Attrition of sexual offence incidents across the Victorian criminal justice system

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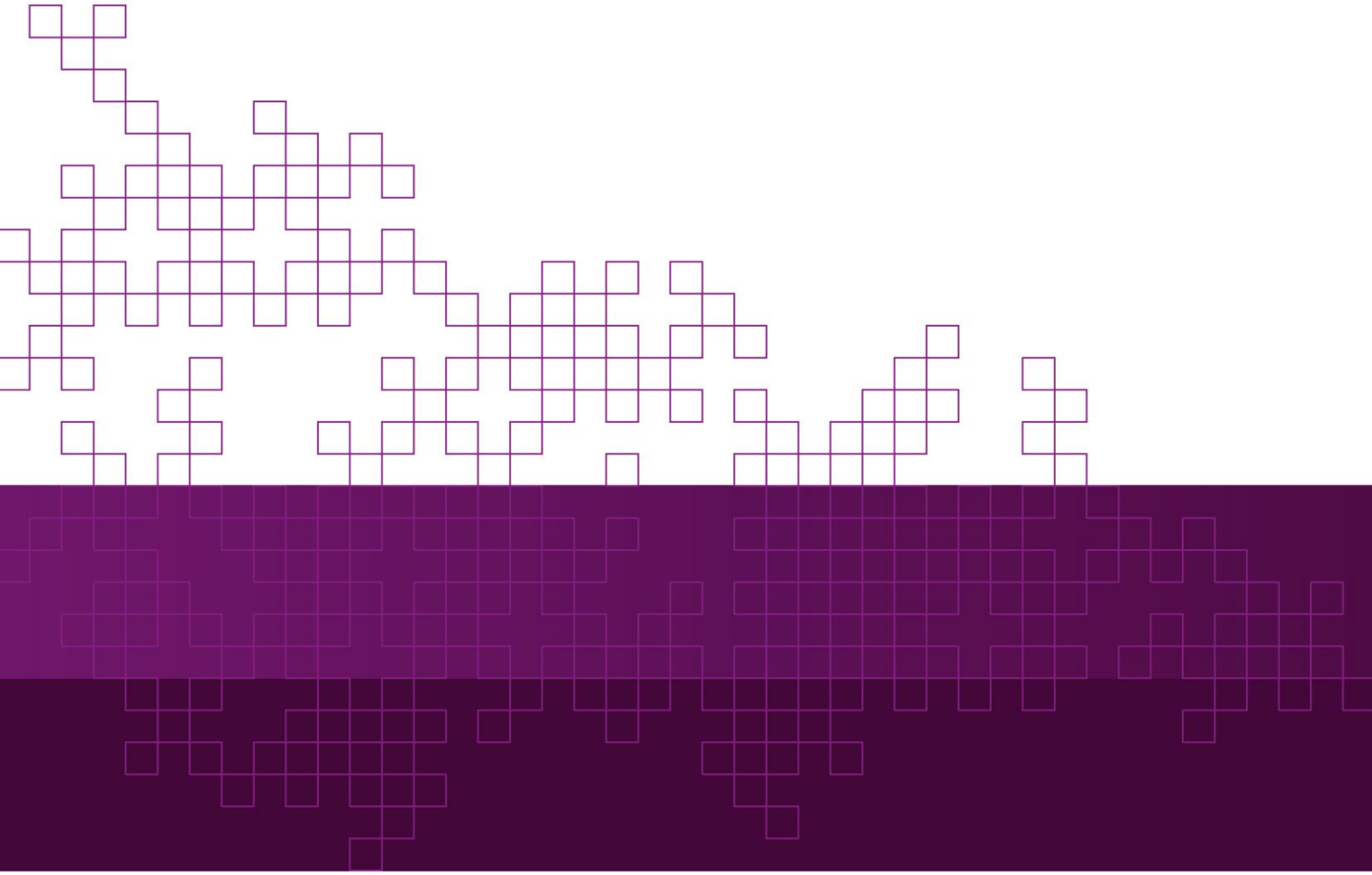

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Contents

1. Introduction 2
1.1 What do we know about attrition? 2
Points through the justice system where attrition occurs 2
Factors related to attrition of sexual offence cases 3
1.2 What do we know about attrition in Victoria? 4
1.3 The current study 4
2. Methodology 5
2.1 Data matching 5
2.2 Final dataset 6
2.3 Statistical analyses 8
3. Results 8
3.1 Progression of incidents 9
3.2 Factors related to police recorded progression outcome 10
Offender characteristics 10
Victim Characteristics 11
Incident Characteristics 11
Time variables 12
3.3 Factors related to progression to court appearance 18
3.4 Court outcomes 22
4. Discussion 24
References 26

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.

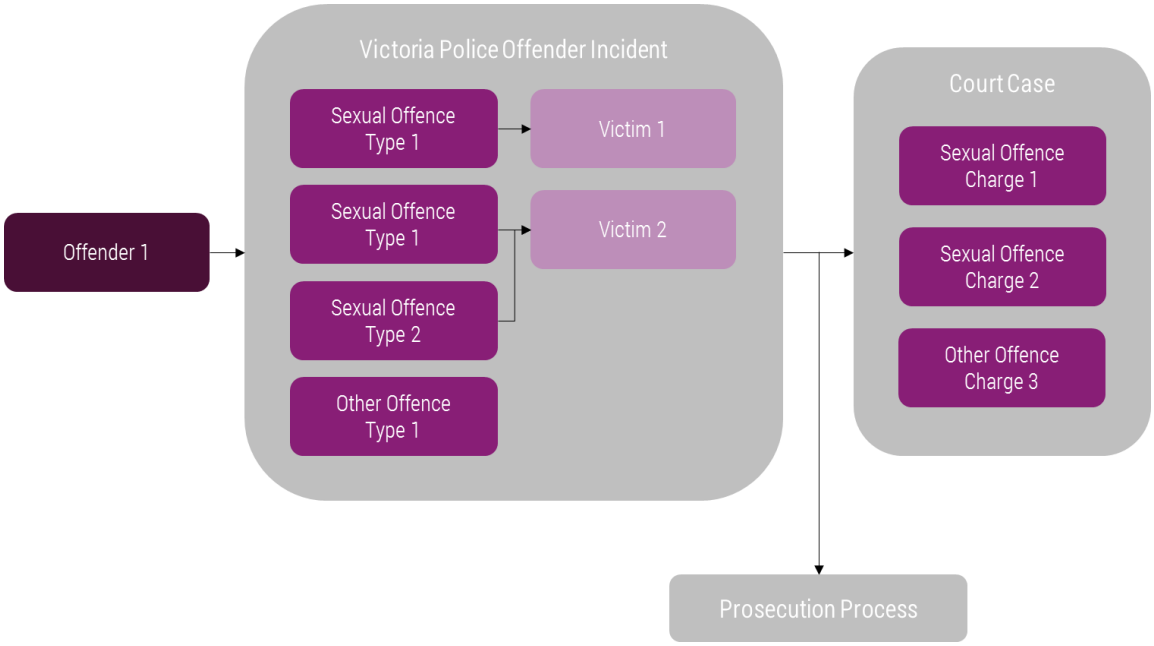
It should be noted that for the purpose of this paper, references to offenders, incidents and offences refer to alleged rather than proven offenders, incidents and offences. Exceptions to this are where data is provided on court outcomes for incidents.

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).

Category	Data items
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.

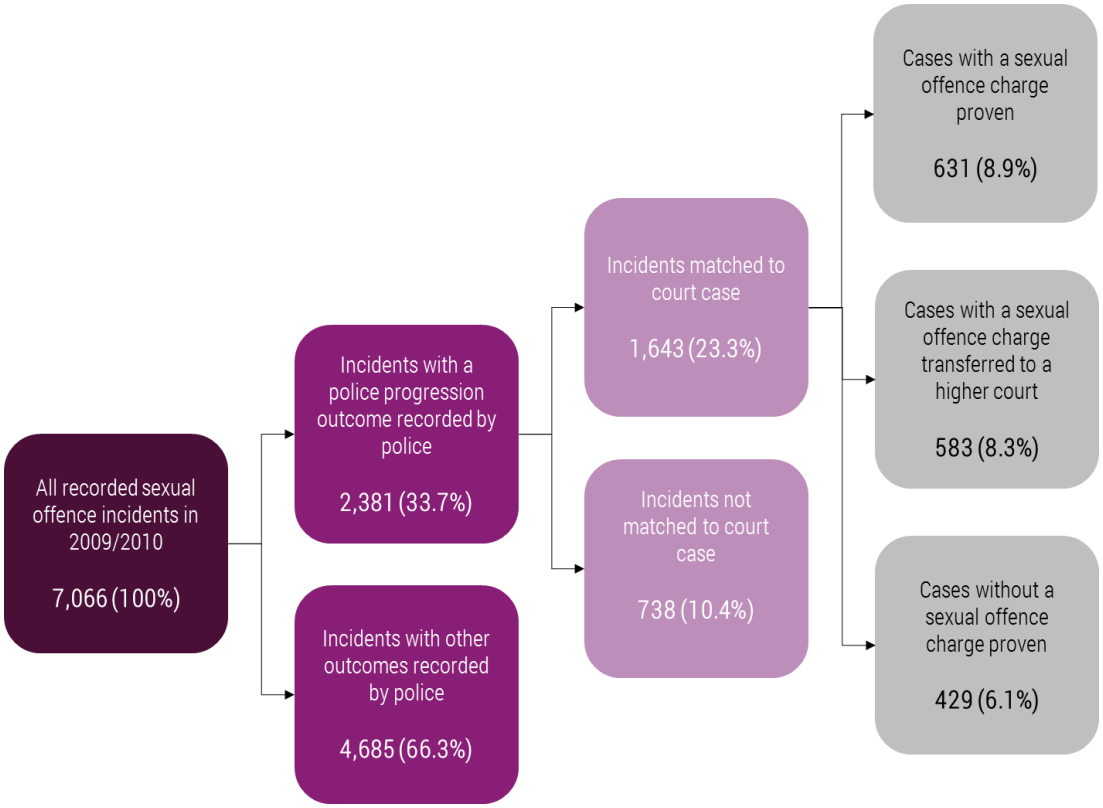
Table 2: Age and sex breakdown for offender incidents, 2009-2010

Age category when incident occurred	Male offenders		Female offenders	
	n	%	*n*	%
10 to 17	783	17.9	27	22.7
18 to 24	811	18.5	13	10.9
25 to 34	995	22.8	35	29.4
35 to 49	1,112	25.4	37	31.1
50 to 69	589	13.5	7	5.9
70 or older	83	1.9	0	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	929	13.1
Summons	1,427	20.2
Other outcome with court appearance	25	0.4
Sub-total incidents with a police progression outcome recorded by police	*2,381*	*33.6*
Intent to summons	2,175	30.8
Caution	36	0.5
Complaint withdrawn	1,042	14.7
No offence disclosed	376	5.3
Unsolved	967	13.7
Other	89	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					.01
Female	73	3.3	51	2.1	
Male	2,124	96.7	2,325	97.9	
Offender age at date first offence within incident committed					<.01
10 to 17	421	19.5	389	16.5	
18 to 24	397	18.4	427	18.1	
25 to 34	443	20.6	591	25.1	
35 to 49	572	26.6	583	24.8	
50 to 69	278	12.9	322	13.7	
70 or older	43	2.0	42	1.8	
Sex of victim(s) within incident					
Male victim	659	14.1	338	14.2	Not significant
Female victim	4,013	85.7	2,036	85.5	Not significant
Age of victim(s) within incident					
Victim aged 0 to 9	421	9.0	216	9.1	Not significant
Victim aged 10 to 17	1,514	32.3	991	41.6	<.001
Victim aged 18 or older	2,670	57.0	1,148	48.3	<.001
Number of prior sexual offences recorded against offender					.01
No offences	4,395	93.8	2,207	92.7	
1 offence	185	3.9	95	4.0	
2 to 5 offences	87	1.9	56	2.4	
6 or more offences	18	0.4	23	1.0	
Most serious sexual offence within incident					<.001
Rape	2,459	52.5	1,054	44.3	
Indecent assault	2,064	44.1	1,222	51.3	
Incest	162	3.5	105	4.4	
Relationship(s) between offender and victim(s) within incident					
Current partner	362	7.7	146	6.1	.01
Former partner	190	4.1	67	2.8	.01
Family member	760	16.2	495	20.8	<.001
Acquaintance	1,895	40.4	1,039	43.6	.01
Stranger	965	20.6	484	20.3	Not significant

Incident characteristics	Incidents without police progression outcome recorded		Incidents with police progression outcome recorded		Significance
	n	%	*n*	%	*p*
Location(s) where offence(s) within incident occurred					
Residential location	2,820	60.2	1,474	61.9	Not significant
Community location	1,284	27.4	558	23.4	<.001
Other location type	355	7.6	195	8.2	Not significant
Whether incident involved:					
Multiple offences	1,521	32.5	962	40.4	<.001
Multiple offenders	145	3.1	117	4.9	<.001
Multiple victims	46	1.0	144	6.1	<.001
Family violence related offence(s)	466	9.9	309	13.0	<.001
Number of sexual offences recorded within incident					<.01
1 offence	4,400	93.9	1,460	61.3	
2 to 5 offences	278	5.9	794	33.3	
6 or more offences	7	0.1	127	5.3	
Whether other offence types recorded within incident					
Assault and related offences	66	1.4	320	13.4	<.001
Abduction and related offences	17	0.4	118	5.0	<.001
Robbery offences	11	0.2	19	0.8	.001
Stalking, harassment, threatening behaviour	18	0.4	145	6.1	<.001
Property and deception offences	36	0.8	125	5.2	<.001
Drug offences	0	0.0	72	3.0	<.001
Public order and security offences	21	0.4	175	7.3	<.001
Justice procedures offences	11	0.2	112	4.7	<.001
Time between earliest offence committed date and latest offence committed date within incident					<.001
Within 2 weeks	3,211	68.5	1,294	54.3	
Between 2 weeks and 6 months	654	14.0	333	14.0	
More than 6 months	820	17.5	754	31.7	
Time between date first offence committed and date incident recorded by police					<.001
Within 2 weeks	2,192	46.8	1,000	42.0	
Between 2 weeks and 6 months	1,103	23.5	481	20.2	
More than 6 months	1,390	29.7	900	37.8	

Incident characteristics	Incidents without police progression outcome recorded		Incidents with police progression outcome recorded		Significance
	n	%	*n*	%	*p*
Time between date incident first recorded by police and date outcome recorded by police					<.001
Within 2 weeks	1,883	40.2	441	18.5	
Between 2 weeks and 6 months	1,439	30.7	850	35.7	
More than 6 months	1,363	29.1	1,090	45.8	

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	Reference category		.01
18-24	1.395	1.093, 1.780	.01
25-34	1.532	1.209, 1.941	<.001
35-49	-	-	Not significant
50-69	1.322	1.011, 1.730	.04
70 or older	-	-	Not significant
Most serious sex offence in incident			
Rape	Reference category		
Indecent Assault	1.502	1.276, 1.769	<.001
Incest	-	-	<.001 Not significant

Incident characteristics	Odds Ratio	95% Confidence Interval of the Odds Ratio	Significance level (*p*)
Number of prior sexual offences recorded against offender			
0	Reference category		
1	-	-	Not significant
2-5	-	-	Not significant
6 or more	4.49	1.630, 12.366	.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	Reference category		<.001
Between 2 weeks and 6 months	-	-	Not significant
More than 6 months	2.11	1.54, 2.91	<.001
Time between first offence date and date recorded by police			
Within 2 weeks	Reference category		<.001
Between 2 weeks and 6 months	0.69	0.56, 0.86	.001
More than 6 months	0.48	0.36, 0.64	<.001
Time between date incident first recorded by police and date outcome recorded by police			
Within 2 weeks	Reference category		<.001
Between 2 weeks and 6 months	0.16	0.12, 0.21	<.001
More than 6 months	0.13	0.10, 0.18	<.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					Not significant
Female	20	2.7	31	1.9	
Male	716	97.3	1,609	98.1	
Offender age at date first offence within incident committed					<.001
10 to 17	91	12.4	298	18.4	
18 to 24	157	21.4	270	16.7	
25 to 34	206	28.1	385	23.8	
35 to 49	173	23.6	410	25.3	
50 to 69	101	13.8	221	13.6	
70 or older	5	0.7	37	2.3	
Number of prior sexual offences recorded against offender					Not significant
No offences	693	93.9	1,514	92.1	
1 offence	25	3.4	70	4.3	
2 to 5 offences	14	1.9	42	2.6	
6 or more offences	6	0.8	17	1.0	
Most serious sexual offence within incident					<.001
Rape	406	55.0	648	39.4	
Indecent assault	291	39.4	931	56.7	
Incest	41	5.6	64	3.9	
Sex of victim(s) within incident					
Male victim	104	14.1	234	14.2	Not significant
Female victim	629	85.2	1,407	85.6	Not significant
Age of victim(s) within incident					
Victim aged 0 to 9	55	7.5	161	9.8	Not significant
Victim aged 10 to 17	291	39.4	700	42.6	Not significant
Victim aged 18 or older	381	51.6	768	46.7	.03

Incident characteristics	Incidents that were not heard in court		Incidents that were heard in court		Significance
	n	%	*n*	%	*p*
Relationship between offender and victim(s) within incident					
Current partner	64	8.7	82	5.0	.001
Former partner	24	3.3	43	2.6	Not significant
Family member	153	20.7	342	20.8	Not significant
Acquaintance	331	44.9	708	43.1	Not significant
Stranger	114	15.4	370	22.5	<.001
Location where offence(s) within incident occurred					
Residential location	505	68.4	969	59.0	<.001
Community location	151	20.5	407	24.8	.02
Other location type	42	5.7	153	9.3	<.01
Whether incident involved:					
Multiple offences	288	39.0	674	41.0	Not significant
Multiple offenders	40	5.4	77	4.7	Not significant
Multiple victims	35	4.7	109	6.6	Not significant
Family violence related offence(s)	122	16.5	187	11.4	.001
Number of sexual offences recorded within incident					Not significant
1 offence	440	59.6	1,020	62.1	
2 to 5 offences	266	36.0	528	32.1	
6 or more offences	32	4.3	95	5.7	
Whether other offence types recorded within incident					
Assault and related offences	100	13.6	220	13.4	Not significant
Abduction and related offences	43	5.8	75	4.6	Not significant
Robbery offences	6	0.8	13	0.8	Not significant
Stalking, harassment, threatening behaviour	41	5.6	104	6.3	Not significant
Property and deception offences	39	5.3	86	5.2	Not significant
Drug offences	29	3.9	43	2.6	Not significant
Public order and security offences	39	5.3	136	8.3	.01
Justice procedures offences	42	5.7	70	4.3	Not significant
Time between earliest offence, offence committed date and latest offence committed date within incident					.003
Within 2 weeks	364	49.3	930	56.6	
Between 2 weeks and 6 months	120	16.3	213	13.0	
More than 6 months	254	34.4	500	30.4	

Incident characteristics	Incidents that were not heard in court		Incidents that were heard in court		Significance
	n	%	*n*	%	*p*
Time between date first offence committed and date incident recorded by police					<.001
Within 2 weeks	258	35.0	742	45.2	
Between 2 weeks and 6 months	148	20.1	333	20.3	
More than 6 months	332	45.0	568	34.6	
Time between date incident first recorded by police and date outcome recorded by police					<.001
Within 2 weeks	124	16.8	317	19.3	
Between 2 weeks and 6 months	196	26.6	654	39.8	
More than 6 months	418	56.6	672	40.9	

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	Reference category		<.001
18-24	0.48	0.35, 0.66	<.001
25-34	0.49	0.36, 0.66	<.001
35-49	0.61	0.45, 0.83	.001
50-69	0.54	0.38, 0.77	.001
70 or older	-	-	Not significant
Most serious sex offence in incident			
Rape	Reference category		<.001
Indecent Assault	1.99	1.64, 2.41	<.001
Incest	-	-	Not significant
Time between earliest offence offence committed date and latest offence committed date within incident			
Within 2 weeks	Reference category		<.001
Between 2 weeks and 6 months	-	-	Not significant
More than 6 months	2.39	1.63, 3.51	<.001
Time between first offence date and date recorded by police			
Within 2 weeks	Reference category		<.001
Between 2 weeks and 6 months	0.74	0.56, 0.99	0.04
More than 6 months	0.35	0.24, 0.51	<.001
Time between date incident first recorded by police and date outcome recorded by police			
Within 2 weeks	Reference category		<.001
Between 2 weeks and 6 months	-	-	Not significant
More than 6 months	0.61	0.47, 0.78	<.001

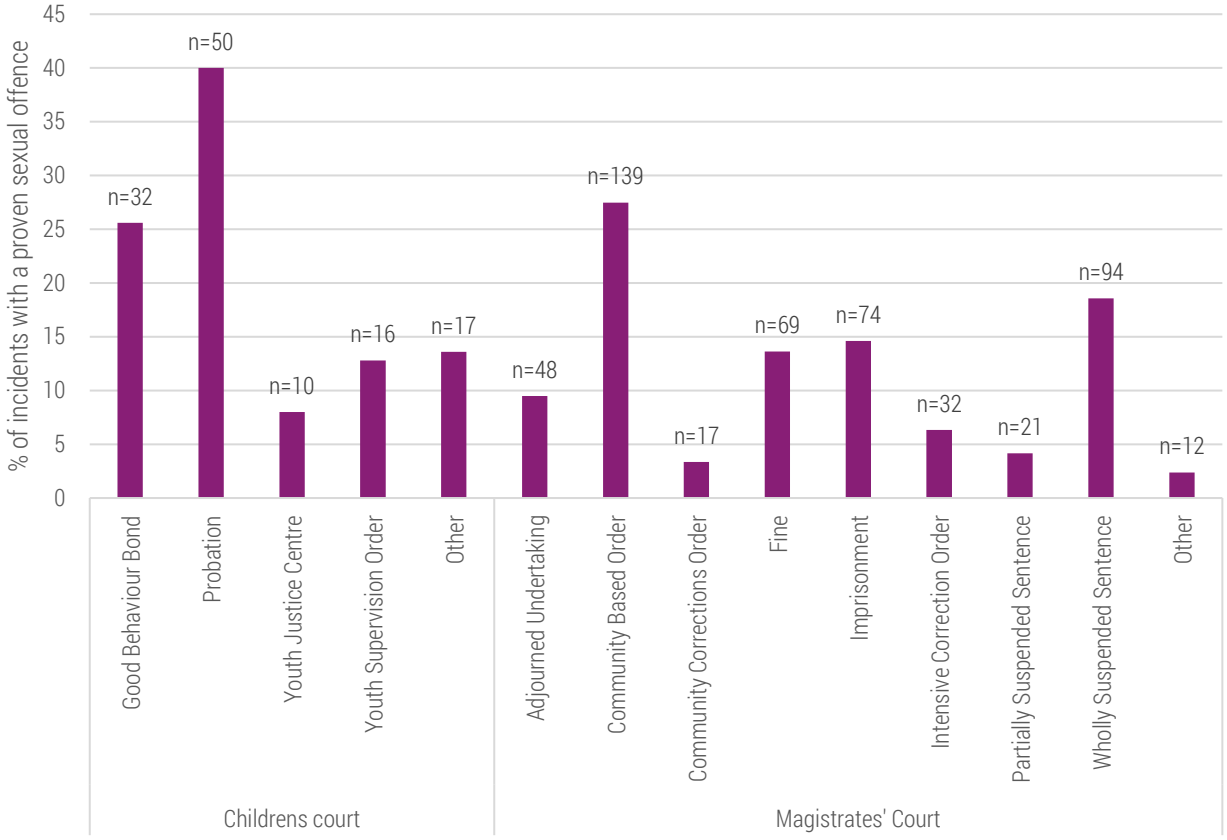
3.4 Court outcomes

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]) 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.

[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.

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.

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