

# Study of Reported Rapes in Victoria 2000-2003

## Summary Research Report

### Statewide Steering Committee to Reduce Sexual Assault

Based on a study by:

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2006

A Victorian  
Government  
initiative



Published by the Office of Women's Policy,  
Department for Victorian Communities

1 Spring Street Melbourne Victoria 3000  
Telephone (03) 9208 3333

July 2006

Also published on Office of Women's Policy  
website [www.women.vic.gov.au](http://www.women.vic.gov.au)

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Victorian Communities

Designed by Celsius Design.

Printed by SR Frankland

ISBN 0 9775335 2 2

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## Foreword

This study is the first extensive analysis of police investigations into rape offences in Victoria in more than a decade.

It analysed 850 rapes reported to Victoria Police over three years, from 2000 to 2003, using the Victoria Police Law Enforcement Assistance Program (LEAP) database. It examined rape investigations and the factors that appeared to influence the outcomes, especially where the complaint was withdrawn or the investigation did not proceed.

The study was undertaken to address some of the gaps in knowledge identified by the Victorian Law Reform Commission in its *Final Report on Sexual Offences Law and Procedures*, released in June 2004.

The study was commissioned by the Office of Women's Policy on behalf of the Statewide Steering Committee to Reduce Sexual Assault (The Committee). The Committee is one of three Committees established by the Victorian Government to work in partnership with the community to implement the *Women's Safety Strategy 2002-2007*. The Strategy aims to reduce the level, and fear, of violence against women in Victoria.<sup>1</sup> The Committee was also established as part of the Victoria Police *Violence Against Women Strategy* which aims to improve police responses to women who experience violence. It is co-chaired by the Office of Women's Policy, in the Department for Victorian Communities, and Victoria Police.<sup>2</sup>

The Australian Centre for the Study of Sexual Assault at the Australian Institute of Family Studies was commissioned to undertake the study which was funded by the Victorian Community Support Fund.

The findings provide Victoria Police with a strong evidence base regarding the case characteristics and case outcomes of reported rapes, and will be considered in improvements to its response to victims of sexual assault.

The study demonstrates the commitment of Victoria Police to an open and transparent response to violence against women and children. Victoria Police has already implemented extensive reforms to its response to family violence and is working towards improvements to the investigation of sexual offences. This includes the development of the Sexual Offences and Child Abuse Investigation Teams which aim to integrate a justice and human services response to victims. Two teams are currently being piloted in Mildura and Frankston. Victoria Police is also undertaking a comprehensive study into the investigation of sexual offences with the University of Ballarat and the University of Melbourne, through a five year Australian Research Council Linkage Grant.

<sup>1</sup> Details of the Women's Safety Strategy and a Progress Report are available on the Office of Women's Policy website: [www.women.vic.gov.au](http://www.women.vic.gov.au)

<sup>2</sup> See Appendices one and two for the Committee's Terms of Reference and membership.

A study of this size, scope and quality could not have been achieved without the assistance of many people.

The Committee would particularly like to thank the key researchers, Dr Melanie Heenan (Australian Centre for the Study of Sexual Assault) and Dr Suellen Murray (RMIT University), and their research assistants, Ms Margaret Gwynne and Ms Haley Clark, for their strong commitment, rigour and dedication to this project. The Committee also appreciates the efforts of the Sexual Assault and Child Abuse Coordination Office within Victoria Police, who undertook the onerous task of accessing the case narratives. The Committee would also like to note the contribution of Felicity Broughton (Victorian Magistrate) and Judy Flanagan (Chair, Centre Against Sexual Assault Forum) who provided considered reviews.

We look forward to seeing the outcomes of this research used for the benefit of the many victims of sexual assault attempting to access justice.



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**Director**  
**Office of Women's Policy**



Leigh Gassner  
**Assistant Commissioner**  
**Victoria Police**

**Co-chairs**  
**Statewide Steering Committee to Reduce Sexual Assault**

### **A note on language**

It is acknowledged that using terms such as 'victim' or 'offender' carries the implication that the reports of rape relevant to this study have been substantiated. However, consistent with other contemporary reports on this subject (Jordan 2004; Lievore 2003, 2005), the term 'victim' is used in recognition of the unmatched levels of under-reporting for sexual offences that have consistently been established through crime victimisation surveys and victim testimonies. The report also refers to 'allegations' and 'alleged offences' and interchanges the use of 'offenders' and 'alleged offenders', again with recognition that these terms are being used presumptively.

This study profiled 850 rapes reported to Victoria Police over three years, from 2000-2003, using the Victoria Police Law Enforcement and Assistance Program (LEAP) database.

It identifies the relationship between case characteristics and case outcomes and profiles cases involving specific groups of victims and offenders.

The study was significantly limited by the constraints of LEAP to comprehensively map the nature of police investigations of rape. It particularly limited the examination of cases involving victims and offenders with disabilities, and victims and offenders from Indigenous and culturally diverse communities.

The study also attempted to analyse the following small groups: victims under 10 years of age; older victims; victims from rural and or regional areas; victims who reported rapes by intimate partners; and, female offenders.

## Key findings

- **Offenders were charged in only 15 per cent of reported rapes examined.**

This suggests the attrition rate for rape may have increased, despite reforms designed to improve the numbers of investigations proceeding to prosecution.

- **Police did not proceed with more than 60 per cent of investigations.**

15.1 per cent of rape complaints were withdrawn.

46.4 per cent of rape complaints resulted in No Further Police Action.

21.3 per cent of rape complaints were 'still ongoing' or could not be determined on the basis of the information in the case records.

- **Only 2.1 per cent of reports were designated by police as false.**

The belief that false allegations of rape are rife, is therefore challenged by the evidence.

- **26 per cent of cases in this study involved victims with a psychiatric disability or mental health issue.**

They were among those least likely to result in charges being laid against the offender and twice as likely to be determined as false.

- **Where complaints were withdrawn, no statistically reliable profile of the characteristics of cases could be established.**

These cases did, however, involve slightly older victims, who were more likely to have used alcohol and/or other drugs around the time of the offence.

- **Offenders were proportionally more likely to be current or former partners in cases where the complaint was subsequently withdrawn compared to cases where charges were laid.**

Some of these allegations were made against offenders who were, at the time of the rape, under family violence intervention orders.

- **Characteristically rape victims who were most likely to see charges laid were:**

male; physically injured; medically examined; not influenced by alcohol or drugs at the time of the offence; subject to other offences alongside the rape; and, raped by offenders well known to police for previous sexual offending. This is despite the overwhelming majority of rape victims (92.5 per cent) being female.

- **Cases that resulted in No Further Police Action were typically more likely to involve:**

younger victims; victims who were acquainted or who had a cursory relationship with the offender; and, victims who had consumed alcohol or other drugs around the time of the offence.

## Introduction

### Project background

- 1 Victoria Police responses to sexual assault have undergone significant improvements over the past two decades. These have largely been directed towards improving police responses to victims.
- 2 Questions remain, however, about the low levels of reporting and high levels of attrition that continue to be found in the context of sexual assault cases (Australian Bureau of Statistics (ABS) 2004; Cook, David & Grant 2001; Lievore 2003; Neame & Heenan 2003).
- 3 Studies suggest that adequate responses to rape are hindered by the ‘gatekeeping’ role played by police, particularly in adopting attitudes and responses to victims that discourage many from proceeding. This was confirmed by findings published by the Victorian Law Reform Commission (VLRC) in 2003, which indicated that the numbers of rape complaints being withdrawn by victims were on the increase.
- 4 Victoria Police data provided to the VLRC showed that the proportion of withdrawals had risen from 14 per cent in 1994-95 to a disturbing 31.5 per cent in 2002-03 (VLRC 2003). These findings gave rise to the VLRC recommending in its Final Report that research be undertaken to identify why complaints are increasingly being withdrawn and the kinds of factors that might be influencing police to take no further action following the initial report (VLRC 2004). This finding provided the impetus for this study.
- 5 The difficulties experienced by victims who report sexual assault are well documented (Department for Women 1996; Heenan & McKelvie 1997; Henning 1996; Lees 1997; Taylor 2004; Temkin 2002; VLRC 2004). The ongoing re-victimisation of women at the hands of the criminal justice system, along with the failure to address the legacy of laws and procedures that place women’s credibility at the heart of the legal contest, accounts for victims’ profound lack of faith in the legal process and their frequent unwillingness to participate in it.
- 6 The reluctance to report for fear of responses from justice agencies is more profoundly felt by women from diverse groups (Department for Women 1996; Goodfellow & Camilleri 2003; Mason 1995; Thomas 1992; Thorpe, Solomon & Dimopoulos 2004; VLRC 2003).
- 7 Police have a critical role in responding to the needs of those who have experienced sexual assault and in ensuring that victims feel able to continue with the legal process. While the decision not to proceed further with an investigation can rest with either the police or the victim, it is often the case that victims’ decisions are affected by the nature of police involvement, suggesting that the way police respond to sexual assault is likely to be a critical determinant of case outcomes (Lievore 2003; VLRC 2003).
- 8 This is the first comprehensive study into police investigations of rape offences undertaken in Victoria since 1991, when the Victorian Community Council Against Violence (VCCAV) investigated all rape offences reported to police between 1987 to 1990



(VCCAV 1991). This study considered the characteristics of cases and the reasons police provided for their decisions not to continue with some rape investigations.

- 9 More recently, the VLRC three-year review into *Sexual Offence Laws and Procedures* investigated whether legislative, administrative or procedural changes are necessary to ensure that the criminal justice system takes sufficient account of the needs of complainants (VLRC 2001, 2003, 2004). The VLRC (2003) analysed trends and characteristics in reporting for both rape and non-rape offences over the period 1994 to 2002 and ran focus groups with police to examine their perceptions of responding to reports of sexual assault.

## Project aims

- 10 The principal aim of this study was to examine the factors that appear to influence the outcomes of rape investigations, especially where the investigation did not proceed or where the complaint was subsequently withdrawn.
- 11 Specifically, this study examined Victoria Police case records to:
- identify the characteristics of cases that were finalised as ‘complaints withdrawn’, ‘no offence disclosed’ and ‘offender processed’; and,
  - distinguish, to the extent that the evidence is available, the kinds of factors that influence the finalisation of rape reports as ‘complaints withdrawn’, ‘no offence disclosed’ and ‘offender processed’ for victims from diverse groups.
- 12 The initial intent of this study was to undertake a more comprehensive review of police attitudes and perceptions regarding the investigation of rape. Given that police data did not consistently provide this level of information, the project aims had to be reshaped to enable a stronger focus on quantitative data. However, to the extent possible, some discussion of attitudes and perceptions regarding police responses to rape does appear.
- 13 By analysing 850 case records from the Victoria Police Law Enforcement Assistance Program (LEAP) database, from July 2000 to June 2003, this research profiles the relationships between case characteristics and case outcomes of reported rapes. It is important to emphasise that this study was dependent on information recorded by police and their detailing of the events. It is therefore critical that these findings are viewed alongside other perspectives, particularly studies dedicated to how victims experience the reporting process. These should be considered an important benchmark through which improvements in police responses to sexual assault are measured.
- 14 The findings from this study provide an evidence base that can help identify what constitutes best practice in responding to and investigating sexual offences. The outcomes might also assist with further developing police training and the operation of the Victoria Police *Code of Practice for the Investigation of Sexual Assault*.

## An overview of the context

### Victoria Police responses to sexual assault

#### The Police Code of Practice for the investigation of sexual assault

- 15 The introduction of the Victoria Police *Code of Practice for the Investigation of Sexual Assault* (hereafter ‘the Code’) in 1992 was a critical moment for changing the culture of policing sexual offences in Victoria. Of particular significance was the Code’s emphasis on police being part of a co-ordinated response to victims of sexual assault, which included working alongside the Centres Against Sexual Assault (CASAs) and forensic medical officers.
- 16 The Code legitimises the importance of victims receiving a dedicated response to their medical and support needs, alongside the needs of police investigations. Under the code, victims should receive prompt access to counselling and medical attention prior to participating in the investigation. They should be treated with empathy and respect and be kept informed about the progress of the case, their options for accessing support services and the reasons for the outcomes of police investigations.
- 17 An evaluation of the Code in 1995 concluded that “the Code is an important mechanism for the effective management of sexual assault cases” and recommended that it be “retained and strengthened” (Heenan & Ross 1995: 91). However, some problem areas were identified. Broadly they concerned a level of resistance, particularly by investigators, to the new philosophy of prioritising victim care. The evaluation of the Code showed that some police continued to conduct investigations according to the traditional framework that saw rape victims as inherently unreliable, or as “just another piece of evidence”. In addition, the attrition rate remained high, with charges being laid in just over one in five of the reports examined.
- 18 A third edition of the Code was launched in November 2005, which expects police to demonstrate greater competency in responding to victims from Indigenous communities, non-English speaking backgrounds, victims with a cognitive impairment or mental health issue and child victims. The Code continues to prioritise the needs of the victim and to discourage stereotypes that could be interpreted as signs of police disbelief. Significantly, the Code warns police never to presume an allegation of rape is false.
- 19 The latest edition of the Code also guides police through the procedures they must follow if the victim prefers no further police action or wishes to withdraw the complaint (Victoria Police 2005: 25-27). The emphasis is on establishing greater police accountability and transparency and to reduce the scope through which ‘victim’s wishes’ may actually reflect members’ views of the veracity of complaints.

## A Way Forward: Violence Against Women Strategy

- 20 In 2002, Victoria Police, led by Chief Commissioner, Christine Nixon, released *A Way Forward: Violence Against Women Strategy: A Summary of the Review into All Matters Related to Violence Against Women*. It contains 25 recommendations for police to improve their responses to violence against women, symbolising a renewed vigour in this area.
- 21 The Violence Against Women Strategy comes to a close in 2007. Victoria Police is currently considering the next phase of the strategy which will focus on family violence, sexual assault and child abuse.
- 22 Victoria Police also promptly responded to many of the recommendations made by the VLRC following its review into *Sexual Offence Laws and Procedures*. The Code was reviewed (as outlined above), training is being developed to improve the competency of police to support and give information to victims with diverse needs and work has commenced to improve investigative practices in relation to sex offences.
- 23 It is unclear how effectively these changes might influence the residual problem of police attitudes towards sexual assault, particularly those of some investigating members. The VLRC's focus groups with police members in 2004 revealed the presence of some disturbing views relating to sexual assault victims. This includes the perception of some members that as many as 50 per cent of reported rapes that are later withdrawn are probably false (2004: 111).
- 24 While Victoria Police is ready to embrace strategies for change when responding to violence against women and children, the small numbers of sexual offence cases that make their way beyond the stage of reporting, coupled with victim testimonies about the reporting experience, indicate that some areas require significant change.
- 25 In 2006, as part of the Victorian Government's \$34 million sexual assault reform package, Victoria Police received \$6 million to pilot two Sexual Assault and Child Investigation Teams (SOCITs). These teams began operating in February 2007 in Frankston and Mildura. The SOCITs enable police to respond to sexual offences through a single unit providing victims a consistent and seamless service. SOCIT staff are trained both in the investigation of sexual assault and in attending to the needs of victims. The SOCITs are also significant because they are located in 24 hour Multidisciplinary Centres for Sexual Assault. These centres include victim support services and forensic medical suites and provide a comprehensive response to all victims of sexual assault aged 16 and above. The two pilot sites will be implemented and evaluated concurrently during 2007-2010.
- 26 In 2005 Victoria Police and the University of Ballarat commenced a five-year collaborative project to research adult sexual assault. The project, *Adult Sexual Assault: An evidence-based policy, practice and advocacy model for Victoria Police* will result in the implementation of a policing model aimed at advancing the rights and welfare of those who have experienced sexual assault. The research will be conducted as part of an Australian Research Council (ARC) Linkage Projects grant, the largest ARC grant Victoria Police has ever received. The University of Melbourne is also involved in the project.

## A review of the literature

### How willing are victims to disclose sexual assault?

- 27 Crime victimisation surveys, such as Women’s Safety Australia (ABS 1996), the Personal Safety Survey (ABS 2005) and the Australian Component of the International Violence Against Women Survey (2004) confirm that:
- sexual assault is overwhelmingly, though not exclusively, a gendered crime, with women and girls making up the majority of victims;
  - the perpetrators are nearly always men, with proportions of more than 90 per cent being identified by most studies;
  - family members, and current or former intimate partners, are increasingly being identified as offenders; and,
  - victims are often still reluctant to tell someone about it and even more ambivalent about talking to police.<sup>3</sup>
- 28 Indeed, only 15 per cent of women who described an incident of sexual violence in the 12 months prior to the *Women’s Safety Australia* survey had reported to police (ABS 1996).
- 29 Many studies have documented why victims of sexual assault do not disclose sexual assault. In Victoria, the VLRC provides a compelling overview of the barriers faced by victims in reporting sexual offences. It draws critical attention to the unique difficulties faced by non-English speaking, Indigenous victims and victims with a disability (2003: 101-116).
- 30 Victims unanimously describe the barriers to reporting as primarily fear-based: they fear disbelief or blame; the impact of reporting on their families and communities; possible retribution by the offender; and, getting lost in a process that will only hinder their emotional recovery. Fears surrounding the nature of the police response remain staple themes (Jordan 2001, 2004; Temkin 1997, 1999; Lievore 2003, 2005).
- 31 There are also particular difficulties faced by women in disclosing sexual violence in the context of their intimate relationships with men (Beckerman 2002; Bergen 1996; Russell 1990). The findings from the Australian component of the *International Violence Against Women Survey* confirm that the majority of women who experience violence do so at the hands of intimate partners and family members. The barriers experienced by women in intimate relationships who wish to report sexual assault are compounded given they are likely to be “emotionally involved with and economically dependent on (the very men) who victimise them” (Krug et al. 2002: 89).

3 The report *Sexual Assault In Australia: A Statistical Overview* published by the Australian Bureau of Statistics in 2004 compiled the findings from the most significant incidence and prevalence research conducted on sexual assault over the past decade, all of which accord with these very established patterns.

## Research on victim experiences of reporting to police

- 32 A range of previous research has considered victims' perceptions of the police response (e.g., Gilmore & Pittman 1993; Gregory & Lees 1999; Jordan 2001, 2004; Kelly, Lovett & Regan 2005; Temkin 1997, 1999).
- 33 In Victoria, research published by CASA House highlighted how critical the quality of the initial police response was if women were to stay committed to the reporting process (Gilmore & Pittman 1993). A total of 30 per cent of victims chose not to proceed, with a quarter of them citing the police as having actively discouraged them.
- 34 The evaluation of the 1992 Victoria Police Code found that whilst many victims were positive about the police response, police scepticism towards rape victims was identified, especially amongst Criminal Investigation Branch (CIB) members (Heenan & Ross 1995: 76). International research has generated similar findings. In the United Kingdom, Kelly, Lovett and Regan (2005) found more than a third of cases in their sample were dropped at the investigative stage as a result of evidential issues. These issues concerned cases where the victim had learning difficulties, mental health issues or was otherwise unable to give a clear account of what occurred. Issues around victim credibility were linked to those cases that did not proceed (Kelly et al. 2005).
- 35 In New Zealand, Jordan (2004) found victims were aware their credibility would be questioned and these perceptions of disbelief discouraged some of them from proceeding with complaints. Victims' withdrawal of complaints could be interpreted as a lack of confidence in the system's ability to meet their needs and deliver justice.

## Diverse groups

- 36 There is minimal research on sexual assault against victims from diverse groups. With one third of sexual assaults being reported in the general population, it is broadly accepted that reporting rates amongst these groups are likely to be considerably lower (Lievore 2003; Neame & Heenan 2003).
- 37 For victims from culturally and linguistically diverse (CALD) communities, communication difficulties and cultural factors may compound the difficulties of reporting sexual assault (VLRC 2003; Lievore 2003).
- 38 The willingness of Indigenous women to report sexual assault is inhibited by a distrust of, and alienation from, the criminal justice system (Lievore 2003). Research has documented that complaints made by Indigenous women are often inadequately investigated, leaving women feeling both disbelieved and vulnerable to re-victimisation (Lievore 2003, 2005; Thorpe, Solomon & Dimopoulos 2004). Indigenous women have also identified the burden of coping with community pressure (Moore 2002).

- 39 For people with disabilities, the ill-informed but common view that they are inherently unreliable is also likely to influence their experiences of reporting sexual assault (VLRC 2004).

### Attitudinal and other factors that impact on the investigation and outcomes

- 40 Attitudes informed by preconceived assumptions about the typical rape victim have been found to impact on the investigation of sexual offences. As noted by Gilmore and Pittman (1993: 11), “while further traumatising victims, these stereotypical notions may also lead police to screen out, prematurely and inappropriately, numerous cases, especially those in which consent is a major issue”. These kinds of belief systems are based on rape myths such as “women ask to be raped” by the way they behave or women say “no” when they mean “yes” (Jordan 2004; Kelly, Lovett & Regan 2005).
- 41 The extent to which police express belief or disbelief towards victims has significant implications for the withdrawal of complaints and decisions to take no further action (Jordan 2001, 2004; Temkin 1999, 2002). While some believe withdrawn complaints are likely to be false reports, others argue that it is this environment of disbelief that encourages women to withdraw complaints.
- 42 Victorian Community Council Against Violence (VCCAV) research shows police considered false reports to be the result of victims either being frightened about getting into trouble, needing greater attention from their parents, covering up for coming home late to punish their parents or because of emotional problems (VCCAV 1991). In some instances, police considered that victims withdrew complaints “after further information was obtained that conflicted with their original account to police” (VCCAV 1991: vii).
- 43 In the evaluation of the Police Code of Practice, Heenan and Ross (1995) found that 21 per cent of uniformed members, 33 per cent of Community Policing Squad (CPS) members and 44 per cent of CIB members disbelieved victims. Inconsistencies in victims’ accounts and lack of corroborating evidence were cited as the most common reasons underpinning police disbelief. The credibility of victims was also diminished by mental health or psychiatric issues or if they were ‘known’ to the police.
- 44 In more recent Victorian research (VLRC 2004), Criminal Investigation Unit (CIU) and Sexual Offences and Child Abuse Unit (SOCAU) members suggested that victims withdrew complaints because of fear, lack of confidence in the criminal justice system, feelings of guilt and responsibility, lack of intention of taking the case further or pressure from family if the abuse was intra-familial. CIU officers were confident that some ‘complaints withdrawn’ were likely to be false reports, which is a view not shared by many SOCAU members. In fact, some CIU members felt it was possible to “just tell” when a report was false (VLRC 2004: 111).

- 45 Jordan (2004:135) also found that among some police in New Zealand there was “a dominant mindset of suspicion underlying police responses to reports of sexual assault.” A wide range of factors influenced police perceptions of credibility including: drunkenness; previous consensual sex with the offender; intellectual impairment; having a history of psychiatric disturbance; being a sex worker; and, delays in reporting.
- 46 Research shows that victims withdraw complaints due to the stress of being involved in the process. This includes fear of police and legal processes, fear of family and friends’ reactions, lack of information, unexplained delays in the progress of the investigation and fears about engaging with the criminal justice system (VLRC 2003). Withdrawing their complaint provides victims an opportunity to regain some control over their lives (VLRC 2003). Police attitudes also have a significant impact, with victims deciding “that they did not want further action, [and] that decision was strongly influenced by police attitudes and responses” (Real Rape Law Coalition 1991, cited in VCCAV 1991).
- 47 Research also shows that certain cases are more likely to be withdrawn. For example, rapes and other penetrative offences where the offender is known to the victim, particularly rapes by partners and boyfriends (VLRC 2004). Similarly, UK research found that criminalisation is most likely to occur in cases of stranger rape (Gregory & Lees 1999: 102).
- 48 Five of the 30 women recently interviewed by Lievore in her study on women’s help-seeking decisions who had reported to police, decided against proceeding “because they were subjected to pressure” from a range of sources including police, family members and harassment by the offender himself (2005: 42). Two of these women specifically said the police had influenced their decision to sign formal statements for the investigation not to proceed.
- 49 This study of reported rapes contemplates these issues ten years on from studies that were undertaken in Victoria to profile reported rapes and to investigate the factors that appeared to influence case outcomes.

## Methodology

- 14
- 50 This study provides the first detailed quantitative study of police records of reported rape offences in Victoria since 1991. Its principal aim was to examine the kinds of factors that influence the outcomes of rape investigations, especially where the investigation did not proceed or where the complaint was subsequently withdrawn.
- 51 A random sample of 850 sub-incident records from police divisions around Victoria was generated covering a three-year period, from 2000 to 2003, using the Victoria Police Law Enforcement and Assistance Program database (LEAP). The corresponding case narratives for both Sexual Offences and Child Abuse Unit (SOCAU) and Criminal Investigation Unit (CIU) members were also examined to determine which factors appeared to most influence the outcomes of investigations.
- 52 The LEAP database stores particulars of all crimes brought to the notice of police and provides the only state-wide data source of reported rape offences in Victoria. LEAP enables police to record information about the victim, the alleged offender and the nature of the offence. Police can also write a commentary on what action was taken after a report is made and the nature and outcome of any subsequent investigation. Police members of general duties divisions, members of SOCAU and members of CIU can all add commentary for a single case.
- 53 Given this capacity, the original aims of the study extended to collecting both quantitative and qualitative data. In particular, the study intended to examine the case commentaries to identify the attitudes and perceptions that guide police and/or victim decision-making on whether to proceed with an investigation or whether charges will be laid.
- 54 However, it became clear after coding commenced, that LEAP is not used consistently and has a number of limitations. In addition LEAP allows police considerable discretion in terms of how much information they compile for each case record. Furthermore, there are no standardised definitions for how each field ought to be interpreted. Some members, particularly those in SOCAU, used LEAP to compile comprehensive accounts of individual cases and clearly outlined the steps taken following the initial report. Other members, however, were less inclined to use LEAP to systematically record what took place in response to a report or to document the manner in which any subsequent investigation proceeded. This applied particularly to members of CIUs where it was common for their LEAP files to contain minimal case notes beyond completing the requisite standard demographic information.<sup>4</sup>

4 Efforts were made by Victoria Police to gather a sample of individual SOCAU and CIU members' casebook notes to test whether this would generate a better quality of information about police attitudes and responses to rape reports. However, any additional information provided through the case notes returned by the members was in fact minimal, and a decision was made not to continue with this method of supplementing the information contained within LEAP.



- 55 The second limitation on gathering the data was the result of conditions placed on the degree of access the researchers were given to the LEAP records. Privacy concerns, which were later resolved, meant that the researchers were not able to access the full case records for the first nine weeks of the project. While the researchers were able to collect a reasonable level of information in approximately 60 per cent of cases, they were nonetheless burdened with having an incomplete data set for 341 cases examined.
- 56 As a consequence, the study is limited by the quality of the data and the extent to which LEAP can provide a reliable overview of police responses to reported rapes. It almost certainly falls short in its capacity to give detailed accounts of police members' attitudinal responses to victims. Nonetheless, it is important to emphasise that even the factually oriented accounts contained within LEAP principally reflect police members' interpretations of the events.

## Case profiles

### Case characteristics

57 This section presents data on the personal characteristics of rape victims and offenders, and the nature of the assault.

#### Victim characteristics

58 Victims were overwhelmingly female (92.5 per cent). Nearly half of the victims were aged between 15 and 24 years at the time of the assault, with 13.3 per cent of the total sample aged less than 15 years. The median age for both males and females was 21 years. When comparisons are made with age groups across the general population, 15 to 24 year olds are clearly over-represented as victims of rape (ABS 2002).

59 To the extent that data was available, the study indicated that only 16 victims (1.9 per cent) were Aboriginal or Torres Strait Islanders. This figure is likely to be underestimated, as in more than half the case samples (446 or 52.5 per cent) the Indigenous status was not recorded and therefore, unknown. The Indigenous status is a discretionary field within LEAP and identification is made on a subjective basis by Victoria Police and not by victim self-identification. Despite this, given 0.5 per cent of the Victorian population identify themselves as of Indigenous origin (ABS 2002), Indigenous people were over-represented as victims of rape.

60 To the extent that data was available, the study indicated that 52 victims were born overseas. Data on country of birth (which is acknowledged to be a poor indicator of ethnicity and includes both English and non-English speaking countries), cultural identity and language spoken were sought to provide indicators of ethnicity. However, this information was typically not provided in the LEAP records, although it was sometimes noted in the narrative. In relation to country of birth, 69.3 per cent of data was missing.

61 More than a quarter of victims (221 or 26.5 per cent) were identified as having a disability and, of this group, 130 (15.6 per cent) had a psychiatric disability and 49 (5.9 per cent) had an intellectual disability.

62 More than half of victims (508 or 60.5 per cent) were 'known' to police prior to reporting the assault. Among them, 207 victims (40.4 per cent) had made previous allegations of assaults or other offences and 173 (33.7 per cent) had prior convictions. Some victims were also 'known' to police as current or former applicants or holders of intervention orders related to family violence (75 victims or 14.8 per cent). However, 46.3 per cent of the data was missing.

## Offenders characteristics

- 63 The overwhelming majority of offenders in this study were male (99.4 per cent). Whilst their median age was 33 years, there were 13 (2.6 per cent) alleged offenders under 15 years of age. The age of 359 alleged offenders (42.2 per cent) could not be established.
- 64 More than one third of offenders (39.8 per cent) were 'known' to police. Among those known, 72 (27.6 per cent) were known due to prior allegations of sex offences made against them. At least 30 (11.5 per cent) had been defendants of intervention orders at some time but not necessarily in relation to the victim. Of this latter group, 17 allegedly committed the offence while being the subject of active intervention orders against the victim.
- 65 The police files identified 16 (1.9 per cent) alleged offenders who were Aboriginal or Torres Strait Islander. However, the Indigenous status of more than half of the sample (53.6 per cent or 456) could not be established. Nonetheless, Indigenous people are over-represented as offenders (ABS 2002).
- 66 Information on the offender's country of birth and cultural identity was unavailable in the majority of records. Some case narratives included information about the alleged offender's background, indicating that there were 89 non-Australian born offenders from at least 34 different countries. However, in relation to country of birth, 72.8 per cent of the records did not include this information.
- 67 There were 554 offenders who were established as not having a disability (90.4 per cent). However for another 237, the offender's disability status was recorded as 'unknown' or 'missing'. Among the 59 (6.9 per cent) offenders clearly identified as having a disability, 25 (4.1 per cent) of them had an intellectual disability and 18 (2.9 per cent) had a psychiatric disability.

## Characteristics of the assault

- 68 More than three quarters of the assaults (669 or 79.3 per cent) were single incidents of rape and in the majority of cases there was a single offender (85.5 per cent).
- 69 Most victims knew the offender in some way, with strangers accounting for just 16 per cent (133) of those reported. Most commonly the assault involved acquaintances or people that the victim had met on the night (222 or 26.7 per cent), current or former partners (160 or 19.2 per cent), friends of the victim (8.3 per cent) or family members (7.9 per cent). Five victims had been or were in a same-sex intimate relationship with the offender.

- 70 In 389 cases (45.8 per cent) other non-sexual offences also occurred, with the majority being person-related. There were 17 cases that involved breaches of intervention orders.
- 71 For 69 cases (8.2 per cent) there was more than one incident of rape involved. For 106 cases (12.5 per cent), there were multiple incidents over periods of time, 6.5 per cent over a period of years and 6 per cent over contained periods.
- 72 More than half of the offences (480 or 59 per cent) occurred in homes: most commonly the offender's home (168 or 20.6 per cent); the victim's home (161 or 19.8 per cent); or their shared home (86 or 10.6 per cent).
- 73 The location of the police unit that responded to the report is one indicator of the location at which the rape occurred.<sup>5</sup> More than half of the rapes were dealt with by SOCA Units in metropolitan Melbourne (495 or 61.2 per cent), a quarter in rural or regional locations<sup>6</sup> (234 or 28.9 per cent) and 80 (9.9 per cent) in the City of Melbourne (ie. the CBD).
- 74 Almost half of the offences (401 or 47.7 per cent) were reported to police within 24 hours of the assault. A further 145 assaults (17.3 per cent) were reported to police within a week and 66 (7.8 per cent) were reported two or more years later.
- 75 In more than half of the cases (449 or 55.2 per cent) the victims reported the rape to police themselves. Reports were also initiated by relatives (124 or 15.2 per cent), counsellors or other support services (65 or 8 per cent) and doctors or other health workers (47 or 5.8 per cent).
- 76 More than half of victims (441 or 66.4 per cent) were medically examined after reporting the rape. However, more than 300 victims reported the rape more than a week after the assault, which is generally considered to be outside the timeframe in which most forensic evidence can reliably be collected.
- 77 Most of the victims who were medically examined (310 cases or 71.8 per cent where the information was available) were examined within 24 hours of the assault and most were examined by Forensic Medical Officers (354 cases or 82.3 per cent where the information was provided). Of the 177 cases where gender of the examining doctor could be established, 107 (60.5 per cent) were female doctors. For 201 victims (27.6 per cent), physical injuries were sustained as a result of the assault: 47 required medical attention; and, 20 required hospitalisation.

5 The precise geographical location of where the assault(s) occurred was not routinely noted by police members in the LEAP records or case narratives. However, the designated police response unit is generally the division closest to where the victim reported the offence, or to where the victim lives. It is possible, however, that the offences themselves did not occur in that particular region.

6 Geographical locations considered "regional" were larger, more heavily populated areas. Smaller and more isolated communities in country areas were coded as "rural".

- 78 Victims' use of alcohol and/or other drugs around the time of the offence was noted by police in the case records in 53.3 per cent of cases (314). In nearly a third of cases, the use of alcohol or drugs was not known.
- 79 For offenders, there were more cases where use of alcohol or drugs was unknown (562 or 66.1 per cent). There were, however, 193 cases (66 per cent) in which offenders were noted as having used alcohol, drugs or both around the time of the assault.
- 80 In 540 cases (65.1 per cent) the offender was located by police. In a further 190 cases (22.9 per cent) the offender could be identified but not located, while for 20 cases the records could not confirm whether the offender had been located or not. In only 100 cases (12.1 per cent) it was impossible to establish the identity of the offender.
- 81 More than half of alleged offenders were interviewed (466 or 55.5 per cent), with 436 undertaking a formal police record-of-interview and the others interviewed informally. Most of the remaining alleged offenders (374 or 44.5 per cent) were not interviewed. For 19 cases there was no information about whether the alleged offender was interviewed and in one case the alleged offender had already been charged with multiple offences. However, in 73 cases, the offender was identified and located but no interview took place. Whilst there are many reasons why an offender cannot be interviewed, such as little or no available evidence, no reasonable grounds for an interview or he/she may be deceased, there was no explanation in case narratives as to why the alleged offender was not interviewed. This information is usually contained within other documentation such as briefs of evidence or reports detailing the circumstances of the incident. Access to these documents was not within the scope of this research.
- 82 The primary lines of defence used by alleged offenders who were interviewed and for whom there was information (n=349) was that the victim consented to the sexual activity (107 or 30.7 per cent), 81 denied the allegations (23.2 per cent) and 41 admitted contact but denied any sexual activity (11.7 per cent). Some offenders made partial admissions to the offences (29 or 8.3 per cent) and others made full admissions (28 or 8 per cent).

## Case outcomes

- 83 Of the 812 reports where the case outcome could be established,<sup>7</sup> police laid charges in only 15 per cent of cases, suggesting that less than one in six victims will be involved in cases that are likely to proceed to a prosecution stage<sup>8</sup>. Comparing this figure with the earlier studies suggests the rate of attrition for reported rape offences may actually have increased.
- 84 The proportion found here is more than eight per cent less than the proportion that proceeded to charge in the 1993 study (Heenan & Ross 1995) and less than half the proportion of cases represented in the late 1980s (VCCAV 1991).<sup>9</sup> It is also slightly lower than the percentage of cases reported by Kelly and her colleagues in the UK which suggests that around 20 per cent of cases proceeded past the investigation stage, although they note that only 14 per cent proceeded to prosecution (2005: 40-41).
- 85 Most of the cases resulted in No Further Police Action (NFPA) (46.4 per cent). Indeed, if this figure is combined with the numbers of complaints being withdrawn, a total of 61.5 per cent of cases did not proceed past the report or investigation stage. This figure could in fact be as many as 80.8 per cent if it includes ‘cases that are still ongoing’ given no charges had been laid between the report stage and the commencement of this study.<sup>10</sup>
- 86 In 17 cases (2.1 per cent), the case outcome was clearly categorised as a false report and the alleged victim was either charged or told that she (there were no male victims amongst these 17 cases) would be charged unless she dropped the complaint. While this represents only a fraction of the sample, the findings will show a much larger proportion of cases where police were confident, or reasonably confident, that the allegations were false but there was no attempt to institute charges against the alleged victim.
- 87 In light of the original research question, which was to explore the increasing numbers of complaints being withdrawn, the proportionately small number of cases that were found to fit in this outcome category was unexpected. The VLRC found that 24.8 per cent of the reported rapes they examined using the LEAP database were classified as Complaints Withdrawn (CW) in 2001-2002 (the second year of this study) (VLRC 2003), with a further rise to 31.5 per cent in 2002-03 (the third year of this study) (Victoria Police 2003). And yet, in the current study the proportion of CW is just 15.1 per cent.

7 The 38 ‘missing cases’ almost all represent instances where there was no clear indication about what had happened following the initial report. There was also one case where the offender had committed suicide. These have been excluded from the analysis on case outcome.

8 Not all cases that result in charges being laid are authorised for prosecution.

9 The VCCAV (1991: 42) study suggests that charges were laid against 32 per cent of offenders. There is no explanation about whether charging decisions related to offenders or offences. If offence based, the charging rate is likely to be higher, particularly given the proportion of offences found in their study to involve strangers. i.e. an offender group that has traditionally been more likely to attract charges being laid. However, the table heading in the report refers to ‘offenders’, so the figures could equally represent the number of people actually charged which would make the findings comparable with the current study.

10 This is almost identical to the proportion of cases (79.6 per cent) found by Kelly et al. to have not proceeded (2005: 40).

### Case outcomes

Case Outcome	Number	Percentage
Complaint withdrawn	123	15.1
No Further Police Action (NFPA)	377	46.4
Case still ongoing	173	21.3
Charges laid	122	15.0
False report	17	2.1
<b>Total</b>	<b>812</b>	<b>100 %</b>

Missing cases: 38

- 88 This anomaly can be explained by the discrepancies between the two sets of outcome-based data drawn on by the VLRC and the current study. The VLRC based its findings on LEAP classifications, which provide a narrow set of pre-defined outcome categories that do not accurately reflect the case outcome.
- 89 The researchers in this study had access to case narratives, which indicate that police members use a broader set of outcome types to describe the final disposition of rape cases than what is provided in the classificatory options on LEAP. With the aid of case commentaries, the researchers were able to more closely examine the disposition of cases and adopt a more precise category for depicting case outcomes. For example, LEAP produced a sample of 247 cases where the 'status of the investigation' was recorded as Complaint Withdrawn. However, the research revealed that in only 95 of these cases had the complaint been withdrawn. The much larger proportion of the LEAP classified cases were, on closer examination, more accurately coded as instances where there was to be 'No Further Police Action' (NFPA). It was this category in particular that accounted for the largest proportion of case outcomes and yet LEAP does not include it as a classification type.

## Relationships between case characteristics and case outcomes

### The influence of case, victim and offender characteristics on case outcome

90 This section provides a preliminary analysis of some of the relationships between case characteristics and case outcomes.

### Relationship between the victim and the alleged offender

91 Cases involving family members were more likely to result in charges being laid (20 per cent of all cases that proceeded) than they were to be withdrawn or result in NFPA.

92 In contrast, the most common relationship category for cases that were withdrawn involved victims who reported being raped by their current or former partners (31.4 per cent).

93 More than half (54.1 per cent) of incidents involving victims who met the offender on the night of the incident or where there was a limited acquaintanceship resulted in NFPA.

94 The most likely outcome for cases involving strangers was NFPA (43.4 per cent).

### Age of victim

95 Victims between 10 and 14 years were proportionately the most likely to have their cases proceed to charge, making up nearly a quarter (23 per cent) of all cases in this category.

96 Victims in slightly older age categories were proportionately more likely to withdraw their complaints or be involved in investigations that did not proceed.

97 More than half (54.5 per cent) of the allegations made by victims aged 15-19 resulted in NFPA.

### Gender of victim

98 Male victims were more likely to see charges laid (27.1 per cent compared with 14 per cent for females). No male victims (n=64) were charged with false reporting or were involved in cases where police doubted their credibility. Male victims were also less likely to withdraw their complaints (8.5 per cent compared with 15.7 per cent of female victims).



## Disability

- 99 Of the 209 cases where disability and case outcome was known, just under half (49.3 per cent) did not proceed due to NFPA. In only five out of 130 cases (4.6 per cent) where the complainant had a psychiatric disability or a mental health issue were charges laid.
- 100 Seven out of the 17 cases where the outcome was coded as a false report involved complainants with a disability or mental health issue.

## Time over which the rapes occurred

- 101 Victims subjected to multiple assaults, whether contained in time or that occurred over a period of years, were more likely to result in charges being laid (39.7 per cent) than they were to be withdrawn (12.3 per cent) or to result in NFPA (16 per cent).

## Medical examination

- 102 Almost three quarters (74.7 per cent) of victims involved in cases where charges were laid had undergone a medical examination, compared to 56.6 per cent of cases where the complaint was withdrawn and 62.1 per cent of reports that resulted in NFPA.

## Physical evidence (e.g. DNA, witnesses) and injuries

- 103 There appeared to be only slight differences between cases that resulted in charges being laid and those that did not proceed because of the presence of physical evidence (such as witnesses, DNA, etc) and/or injuries. However, when the presence or absence of physical injuries were considered on their own, cases where charges were laid were more likely to involve victims who were injured.

## Use of alcohol and other drugs

- 104 Victims who had not used alcohol or other drugs around the time of the assault were more likely to see the offender charged (22.6 per cent) than victims who had used substances (9.2 per cent). Police were also 20 per cent more likely to finalise the case through NFPA where alcohol or drugs had been consumed, than in cases where there was no evidence of alcohol or other drugs involved. However, victims themselves were no more likely to withdraw their complaints.
- 105 Where information was available, there did not appear to be any association between charging decisions and the use of alcohol or drugs amongst offenders.

### Offenders and victims who were known to police

- 106 There was a strong association between charging decisions and whether the offender was known to police for prior sexual offence convictions or as a result of previous allegations against them for sexual assault. Half of the offenders (50.7 per cent) with prior sexual offence allegations/convictions were charged with rape. In addition, only 5.8 per cent of victims withdrew their complaints in cases where offenders were known sexual offenders.
- 107 Where the police had prior knowledge of the offender due to previous allegations or convictions for drug or property-related crime or for prior person related offences, the range of outcomes was more evenly spread.
- 108 There was no significant difference across case outcomes that related to the police ‘knowing’ the victim in some way.

### CIU members’ views about the allegations and case outcomes

- 109 There was a strong association between charging decisions and members’ views about the allegations. In exactly three quarters of the cases where charges were laid and commentary was available, CIU members indicated that they were confident the victim was telling the truth and in another 11.2 per cent they thought the allegations were probably genuine.
- 110 In contrast, in 77 or 30 per cent of cases that resulted in NFPA, members indicated that they were confident or reasonably confident that the victim was making a false report. It should be noted that in 44 per cent of cases that resulted in NFPA, members recorded information about the case in neutral terms without expressing a view about the veracity of the allegations.
- 111 CIU members were more likely to doubt the allegations were genuine in cases that were subsequently withdrawn than they were to feel confident that victims were telling the truth (27.4 per cent versus 18.9 per cent). Again, in 39 per cent of CW cases, members were neutral in expressing their own views as part of the information they recorded.

### SOCAU members’ views about the allegations and case outcomes

- 112 In 54.3 per cent of the cases examined, SOCAU members similarly gave no indication or remained neutral in terms of indicating any view about the veracity of the allegations. However, where views were expressed, very similar patterns emerged.
- 113 In 63 per cent of cases where police intended to charge, the SOCAU member was confident, or reasonably confident, that the victim was telling the truth. However, in

cases where victims withdrew their complaints, they were equally divided across cases in terms of whether they believed or expressed doubt about the allegations. SOCAU members were slightly more likely to believe victims in cases that resulted in NFPA (22 per cent) than CIU members (17.9 per cent) but equally likely to express some doubt about the veracity of victims in other cases that did not proceed (19.8 per cent for SOCAU and 20 per cent for CIU).

### Key predictors of case outcome

- 114 This section summarises the relationships between case characteristics and case outcomes as revealed by logistical regression, a statistical test which was performed to isolate the variables described above.
- 115 This exercise identifies that the ‘predictors’ of case outcomes are those that have historically been identified as characterising how the process of attrition works. The rape victim most likely to see charges laid against the offender is still one who is injured, who is medically examined and who can demonstrate sobriety around the time of the offences. Police confidence to charge continues to be buoyed by offenders who have prior convictions for sexual offences or where other offences are committed against the victim in addition to the rape.
- 116 An unexpected finding is that male victims are significantly more likely to be involved in cases that proceed. The fact that the victim’s gender could be isolated as a ‘predictor’ beyond the influence of other variables suggests ‘being male’ might be influencing police decision-making. This is an important finding given male victims have historically been amongst those groups least likely to disclose sexual assault or to feel confident to make a police report (Neame & Heenan 2003).
- 117 Logistical regression failed to produce predictors among victim-related or offender-related characteristics for cases where complaints were subsequently withdrawn. This might be explained by the range of circumstances in cases that are finalised as complaint withdrawn. Whilst not statistically significant, some of the relationships in cases where complaints are withdrawn indicate that they involve slightly older victims and are more likely to involve current or former partners than cases where charges were laid. This is consistent with the findings reported by Kelly and her colleagues (2005).
- 118 The findings in relation to ‘predictors’ for cases that resulted in NFPA are unambiguous. ‘Victim-related’ characteristics are highly influential on case outcome and again victims with psychiatric or mental health issues are among those who will be least likely to see the case proceed and proportionately the most likely to be confronted with charges of false reporting.

119 In many ways, victims involved in cases that result in NFPA are the reverse of victims whose cases proceeded. They had not undergone medical examinations and they had not sustained injuries. They were also drinking and using drugs around the time of the offences, two factors that proved the most powerful predictors of investigations not going ahead. These were largely younger aged victims who had met the offender on the night or day of the offence or who were only acquainted with the offender. Even though offenders in this group were often well known to police and in some cases, were known for family violence related incidents, it was the ‘victim-related’ characteristics that proved most influential. Combined with the significance of the alleged offender’s denials being a strong predictor of case outcome, NFPA cases emerge as the most likely to drop-out due to police members making decisions about the veracity of the case.

## A closer examination of the influences on case outcomes

120 This section provides a more in depth analysis of the factors that most influenced case outcomes. It distinguishes the kinds of cases that resulted in charges being laid as opposed to those that did not proceed. It also provides some information about police attitudes and the factors that appeared to influence victims' decisions about whether to proceed.

### Cases where charges were laid or where briefs had been authorised

121 As discussed earlier, cases that result in charges being laid were still those that were forensically the strongest. Hence, police confidence to charge appeared to increase proportionate to other evidence being available to support the allegations, such as witnesses, physical injuries or other physical evidence. This is particularly the case where the offender is known to police for having been suspected or convicted of committing similar acts in the past. The more unexpected finding was the greater likelihood of police charging in cases where the victim is male.

122 The findings do, however, suggest some shift in the police treatment of offences involving very young victims and in situations where victims report experiences of multiple offences over periods of time. It may be that efforts to raise awareness in the community on child sexual assault have resulted in a police response that is more informed and cognisant of the social and often familial context of child sexual abuse and more adept at building a case for prosecution even in the absence of other evidence that can support the victim's account.

123 In contrast to investigations that did not proceed, in cases where charges were laid, CIU and SOCAU members were unanimous in their confidence that the allegations were genuine and the victims believable.

124 In cases where charges were laid, the strongest influences were evidence-based (63 per cent) or offender-based (33.7 per cent). By contrast, where the investigation did not proceed due to there being NFPA, factors related to the offender or the evidence seemed not to figure at all in police decision-making. Instead, in almost 40 per cent of the cases that resulted in NFPA, the police decision appeared to be predominantly based on reasons to do with the victim.

125 In all but two cases where charges were laid, the victim had also indicated her/his wish for the investigation to proceed and for the offender to be charged.

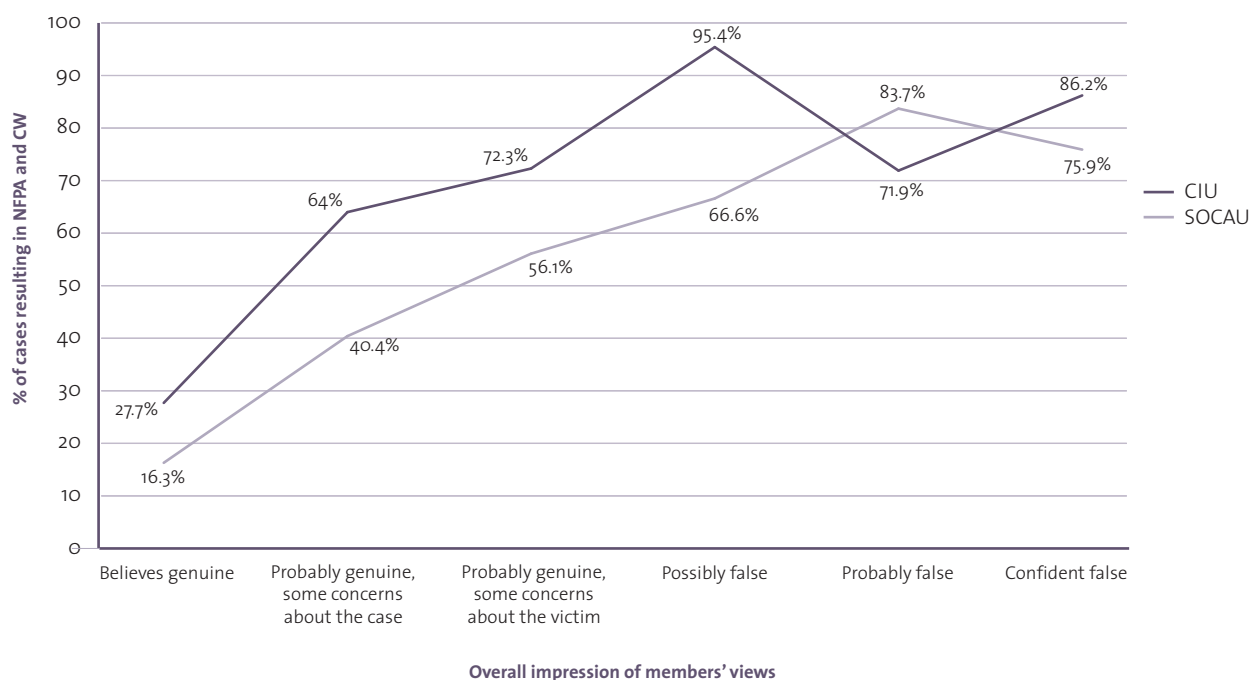
### Cases that did not proceed

- 126 Cases identified as not proceeding were those classified as CW, NFPA and false report.
- 127 Reasons that cases did not proceed varied widely. However, three main themes emerged as likely to have had a strong influence on case outcome including: police views and attitudes towards the victim; victims feeling unable to proceed themselves; and, the impact of the process itself on discouraging victims from participating any further in the investigation.

### Police attitudes towards the victim and/or the investigation

- 128 Where police attitudes could be determined, it appeared that the degree of belief or disbelief in relation to the victim's account was strongly correlated with case outcome. Moreover, case records that suggested police were highly suspicious of the allegations were less likely to proceed than cases where police indicated a level of confidence in the victim. While the extent to which their belief or disbelief was communicated to victims could not be explored, corresponding research that has examined victims' experiences of the process suggests they are well aware of the views of police (Gilmore & Pittman 1993; Lievore 2005).
- 129 These findings are also entirely consistent with the patterns in case outcomes that emerged ten years ago from the Victorian evaluation study of the Police Code of Practice (Heenan & Ross 1995) and more recent analyses (Kelly et al., 2005 and Jordan, 2004) that show negative responses from police and expressions of disbelief deter victims from proceeding. The strength of the relationship between levels of belief or disbelief in the allegations and the outcomes for cases that resulted in NFPA or complaint withdrawn is demonstrated in Figure 1.

**Figure 1: Relationship between members' views and case outcomes**



130 Figure one (1) clearly illustrates how the increase in the number of cases resulting in either NFPAs or complaint correlates with increased levels of Police doubt.

131 Both SOCAU and CIU members were more likely to express a greater lack of confidence in victims or allegations in cases that subsequently resulted in NFPAs than they were for cases that were withdrawn, suggesting that members' views may be particularly influential on cases that do not proceed. Where police were more firmly of the view that the allegations were likely to be false but were not prepared to charge the victim with making a false report, the investigation was ceased and the case recorded as NFPAs.

### Victims who did not wish to proceed past reporting

132 In a majority of cases victims' wishes generally appeared to accord with the outcomes of investigations. For Complaints Withdrawn, and where the information was available, a marked majority of victims (91.8 per cent) were noted as having preferred the investigation be discontinued. In NFPAs cases, 58.4 per cent had not wanted the matter to proceed. The findings in relation to CW are also suggestive of police, in many instances, responding respectfully to victims' wishes not to proceed.

- 133 There are a range of factors that will impact on whether victims choose to proceed with their complaint following the making of the initial report to Police. For the purposes of this study, they are grouped into police influences, victim-centred influences and criminal justice influences.
- 134 The limitations of this data have already been outlined but it is important to note that the information reported here is dependent on police recording their impressions of why the victim may have wanted to withdraw from the process.

### Police influences

- 135 In almost a third of cases, where the information was available, victims' wishes about proceeding were heavily mediated by the police response. In these cases, police had been confident or reasonably confident that the complaint was false; had commented on the lack of physical evidence; or had directly discussed the unlikelihood of the case proceeding with the victim her/himself. Certainly, a relationship was found to exist between victims wanting to withdraw and police belief in the case. The greater the perceived level of disbelief in the allegation, the more likely victims were to express a wish to withdraw their complaints.
- 136 Cases resulting in NFPA were also more likely to prompt higher levels of disbelief amongst police.

### Victim-centred influences

- 137 Another 30 per cent of cases did not proceed due to victim-centred influences, such as where the victim spoke to police about not being able to cope with the process. Other victims expressed feelings of self-blame or doubt about the reliability of the details of their allegations, felt disbelieved or pressured by family members to discontinue or were concerned about the offender being prosecuted. The continued trauma, shock and distress experienced by victims as a result of the rape also featured as another common reason for early withdrawal. Some victims spoke about "just wanting to put the assault behind her/him" or get on with their lives.
- 138 Victim-centred reasons for not proceeding were common amongst younger victims, where they were often concerned about others (generally parents) finding out about the assault.
- 139 Fear of the offender was also cited amongst the reasons for early withdrawal. These cases typically involved assaults perpetrated by the victim's partner or ex-partner.



## Criminal justice procedural influences

140 For approximately one quarter of the cases, the victims did not wish to proceed due to their own negative perceptions of the criminal justice processes. These included: victims' fears about the legal, court or police procedures; not wanting the offender to be prosecuted; or their own beliefs about the case being unlikely to sustain a conviction. Other victims withdrew due to time delays and the lack of certainty about when the case might proceed.

## Other factors influencing case outcomes

141 Case outcomes were also influenced by factors related to the requirements of police investigations. These factors included: whether the offender could be identified and located; the level of physical evidence available; whether the victim maintained contact or stayed engaged with the process; and whether other witnesses who had been nominated by the victim could confirm her account.

142 Whether an offender could be identified or located was an obvious factor that also limited the outcome of some investigations. Cases involving strangers in the current study, where the victim was unable to identify the offender, were usually classified as NFPA, 'unsolved' or as 'case still ongoing'. The records in these cases suggested police dedicated considerable effort and resources before being prepared to discontinue the investigations.

143 However, some 'stranger rape' cases were not as thoroughly investigated, with police expressing doubt before having undertaken any detailed investigation. The cases which featured prominently here are those when it was perceived that the victim was making a false report or when the victim was young or had mental health issues.

144 In other cases where the victim was able to provide details about the offender, no contact and, in some cases, no interview took place. This was particularly evident in cases that resulted in NFPA. Closer examination of some of these cases showed member's views about the victim's credibility were likely to have influenced the failure to approach the alleged offender.

145 Re-locating the victim was also identified as another factor that impacted on complaints being withdrawn or investigations being discontinued. Cases where the police were unable to locate the victim or where the victim was judged as 'avoiding contact' were more likely to result in NFPA. Disengagement with the process was found to be more common amongst cases where the victim lived with a psychiatric disability or mental health issue or was otherwise disadvantaged as a result of being homeless or leading an itinerant lifestyle.

- 146 Cases where other witnesses contradicted the victim's account or where inconsistencies were said to undermine the victim's credibility were less likely to continue. Notably, there were instances where police approached people to function more as 'character witnesses' around the victim's credibility than as people who might assist with the actual investigation.
- 147 The alleged offenders themselves were sometimes also treated as 'witnesses'. In these instances, members appeared to suggest the victim reconsider the accuracy of her/his allegations following an opposing account being provided by the offender.

### 'False complaints'

- 148 False complaints represented just over 2 per cent of the 850 records considered across the entire sample. There were at least another 70 cases where police members suspected or were sure that the allegations were false, however the outcome of the investigation was classified in different terms, such as 'no offence detected' or as a case for NFPA.
- 149 Cases classified as false reports are distinguished by the degree of certainty with which Police members expressed that the allegations were false and an increased likelihood that the victims in these cases could, or in fact were, charged with making a false report.
- 150 The characteristics of these cases are:
- all 17 of the victims in this category were women, aged between 15 and 45;
  - seven of the 17 victims were recorded as having a disability, primarily mental health or psychiatric issues;
  - of the 17 victims, 11 were previously known to police, mainly because they had made previous allegations of rape and non-rape offences or had prior convictions. One woman was known due to having taken out an intervention order related to the alleged offender himself (a former partner);
  - the main relationship categories were strangers, current or former partner, friends, acquaintances or men whom victims had met on the night;
  - the majority of victims reported the rape within 24 hours and most referred to a single incident;

- twelve of the women in this category underwent medical examinations, with half found to have sustained physical injuries, with one woman needing medical treatment and another requiring hospitalisation; and,
- five of the offenders were known to police prior to the offences being reported, either through involvement in person or property related offences or as the subjects of intervention orders relating to family violence incidents.

151 Without exception, CIU or investigating members were confident (13 cases) or at least suspected (3 cases) that the allegations were false.<sup>11</sup> By contrast, SOCAU members were more ambivalent or at least less inclined to record or make judgements about the veracity of the women's accounts. In seven cases, there was no indication or no particular view expressed by SOCAU members about the victim or the case. However, in six of the 17 cases, members believed it was likely that the allegations were false.<sup>12</sup> In at least 10 of the 17 cases, members indicated that the victims themselves did not want the investigations to proceed. There were, however, six cases where victims wanted the police to continue investigating.

<sup>11</sup> In the remaining case, the member's view of the allegations could not be determined.

<sup>12</sup> In two cases, there was no information or it was unclear what the member's views may have been about the case. The final two cases involved allegations that were retracted by the victims themselves.

## Profiles of cases involving diverse groups

- 152 This study endeavoured to profile cases involving victims and offenders from particular groups. However, it was only partially successful due to the inadequacies of Victoria Police data systems and recording practices. Whilst the profiles should be considered exploratory in nature, they are nonetheless instructive for considering how police might respond to victims and offenders from particular groups.

### Profile of victims

#### Victims with disabilities

- 153 There were 221 victims (26.5 per cent of the total sample) who were identified as having a disability, 130 of whom (15.6 per cent of overall sample) had a psychiatric disability or a mental health issue. Forty-nine victims were identified as having an intellectual disability (6 per cent of the overall sample).

#### Victims identified as having a psychiatric disability or mental health issue

- 154 Victims identified by police as having a psychiatric disability or mental health issue comprised nearly 60 per cent of all victims reported as having a disability. Police references to mental illnesses such as bipolar, 'personality disorders' or schizophrenia or more general references to clinical depression or anxiety were used in assessing whether victims had a psychiatric disability or mental illness.
- 155 There were no significant differences in the demographics of the victims and offenders or the nature of the assault compared with the overall sample. However, victims with a psychiatric disability were recorded as having been under the influence of alcohol and/or illicit drugs at the time of the assault more frequently than other victims. There were also more cases involving two or more offenders and strangers.
- 156 The most significant difference in cases involving victims with a psychiatric disability compared to the overall sample appears to be amongst Police members' views of the allegations. CIU members expressed some degree of disbelief in over 40 per cent of cases (compared to 20.6 per cent in the wider sample) and were confident that the allegations were false in 15.4 per cent of cases (compared to 9 per cent in the wider sample).
- 157 Although not as marked as CIU members, SOCAU members also indicated more negative views about the veracity of reports of rape by victims with psychiatric disabilities. In 30.6 per cent of cases, SOCAU members held suspicions about the allegations (compared to 9.9 per cent overall). Members were also more inclined to state confidently that the allegations were false (9.7 per cent of cases compared to 3.7 per cent overall) and

conversely, more reluctant to express unreserved belief in allegations by victims with a psychiatric disability (8 per cent compared to 17.8 per cent of cases overall). Although cases involving victims with disabilities are more likely to be characterised by factors associated with the case proceeding (for example, multiple offenders), cases involving victims with a psychiatric disability were the least likely to result in charges being laid, with just 4 per cent charged compared to 15 per cent of cases overall. Cases were also twice as likely to be determined as false (2.1 per cent versus 4.8 per cent). Cases resulting in NFPA were also more common, 56 per cent compared to 46.4 per cent overall. Cases resulting in CW were comparable to outcomes for cases overall.

### Victims identified as having an intellectual disability

- 158 Forty-nine victims were identified by police as having an intellectual disability which constituted about 6 per cent of the total sample. There were eight male victims with intellectual disabilities (16.3 per cent males compared to 7.5 per cent of all victims) but no significant differences in the age of victims or other case characteristics when compared with the broader sample.
- 159 Offenders were slightly less likely to be strangers (10.2 per cent compared to 16 per cent for the overall sample) and more likely to be an 'other known person' (53.1 per cent compared to 20.0 per cent for the overall sample).
- 160 Reflecting the particular vulnerability of people with an intellectual disability, 30.6 per cent of victims reported more than one incident (compared to 20.7 per cent for the total sample), with 8.2 per cent involving multiple incidents over a period of years.
- 161 The majority of rapes occurred in a private home with 36.7 per cent at the offender's home. Only one case involved offences that occurred within a residential care facility.
- 162 Surprisingly, almost a fifth of cases (18.8 per cent) involving victims with an intellectual disability resulted in charges being laid, marginally higher than the 15 per cent noted for the entire sample.
- 163 SOCAU members were proportionately more likely to express belief in cases involving victims with an intellectual disability, although levels of belief expressed by CIU members were similar to the overall sample.
- 164 They were less likely also to result in NFPA (31.3 per cent) but slightly more likely to end in complaints being withdrawn (22.9 per cent). The proportion of cases determined as false was the same at 2.1 per cent.
- 165 Police perceptions about victims competency levels and the associated difficulties of establishing what occurred were presented as major barriers faced by police during investigations and appeared to significantly influence whether a complaint would proceed.

## Indigenous victims

- 166 In this study, all but one of the sixteen Indigenous victims identified were female and their ages ranged from 10 to 49 years. Most of the cases involved strangers, current or former partners or family members. Most of the assaults involved single incidents, while two involved multiple incidents that occurred over periods of time.
- 167 No charges were laid in any of the cases involving Indigenous victims. Eight cases were 'ongoing', five resulted in NFPA, two were withdrawn and one was classified as a false report. The tendency of Indigenous people to disengage from police following the initial report may explain to some extent the cases designated as still ongoing and police not taking further action in others. As suggested elsewhere (Lievore 2003), disengagement may be an outcome of poor relationships between police and Indigenous communities.

## Non-Australian born victims<sup>13</sup>

- 168 As noted previously, the data available from this study on the ethnicity of victims is limited. The following analysis is based on 52 non-Australian born victims.
- 169 All non-Australian born victims were female (except in one case the gender of the victim was unknown). Half of the victims were aged between 15 and 29 years at the time of the offence. Twelve of the non-Australian born victims had a disability, primarily a psychiatric disability. The nature of relationships between the victim and the offender were consistent with the overall sample.
- 170 Levels of belief of both CIU and SOCAU in the allegations by non-Australian born victims were similar to the overall sample and the outcomes of cases were also reasonably consistent with six (13 per cent) CW and seven (15.2 per cent) resulting in charges being laid. However, cases involving non-Australian born victims were slightly more likely to result in NFPA (26 or 56.5 per cent) than for the overall sample (46.4 per cent).

## Male victims

- 171 In this study, there were 64 male victims representing 7.5 per cent of the total sample. Nearly half (29) were aged under 20 years and a quarter (14) under ten years of age. A third of male victims were identified as having a disability. Nearly half of the offences were reported within 24 hours and more than 80 per cent were reported within twelve months.

<sup>13</sup> The term 'non-Australian born victims' is acknowledged to be an inadequate way of describing victims who may be from culturally diverse communities. However, the data did not allow for a more reliable or appropriate way of distinguishing ethnicity.

- 172 Compared to the broader sample, male victims were less likely to be offended against by current or former partners (7.9 per cent compared with 19.2 per cent overall), strangers (11.1 per cent compared with 16 per cent overall) or acquaintances (20.6 per cent compared with 26.7 per cent overall). However, they were more likely to report offences committed by family members (12.7 per cent) or other known people (38.1 per cent). With one exception, the principal offenders in these cases were male.
- 173 While there appeared to be little difference in the degree to which SOCAU and CIU members expressed belief or disbelief in the allegations made by male victims when compared to the broader sample, they were more likely to charge offenders in these cases.

### Children under 10 years

- 174 While perpetrators who offend against children can be charged with rape offences, most cases result in offenders being charged with incest or a range of other penetrative sexual offences relevant to children under 16 (VLRC 2003). This study does not represent the range of penetrative offences that child victims report.
- 175 There were 26 victims who were aged less than 10 years at the time of the offence, five of whom were male. Six children were under five years of age.
- 176 In 10 cases the reports were made at least one year after the assault, with five of these being made more than 10 years after the offences occurred. The majority involved multiple assaults by single offenders over a period of years. In two cases, the offenders were female. Most of these assaults identified family members as the perpetrators.
- 177 In more than 60 per cent of these cases, both CIU and SOCAU members believed the allegations to be genuine. Only in one case did both CIU and SOCAU believe the allegations may be false. The outcomes for these cases do not mirror the patterns of the overall sample. In 11 cases, charges were laid (42 per cent). In four cases there was NFPA (15.4 per cent) and in 10 cases it was recorded as still ongoing (38.5 per cent). There were no withdrawn complaints.

### Older victims

- 178 There were nine victims in the current study who were aged 60 years or more at the time of the assault. All were female and all were offended against by male perpetrators. Six were identified as having a disability and three assaults occurred in residential care facilities. Most alleged offenders were known to their victims, although there were no intimate partners. Most cases were reported within 24 hours.

- 179 The case outcomes for these nine cases included four cases where charges were laid, one where the complaint was withdrawn and three where the case resulted in NFPA.

### Victims from rural areas

- 180 Overall, most reported rapes were dealt with by metropolitan-based police (71.1 per cent or 575).
- 181 There were few differences in gender and age of victims or offenders when rural and metropolitan settings were compared. However, there was a greater percentage of family members involved in rural areas (6 per cent in metropolitan and 12.7 per cent in rural areas) and slightly fewer strangers (17.2 per cent in metropolitan and 12.7 per cent in rural areas).
- 182 Among cases where geographic location was known, there was a greater proportion of victims with an intellectual disability in rural areas (32.7 per cent of all victims with disabilities in rural areas compared with 19.1 per cent of all victims in metropolitan areas) and a smaller proportion of victims with a psychiatric disability (44.2 per cent of all victims with disabilities in rural areas compared with 65 per cent of all victims in metropolitan areas).
- 183 Levels of belief expressed by SOCAU and CIU members were similar across both metropolitan and rural areas, as were the disposition of case outcomes.

### Victims whose offenders were current/former partners

- 184 In this study, 113 cases (13.3 per cent of the total sample) included current or former intimate partners. All but five victims were female and all offenders were male. While 60 per cent of the offenders were former partners of the victim, a substantial number were also reporting rapes in the context of their current relationships.
- 185 Many of the 113 cases occurred in the context of ongoing domestic violence, with a greater proportion of multiple incidents of rape and multiple rapes over extended periods of time compared to the overall sample. In some cases, there had been prior police contact, which included disclosures of sexual violence by the offender.
- 186 There were proportionately more complaints withdrawn (23.4 per cent) and fewer charges laid (11.7 per cent) than the overall sample. Four of the 17 cases that were ultimately classified as false reports were cases involving intimate partners (3.7 per cent).



- 187 Of the 113 cases, 17 (15 per cent) involved offenders who were the subject of existing intervention orders that involved the victim at the time of the rape. Only one resulted in rape charges being laid (although in at least two others, charges were laid for other non-sexual offences while the rape complaint was withdrawn). Other outcomes included seven in which complaints were withdrawn, six NFPAs and two classified as false reports.
- 188 The age of victims who reported rapes by current or former partners, while slightly older than the broader sample, were nonetheless similar to the population of victims who seek crisis intervention or support in response to family and domestic violence (Women's Domestic Violence Crisis Service of Victoria, 2003).
- 189 Consistent with the nature of intimate partner rapes, all but two of these assaults were by single offenders and nearly 90 per cent occurred in the victim's, the offender's or their shared home.
- 190 The degree of belief or disbelief in the allegations that could be established in the case records of both SOCAU and CIU members was similar to that of the overall sample.
- 191 In at least one instance, contrary to the current legal definition, police members were unconvinced that rape could occur in circumstances where there had been a long-term marriage or relationship with the offender and there was no evidence of force or resistance.

## Profiles of offenders

### Offenders with disabilities

- 192 Among the 59 offenders in this study who were identified as having a disability (9.6 per cent of the total), 25 had an intellectual disability and 18 had a psychiatric disability. These figures should be considered in light of the fact that it is not compulsory for police to fill in fields about disability and when this information is recorded, it is often not based on reliable grounds.
- 193 In 38 of these cases, both victims and offenders were identified as having a disability. Eight of the victims in this context were male and 11 assaults occurred in institutional residences.
- 194 Eight of the victims of offenders with a disability were male, a higher percentage than for the overall sample (13.6 per cent male). Nearly a third of the victims were aged between 15 and 19 years at the time of the offence.
- 195 Levels of belief by both SOCAU and CIU members were similar to the overall sample. Of the 59 cases where offenders had a disability, 14 (23.7 per cent) resulted in charges being laid, a higher percentage than for the overall sample. Among those cases that did not go ahead, four (6.8 per cent) resulted in a withdrawn complaint and 28 (47.5 per cent) were NFPA.

### Indigenous offenders

- 196 While offenders' Indigenous status could not be established for over half of the cases examined, there were 16 (1.9% of the total sample) where police did identify the offender as Aboriginal or Torres Strait Islander.
- 197 All of the Indigenous offenders were male and their age ranged across all categories although, overall, Indigenous offenders were slightly older proportionate to the total sample. At least three victims were also Indigenous.
- 198 In cases involving strangers, current or former partners and family members, and three of the offenders were identified as having an intellectual disability and in three cases there was more than one offender. In 15 cases the offenders had prior involvement with police.
- 199 CIU members expressed similar levels of belief or disbelief in these cases compared to the overall sample. However, the views of SOCAU members were more difficult to determine.
- 200 In six of the cases where there was a known outcome, charges were laid. Two complaints were withdrawn and four others resulted in NFPA.

### Non-Australian born offenders<sup>14</sup>

- 201 As noted previously, the data on the ethnicity of offenders was limited. The following analysis is based on 89 non-Australian born offenders, including those from English speaking and non-English speaking countries.
- 202 All non-Australian born offenders were male. The age ranges of these offenders and their relationships with victims were similar to that of the total sample.
- 203 Of these cases, 27 (32.5 per cent) were charged, a higher percentage than the total sample. Of those that did not proceed, four (4.8 per cent) resulted in complaints withdrawn and 32 (38.6 per cent) were finalised as NFPA.

### Female offenders

- 204 There were five female offenders in the study, accounting for less than one per cent of offenders. All but one victim was female and all of the victims were known to their offenders.
- 205 Neither SOCAU nor CIU members expressed any level of disbelief toward the allegations made against female offenders. One case resulted in NFPA, two cases were noted as still ongoing and charges were laid in two cases. There were no withdrawn complaints.
- 206 Females were also involved as 'secondary offenders' in another seven cases, six of which involved a male offender with whom they had a relationship at the time of the offence.

14 The term 'non-Australian born offenders' is acknowledged to be an inadequate way of describing offenders who may be from culturally diverse communities. However, the use of the term here is to reiterate the limited nature of the data from which this analysis is drawn.

## Issues for consideration

207 The following section outlines some of the issues raised by this study of reported rapes.

### Classifications and recording practices

208 The limitations of the Victoria Police LEAP database system were repeatedly highlighted throughout this study. The problems are twofold: first, the limited nature of the LEAP classificatory system for recording the outcomes of investigations has the potential to misrepresent what actually happens with cases; and second, due to the level of allowable discretion, Police members apply case outcome classifications inconsistently.

#### **LEAP provides a narrow classificatory system for recording the outcomes of investigations.**

209 Case narratives indicate that police often describe a wider set of outcome options, that tend to more accurately reflect what happened with the investigation, than the classificatory set available on LEAP.

210 This had significant implications for the current study, which was borne of concerns raised by the Victorian Law Reform Commission in 2003, regarding a perceived rise in the numbers of rape complaints being withdrawn.

211 This study found that in nearly half of the cases examined, the LEAP classification did not adequately represent the information contained in the case narrative and the category to which it was ultimately assigned. The largest single proportion of case outcomes was for NFPA and LEAP does not include it as a classification type.

#### **Members inconsistently apply case outcome classifications**

212 In addition to problems identified with the classificatory options, members did not consistently apply the classifications available. Cases that bore remarkable resemblance in terms of how they were processed resulted in members nominating vastly different case outcome classifications.

213 The reliability of using LEAP as a meaningful data source for recorded rape offences in future is questionable, unless modifications are made to the LEAP system and members are trained to ensure consistency in the application of case outcomes.

## Data Collection

### Reasons for the outcomes of investigations

- 214 This study had intended to provide a detailed analysis of police investigations including the documentation of the reasons behind police decision-making in cases that did not proceed. However, there is no requirement for police to provide a consistent standard of information or to routinely record what happened to the case and why.
- 215 While some members compile comprehensive accounts of individual cases, others are less inclined to use LEAP as a method for systematically recording what took place in response to a report or as a means of documenting the manner in which any subsequent investigation may have proceeded. This applied particularly to members of CIUs.
- 216 Hence, there is still more work to be done to comprehensively understand why police might decide not to pursue an investigation or why victims might wish to withdraw from the process. This absence of standardised procedures that allow for a systematic approach to recording the details of rape reports and investigations, including any requirement to record the reasons why an investigation did or did not proceed, reduces the scope through which we can reliably assess or evaluate the Victoria Police response to sexual offences.

### Data on diversity

- 217 At present, LEAP provides discretionary fields for members to record country of birth, racial identity and any 'impairment' that is evident for either the victim or the alleged offender.
- 218 There are two obvious problems with this approach. Firstly, given it is not compulsory to fill in these fields, members are often not completing them, resulting in large quantities of missing information. Secondly, individual police members are presumably assessing any demographic information that is recorded using their own unique criteria. While some police may well be basing their assessments on reliable grounds, others may be making these assessments based solely on their own impressions.

## Links between sexual assault and family violence

- 219 In this study there were 113 rapes alleged against current or former intimate partners, a proportion of which occurred in the context of ongoing violence and during active intervention orders against the offender (17 cases).
- 220 It is of grave concern that intervention orders, and the policing of them, failed to adequately protect women and children in these cases. Given the levels of pre-existing violence in some of these relationships, it is of particular concern that further serious physical assaults and other sexual violence was able to occur, with so few cases resulting in the offender being charged with rape offences. Even though in some of these cases, victims expressed their preference not to continue with the rape complaint (at least partly because the offender was being charged with other offences), decisions made against instituting rape charges in these cases rest with Victoria Police.
- 221 It is recognised that this study was conducted prior to the wave of reform that has taken place in Victoria with family violence, including the introduction of a new *Code of Practice for the Investigation for Family Violence*. Where criminal offences are involved, the Code includes a pro-arrest policy, where any decision not to pursue criminal charges must be justified by recording the reasons on LEAP (2004: 29). Whilst the Code recognises that sexual offences may occur in family violence situations, it is important that policies and procedures are established to ensure that police provide an appropriate response to women who are raped by their intimate partners.

## Understanding the complexities of sexual assault

### Challenging a culture of disbelief

- 222 This study has highlighted the range of complex circumstances surrounding reported rapes and the difficulty faced by police in trying to balance the investigative considerations with the victim's needs to be appropriately supported and believed. However, it is how this gap is understood and dealt with that provides the challenge for contemporary policing. While the number of cases in which police members volunteered their views or impressions about victims were often small, higher levels of police disbelief were nonetheless more evident in cases that did not proceed beyond an initial investigation.
- 223 The findings from this research also demonstrated police exercising 'good practice'. In particular, SOCAU members appeared less likely to express a personal view as part of their case records than detectives and less inclined, when they did express a view, to doubt the victim's account.

### Rape allegations made by victims with a mental health issue or psychiatric disability

- 224 The most critical 'needs' area to emerge in the current research relate to cases where the victim was identified as having mental health issues or a psychiatric disability. These cases constitute a 'best predictor' of investigations that did not proceed and were amongst the most likely to generate police disbelief. This is also a key area where police treated victims inappropriately.
- 225 This study suggests that the quality of police responses appears to be most compromised in areas where police have the least resourcing, training and understanding of the specific issues that might impact on particular groups of victims. At this time, responding to people with mental health issues remains a neglected area of police training.

### Police response to victims in residential institutions

- 226 In this study, there were 21 rapes that occurred in residential care institutions. This group of victims are among the most vulnerable and the least confident to report. At the same time, from the perspective of police, they may be some of the most difficult cases to investigate.
- 227 To improve both the experience of reporting and the quality of police investigations, it is critical to increase the understanding of sexual assault in residential institutions, including residents and their families, institutional management and staff and police. This is the first step to improving police response to rapes that occur in these settings.

## Young people and sexual assault

- 228 Young women and young men aged between 15 and 24 years feature disproportionately throughout this study, both as victims and as offenders. Young women, in particular, remain the most highly victimised group in our community and they continue to be most at risk from other young men in their peer group. They were more than half as likely to be involved in cases that were classified as No Further Police Action and were amongst those most likely to be the subject of police disbelief.
- 229 Neame & Heenan (2003) have highlighted the extent to which police and the wider community are still seeing voluntary ingestion of high levels of alcohol as somehow mitigating for offenders who insist on sexual activity when a women's capacity to freely agree to sex is clearly in question. Raising awareness amongst police members about the cultural context in which young people negotiate their social and sexual relationships will enhance their ability to work with young people who have reported sexual assaults.

## Police responses to diverse groups

- 230 This study indicates that police have a poor understanding of the diversity of victims' needs and the barriers to reporting that are uniquely experienced by some groups.
- 231 In particular, while the numbers were small, this study demonstrated that while some Indigenous victims were willing to report, the relationship with the police sometimes became strained resulting in victims disengaging with investigations and the case remaining incomplete. Thorpe, Solomon & Dimopoulos (2004) have also drawn attention to the need for improved relationships between the police and Indigenous communities, particularly in the areas of family and sexual violence. Increasing rates of reporting and developing and maintaining relationships with Indigenous and culturally diverse groups will require police training initiatives undertaken in collaboration with those who are recognised as having the expertise in these communities.

## Limited knowledge base of diverse communities

- 232 This study indicates that there is a limited knowledge base on police investigations of sexual assault against victims from diverse groups and those with disabilities. The lack of research is an impediment to the development of police protocols and practice in this area.



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## Appendix 1

### Statewide Steering Committee to Reduce Sexual Assault

#### Terms of Reference

Recognising that sexual assault must be addressed through a whole of community, whole of government approach, and in the context of the *Women's Safety Strategy* and the *Victoria Police Violence Against Women Strategy: A Way Forward*, the Committee will improve the safety of Victorian women and children by:

- Providing advice on the improvement of prevention, education and early intervention in relation to sexual assault.
- Providing advice on the development of intra/inter organisational best practice, including improved co-ordination between agencies and ongoing monitoring and evaluation.
- Providing advice on how to improve responses of police, relevant service providers, courts, media and the community to sexual assault.
- Providing advice to ensure that responses to sexual assault reflect the diverse needs and experiences of Victorian women and children, with specific reference to young women, women from culturally and linguistically diverse backgrounds, women from Indigenous communities, women with disabilities and women in rural Victoria.

Note: Sexual assault includes rape, coerced sexual activity, unwanted sexual touching, incest and sexual offences against children. Most victims/survivors of sexual assault are women and children and the vast majority of perpetrators are men.

## Appendix 2

### Membership of the Statewide Steering Committee to Reduce Sexual Assault

Fiona Sharkie, Office of Women's Policy - Co-chair (since October 2003)  
Leigh Gassner, Victoria Police – Co-chair  
Mary Amiridis, Department of Justice  
Vicki Bahen, Child Protection, Department of Human Services  
Antoinette Braybrook, Aboriginal Family Violence and Prevention Legal Service  
Felicity Broughton, Magistrates Court of Victoria  
Paul Coghlan, Office of Public Prosecutions  
Sabin Fernbacher, Northern Area Mental Health Service  
Georgie Ferrari, Youth Affairs Council of Victoria  
Judy Flanagan, CASA Forum  
Diva Guasch, Federation of Community Legal Centres  
Melanie Heenan, Australian Centre for the Study of Sexual Assault  
Karen Hogan, Gatehouse Centre  
Philip O'Meara, Victorian Community Council Against Violence  
Pam O'Neill, Barwon Centre Against Sexual Assault  
Simon Overland, Crime Department, Victoria Police  
Colleen Pearce, Victim Support Agency  
Karleen Plunkett, Women with Disabilities Network  
John Scheffer, Victorian Forensic Science Centre  
Norma Seip, Women with Disabilities Network  
Jan Thompson, Office for Children, Department of Human Services  
Patrick Tidmarsh, Male Adolescent Program for Positive Sexuality  
Vicki Trethowan, Critical Incident Advisory Unit, Department of Education and Training  
David Ware, Corrections Victoria  
Angela Williams, Victorian Institute of Forensic Medicine  
Jenny Willox, Office for Children, Department of Human Services  
Carolyn Worth, South Eastern Centre Against Sexual Assault

## Secretariat

Peter Benjamin, Victoria Police

Sue Clark, Victoria Police

Rena De Francesco, Office of Women's Policy

Tania Farha, Victoria Police

## Past membership

Julie Alliston, Department of Education and Training

Deb Bryant, CASA Forum

Judge Jennifer Coate, President, Children's Court

Angela Cannon, Department of Justice

Marg D'Arcy, CASA Forum

Debbie Kirkwood, Federation of Community Legal Centres

Marion Lau, Ethnic Communities Council of Victoria

Bill McKendry, Crime Prevention Victoria

Lisa McMeeken, Victoria Police

Voula Messimeri-Kianidis, Ethnic Communities Council of Victoria

Marcia Neave, Victorian Law Reform Commission

Noble Tabe, Community Care Division, Department of Human Services

Annie Woodger, Department of Justice

## List Of Acronyms

ABS	Australian Bureau of Statistics
CALD	Culturally and linguistically diverse
CASA	Centre Against Sexual Assault
CIB	Criminal Investigation Branch (former name for CIUs)
CIU	Criminal Investigation Unit (detectives)
CPS	Community Policing Squad (former name for SOCAUs)
CW	Complaint Withdrawn
LEAP	Law Enforcement and Assistance Program (database)
NFPA	No Further Police Action: where police decide to take no further action on a complaint.
RMIT	Royal Melbourne Institute of Technology University
SOCA	Sexual Offences and Child Abuse
SOCAU	Sexual Offences and Child Abuse Unit
SSCRSA	Statewide Steering Committee to Reduce Sexual Assault
VCCAV	Victorian Community Council Against Violence
VLRC	Victorian Law Reform Commission

## Glossary

**Offender processed:** where police take some action against the alleged offender, including charges being laid. It also includes cases where an offender is questioned or cautioned and no charges are laid or where the case remains unsolved.

**No offence disclosed:** where the police decide on the basis of the evidence available that an investigation will not proceed further.

**Complaint withdrawn:** where the victim indicates that he or she does not wish for the investigation to proceed, or following the initial report, would prefer that there is not further action taken.





