology*, *176*(3), pp. 609-616.

Spears, J.W. & Spohn, C.C. (1996). The genuine victim and prosecutors’ charging decisions in sexual assault cases. *American Journal of Criminal Justice*, *20*(2), pp. 183-205.

Spears, J. & Spohn, C. (1997). The effect of evidence factors and victim characteristics on prosecutors’ charging decisions in sexual assault cases. *Justice Quarterly*, *14*(3), pp. 501-524.

Stubbs, J. (2003). Sexual assault, criminal justice and law and order. *Women Against Violence*, 14, 14-26.

Tasca, M., Rodriguez, N., Spohn, C. & Koss, M.P. (2012).Police decision making in sexual assault cases: Predictors of suspect identification and arrest. Journal of Interpersonal Violence, *28*(6), pp. 1157-1177.

Triggs, S., Mossman, E., Jordan, J. & Kingi, V. (2009). *Responding to sexual violence: Attrition in the New Zealand criminal justice system*. Wellington: Ministry of Women’s Affairs. Retrieved 16 October 2015, from: women.govt.nz/sites/public\_files/responding%20to%20sexual%20violence%20attrition-pdf.pdf

Victorian Law Reform Commission [VLRC] (2003). *Sexual Offences Interim Report: Summary and Recommendations in Plain English*. Melbourne: Victorian Law Reform Commission.

Victorian Law Reform Commission [VLRC] (2004). *Sexual Offences Final Report: Summary and Recommendations in Plain English*. Melbourne: Victorian Law Reform Commission.

1. As per the CSA’s Confidentialisation Policy, where a number is less than or equal to three, the number is confidentialised to <=3 and assigned a value of two for the purpose of calculating totals. [↑](#footnote-ref-1)