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Australian Institute of Criminology

Pilot study on sexual assault and related offences in the ACT: stage 3

Maria Borzycki

Research and Public Policy Series

No. 79

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Director's introduction

Criminal justice processes and outcomes can be more readily evaluated and responded to when there is timely and effective information exchange between justice agencies. This report summarises research undertaken for the ACT Government's Department of Justice and Community Safety (JACS). The research focused on sexual assault and related incidents that had proceeded through the ACT criminal justice system. It aimed to establish how readily justice data relating to incidents could be tracked from first report of an offence to police, through the courts, and to corrections agencies.

Tracking information about shared clients between agencies that do not share information management systems is a challenging process, even when over a relatively short time frame, and when only a small numbers of records are involved. This research highlights the difficulties encountered and possible ways in which they might be managed if data sharing is to be pursued in the future. Tracked data were also summarised to provide a snapshot of sexual assaults in the ACT in 2004–05. This report shows that the characteristics of the individuals involved and the nature of the reported sexual assault incidents were similar to those found in other Australian research.

Cooperative research such as this provides valuable opportunities for all parties to gain a deeper understanding of the operational, policy and research challenges in criminal justice information management. It also provides practical guidance for business process enhancements that can streamline the exchange of vital information between agencies.

Toni Makkai

Director

Australian Institute of Criminology

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Disclaimer

This research paper does not necessarily reflect the policy position of the Australian Government.

Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
AFP	Australian Federal Police
AIC	Australian Institute of Criminology
ASOC	Australian Standard Offence Classification
DPP	ACT Office of the Director of Public Prosecutions
JACS	ACT Department of Justice and Community Safety

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Executive summary

Background

The ACT Department of Justice and Community Safety (JACS) commissioned the Australian Institute of Criminology (AIC) to undertake research in relation to sexual assault and related offences in the ACT. The objectives of this three-stage research project were to:

- examine the feasibility of an integrated justice information system by focusing on sexual assault and related offences (addressed in all project stages)
- gauge the type of sexual assault and related offences data available from ACT criminal justice agencies (addressed in project stage 1)
- develop a minimum crime and justice dataset on sexual assault and related offences (addressed in project stage 2)
- examine a snapshot of sexual assault and related offences in order to explore the nature of these offences (addressed in project stages 2 and 3).

This report is the product of stage 3 of the project and is divided into two parts: the first addresses data tracking, and second provides a snapshot of sexual assault and related offences in the ACT.

Tracking sexual assault and related offences through the ACT criminal justice system

Stage 3 data were compiled using an electronic (Excel) workbook. Collection of the first six-monthly dataset, July to December 2004, commenced in March 2005 and concluded in August 2005. The second round of data collection, compiling data for the second half of the reference period, January to June 2005, commenced in August 2005, and concluded in February 2006.

This project demonstrated that cases can be tracked from their point of entry into the criminal justice system to the point at which they are finalised in that same system. Tracking, however, is neither streamlined nor automated. The data collection process and data analysis have been time consuming and resource intensive. Issues identified include:

- difficulties in reliably and effectively tracking cases through all criminal justice agencies
- delays in the data collection process, giving rise to missed information
- lack of clarity regarding the nature of the information required and that received, which in turn influenced the reliability and utility of information
- errors, inconsistencies and missed data rendering the data compilation and interrogation processes highly resource intensive, and

-
- collected data were not able to answer all relevant questions surrounding sexual assault and related offences.

Future directions for tracking sexual assault and related offences through the ACT criminal justice system

Despite these issues, this project has demonstrated that sexual assault and related offences can be tracked from their point of entry into the criminal justice system to the point at which they are finalised in that same system. Changes to what is collected and how it is collected would improve both the process and outcome of any future data tracking. Specifically, these changes might include:

- the development of a set of specific questions that need to be asked of any dataset compiled, so as to guide the type of information ultimately collated
- clearly specifying the nature and form of any data required to answer these questions, to ensure that relevant information is ultimately collected
- fully scoping and, where necessary, addressing the difficulties faced by all agencies with respect to data extraction and compilation prior to any data collection, to ensure data collection is streamlined and current
- developing a new minimum dataset mapping all relevant variables and values available from participating ACT criminal justice system agencies
- creating a revised data collection instrument which closely reflects developed research questions and the revised minimum dataset, and
- uniformly employing non-name codes which uniquely identify incidents, offenders and victims across all agencies, to ensure accurate and streamlined data matching.

A snapshot of sexual assault and related offences in the ACT

Data were examined to provide a snapshot of this offence in the ACT. In summary this showed that sexual assault and related offences:

- were mostly against women and girls
- were mostly against young people aged less than 25 years
- were perpetrated by men and boys
- were often against victims who were younger than their attackers, although the relationship between victim and offender ages was not linear
- were mostly perpetrated by offenders known to victims but involved family violence in only a minority of incidents

-
- mostly took place in residential settings
 - did not involve weapons and hardly ever involved alcohol
 - were reported to police without delay in around half of all incidents
 - were mostly cleared by police at the time of data collection, via arrest or summons in the majority of incidents
 - were mostly not wholly finalised within the ACT criminal justice system (that is, offender cases had not been adjudicated, or sentences had not been completed) by the time all data were compiled
 - when adjudicated, had an average of about six months elapse between initial report to police and finalisation in the lower courts and an average of almost eight months when adjudicated in the Supreme Court (although averages varied with court outcome and offence type)
 - resulted in the conviction of around one-third and the acquittal of around one in 10 apprehended offenders.

Tracking sexual assault and related offences through the criminal justice system

Background

The current project

The ACT Department of Justice and Community Safety (JACS) commissioned the Australian Institute of Criminology (AIC) to undertake research in relation to sexual assault and related offences in the ACT. The objectives of the research project were fourfold, to:

- examine the feasibility of an integrated justice information system, by focusing on sexual assault and related offences
- gauge the type of sexual assault and related offences data available from ACT criminal justice agencies
- develop a minimum crime and justice dataset on sexual assault and related offences
- examine a snapshot of sexual assault and related offences, in order to explore the nature of these offences.

Relevant research preceding the project included a mapping and scoping study into the possibility of integrating ACT criminal justice system data, jointly conducted by SMS Management Technology and the AIC. The unpublished report relating to the scoping study, *ACT Department of Justice and Community Safety integrated criminal justice system: scoping & mapping study* (SMS Management Technology 2002), offered a range of information management options and recommendations to JACS and provided guidelines for developing a minimum crime and justice dataset.

There have been three stages in the project:

- *Stage 1* involved consultation with all relevant justice agencies. It clarified what offences would be examined in the project (as per ASOC codes), and resulted in a report on a minimum crime and justice dataset on sexual assault and related offences in the ACT. The minimum dataset:
 - lists variables which participating agencies considered relevant to the project
 - clearly defines what information should be provided for each of the variables
 - maps the exchange of data between criminal justice agencies.
- *Stage 2* involved the collection, collation, and analyses of data (in accordance with the minimum dataset) from participating agencies. Cases were tracked through the criminal justice system, joining information across agencies to ascertain how effectively linkages could be established. This phase attempted to link information describing a random subset of convicted offenders, tracking back through the justice system from those agencies responsible for administering court outcomes (Corrective Services and Youth Justice Services). Data relating to the initial subset of offenders were provided by correctional agencies, then by the Magistrates, Childrens or Supreme Courts;

next by the Office of the Director of Public Prosecutions (DPP); and finally, by ACT Policing. Each agency also provided additional data relating to a random sample of cases that had been subject to attrition at that particular point in the justice system (the concept of attrition is discussed in greater detail on page 24 of this report, and discussion of attrition among the cases explored in stage 3 of this project can be found on page 41).

The outcomes of these processes can be found in the unpublished progress report *Pilot study of sexual assault and related offences in the ACT: progress report and recommendations* (Mouzos & Johnson 2004). The report also described aspects of the examined sexual assaults, considering incidents, victims, and offenders. Key recommendations to emerge from stage 2 include:

- the use of shared identifier numbers to facilitate tracking of cases across agencies
- the development of an electronic data collection instrument to facilitate the collection and linking of data across agencies.

Excerpts from this unpublished report, which informed stage 3 of the study, can be found in Appendix A.

- *Stage 3:* The final stage of the project attempted the converse of stage 2 – to follow all cases reported from 1 July 2004 to 30 June 2005, from their entry into the justice system (that is, reporting to ACT Policing), through relevant agencies (DPP; Magistrates, Childrens or Supreme Courts), and to those organisations administering court outcomes for convicted offenders. Data compiled for stage 3 were intended to form the basis of the snapshot of sexual assault and related offences in the ACT and the processes involved in data compilation were intended to inform the integration of information across the ACT criminal justice system. An unpublished progress report, *Pilot study on sexual assault and related offences in the ACT: stage 3 progress report* (Borzycki 2005), described the processes involved and problems encountered during the first six months of data collection for the this final stage of the project.

The current report

This report on the project aims to:

- outline the processes involved in compiling data across the ACT criminal justice system and highlight the key lessons learnt regarding interagency information tracking
- contextualise the current project, by discussing key concepts and issues linked to sexual assault and related offences and providing statistical information drawn from a range of sources
- provide a snapshot of sexual assault and related offences in the ACT, including a discussion of attrition from the ACT criminal justice system.

Given the very small number of cases analysed for this project, it is important to keep in mind that findings illustrate only the cases in question and should not be seen as descriptive of all sexual assault incidents occurring in all Australian jurisdictions. By definition, these data can only describe cases of sexual assault and related offences reported to police in the ACT. As discussed below, systematic reasons underpin victims' choices not to report matters to police and any assessment of these factors is beyond the scope of the current work. Similarly, the profile of offences reported to police in other jurisdictions may differ from those examined in this report and, although national statistics regarding sexual assault are discussed, the underlying causes of any jurisdictional differences are not addressed.

Terminology employed in this report

In discussion of the dataset collated for this project, terminology is employed which may differ in meaning from common usage or from its meaning in other contexts. These terms include:

- **the courts:** this term refers collectively to the ACT Magistrates and Childrens Courts. It does not include the ACT Supreme Court, which is referred to in full throughout the text
- **most serious offence:** the offence in the group of offences an offender is charged with that is the most serious as per the ASOC hierarchy of offences. The ASOC hierarchy was developed with reference to legal and behavioural criteria, such as whether the offence involves violence, or whether it was an intentional act (see ABS NCCJS 1999). The ABS notes that ASOC divisions and subdivisions do not necessarily correspond directly with legal or police definitions of charges in particular jurisdictions (ABS 2005a). Thus while specific sexual and related offence charges described in the *Crimes Act 1900* (ACT) map to ASOC subdivisions, each specific charge as per the Act does not have a corresponding separate ASOC subdivision
- **offender:** any adult or young person coming to the attention of police as perpetrating or allegedly perpetrating sexual assault or related offences. This term has been used interchangeably with perpetrator, defendant, suspect and client throughout this report. The word *alleged* will not be used even if the matter has not been proven
- **sexual assault:** unless otherwise stated, this phrase refers to sexual assault and related offences. In the detailed discussion of the data collated specifically for this project, the term refers to the offence categories of:
 - aggravated sexual assault
 - non-assaultive sexual offences against a child
 - non-aggravated sexual assault
 - non-assaultive sexual offences not elsewhere classified

-
- censorship offences
 - offences against public order sexual standards
 - **victim:** any adult or young person coming to the attention of ACT Policing as being subject to sexual assault or related offences. Offences relating to pornography, especially child pornography, are not victimless and young people whose involvement in pornography offences relates to their exposure to pornographic material are victims. However those victims whose involvement stems from the production of pornography cannot always be accessed directly by criminal justice officials in the jurisdictions where offenders are apprehended. Victims who could not be accessed by the ACT criminal justice system are not included in any discussions of victim cases
 - **victimisation rate:** allows an understanding of the number of victimisations in relation to the size of the broader population. Rate is calculated using the formula (number of victimisations/relevant population) x 100,000.

Tracking information across the ACT criminal justice system

Methods used

Data collection

Data were compiled using an electronic (Excel) workbook. This workbook was originally intended to be transmitted electronically between agencies via email. Given the sensitive information it contained, however, the workbook was saved to disk and passed between agencies.

The workbook had separate worksheets for incident, offence, victim, and offender, and within each worksheet, there were different variables to be provided by each agency. The workbook moved between agencies, and relevant information was entered into the workbook by appropriate staff within each agency. The workbook's progress through justice agencies mirrored that of individual offenders charged with criminal offences; moving from ACT Policing, to the DPP, then to the courts, the Supreme Court (if relevant), and finally, Corrective Services or Youth Justice Services.

Collection of the first six-monthly dataset commenced in March 2005 and concluded in August 2005. The second round of data collection, compiling data for the second half of the reference period, commenced in August 2005, and concluded in February 2006.

Cases in the data collection workbook

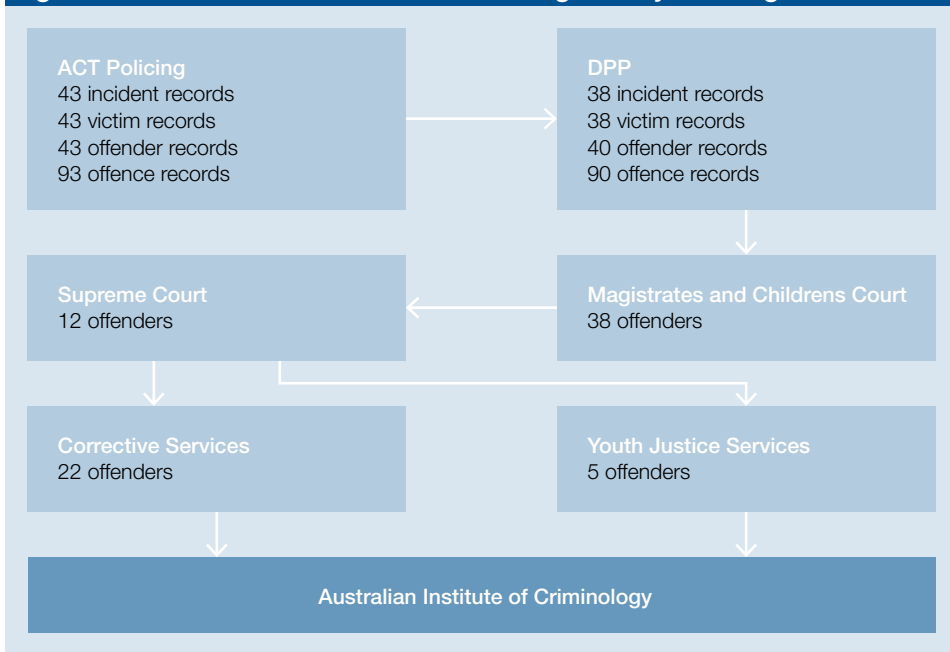
In the context of the information about sexual assault collected for this project, the word case can be ambiguous because it can refer to:

- an incident, or the actual sexual assault event/matter, which involves victim(s) and offender(s), and occurs in specific locations, at specific times. If police are able to pursue the matter, offence(s) will arise from that incident
- an offence, or the category of charge brought against an individual involved in the incident. Depending on the circumstances of the assault, an individual may be charged with multiple offences arising from a single incident
- a victim of the offence(s) occurring in the incident
- an offender, who perpetrated/allegedly perpetrated the offence(s), who could also be referred to as a 'suspect', 'defendant' or 'client'.

The number of each type of case (or record) entered into the dataset, at each stage of the ACT justice system is shown in Figure 1. This figure also illustrates how the workbook moved between agencies. As indicated in the figure, records relating to victim, offence and incident were collected only from ACT Policing and the DPP because the courts and correctional agencies deal primarily with individual offenders.

The workbook gathered information relating only to sexual assault incidents which had moved beyond initial report (for example, offender proceeded against). A separate electronic file was collated by ACT Policing relating to *all* sexual assault and related offences arising from incidents reported to ACT Policing during the reference period. This secondary reported offences file contained minimal information: PROMIS identifier, offence report date, victim age and gender, and offence description and Australian National Classification of Offences code (an offence classification system that preceded ASOC). Information from both the workbook and the secondary file resulted in a total of 348 counts of various offences, and 259 total incidents reported. Figure 1 describes only records that were contained in the workbook. As shown, 43 incidents were captured in the workbook as having proceeded beyond the stage of initial report to police.

Figure 1: Movement of the workbook through ACT justice agencies



Note: Diagram details all records in the workbook but excludes records in the secondary file

Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]

Workbook and secondary offence datasets were reformatted so that information was stored in a format where the unit of analysis was the incident (rather than offence or offender). These datasets were then merged. Not all of the 43 incidents that proceeded matched against the incidents described in the secondary reported offences file. The final, full incident dataset showed that, of the total 259 incidents emerging from both the workbook and the secondary file:

- 11 percent (n=28) were in both the secondary reported offences file and the data collection workbook
- six percent (n=15) were listed in the workbook but not contained in the reported offences file, and
- 83 percent (n=216) were contained in the reported offences file but were not followed up in the workbook, suggesting a first point of attrition from the criminal justice system (although information contained in the workbook and in the secondary file was not strictly comparable because of different extraction protocols). Further, the minimal amount of information contained in the secondary dataset did not allow conclusions about whether the incidents not captured in the workbook had been finalised or were still being investigated by police.

The mismatch between records in part may be linked to the extraction rules applied by ACT Policing when the datasets were extracted. During the first round of workbook data collection, all incidents of sexual assault resulting in the apprehension of an offender during the reference period, were entered into the workbook regardless of when the victimisation had initially been reported. The second round of collection aimed to extract all victimisations with apprehended offenders reported during the reference period. As noted above, the secondary reported offences file aimed to capture all offences (regardless of outcome) reported during the reference period.¹ It is not surprising that the datasets do not match perfectly given that slightly different extraction parameters were specified. If this type of data tracking exercise is undertaken in future, it is imperative that identical extraction protocols be employed for all rounds of data collection.

Progress of the data collection workbook through the criminal justice system

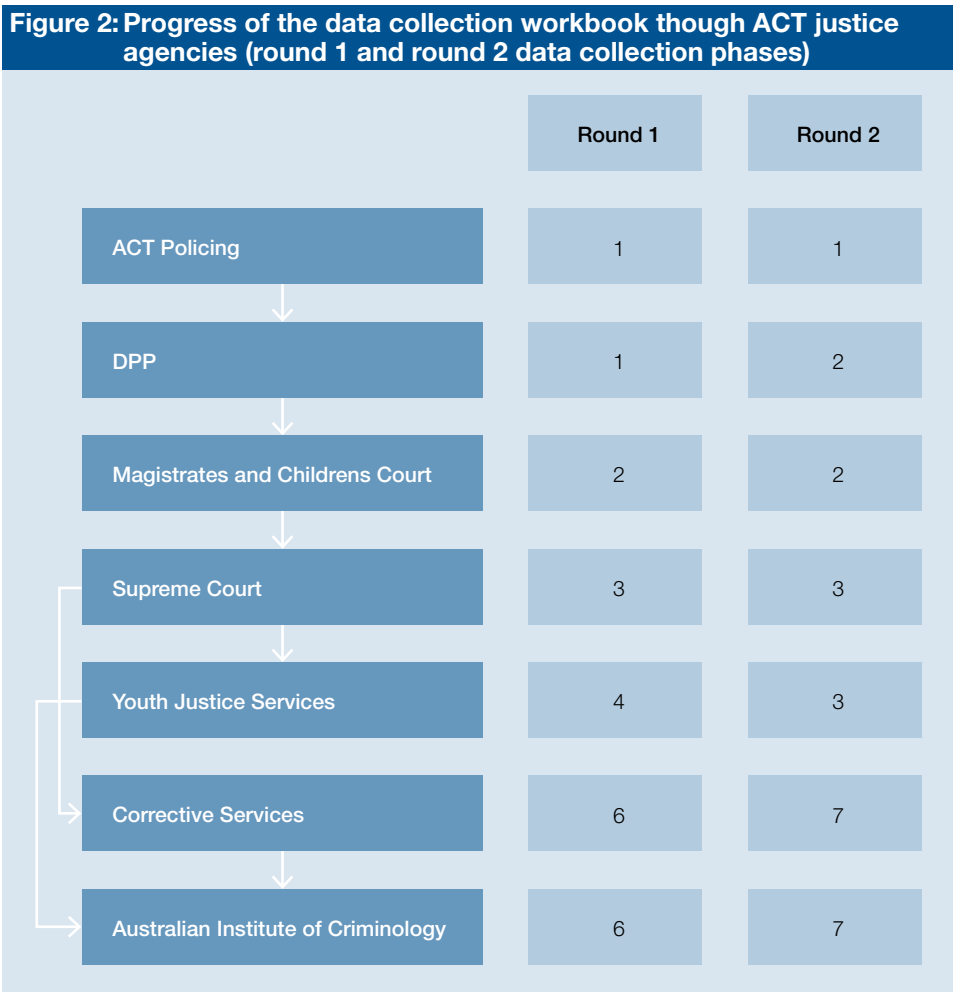
This project originally intended to capture information from the relevant ACT criminal justice agencies in close to 'real time'. That is, the data collection workbook was meant to progress through agencies at quarterly intervals, immediately following the close of the reference period in question. For example, data collection for cases reported July to September 2004 was set to commence and conclude in October 2004. The workbook would then be recirculated to agencies in January 2005 to collect October to December 2004 data, and so on. Unfortunately, delays in the finalisation of the data collection workbook and in data compilation meant that considerable time had elapsed between incident report and data collection.

Figure 2 shows the time taken for data to be extracted from agency recording systems and placed in the electronic workbook for the first and second rounds of data collection. The first round of data collection took six months. It commenced in March 2005 (the first month) and concluded in August 2005. The second round took seven months (commenced August 2005; concluded February 2006). The secondary dataset relating to all reported offences was collated by ACT Policing and received by the AIC in February 2006.

These delays are relevant because the time elapsed between the close of the reference period and when data were actually extracted varied between agencies. The implication of this is that greater or more detailed information was extracted by agencies that operate later in the criminal justice process than by agencies involved when matters were first reported. Caution should therefore be exercised in comparing the quality and quantity of data obtained by each agency.

1 A comparison of report dates recorded for incidents contained in both datasets shows that seven cases had slightly different report dates. A check of offence codes and victim ages in these instances indicated that the same matter was referred to in both files, therefore the report date recorded in the more detailed workbook was employed in all subsequent analyses.

Delays in collection also meant that some information was missed because the progress of the workbook through agencies did not match the pace with which offenders progressed. Because information late in the justice process (for example, Supreme Court information) was entered a number of months after early (for example, DPP) information, shared variables such as finalisation codes would be unlikely to tally. In a related fashion, some offender information relating to court appearances was incomplete when courts data were compiled. However, by the time correctional information was obtained, the offender in question had been fully processed by the courts and so appeared as a correctional client, but records were minus relevant courts information.



Note: Numbers refer to month in which that agency was able to extract and compile relevant data. Therefore month 1 refers to the first month in which the data collection workbook was placed in the criminal justice system, month 2 to the second month, month 3 to the third etc.

Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]

Even when factoring in delays in data collection, it is unlikely that all cases that proceeded beyond the investigative stage should have reached agencies 'late' in the justice process (for example, Corrective Services) within the data collection period. The nearly two years that elapsed between the beginning of the reference period and the final receipt of data was not overly lengthy in terms of the time taken to process an offender through the criminal justice system. For instance, ABS (2005c) data indicate that around one-quarter of all defendants (that is, regardless of principal offence) appearing before the ACT Magistrates Court in 2003–04 had a time elapsed between initiation and finalisation of at least six months. Similarly, the duration for the majority of defendants appearing before ACT higher courts in 2003–04 (51%) was 26 weeks or more (ABS 2005c). A detailed examination of the timeframe taken to process sexual assault matters through the ACT justice system showed that the average time between reporting of an offence and the commencement of a Supreme Court trial was 506 days, with over half of this average time (264 days) due to the delay between defendant committal and trial (DPP & AFP 2005). It is to be expected therefore, that not all cases were finalised in the timeframe examined.

Creating the final dataset

As noted, collated data were reformatted to an incident-based format. A number of intermediate steps were undertaken in order to achieve the final file. First, incident, victim, offence, and offender worksheets, as well as the secondary reported offences file, underwent preliminary checks and cleaning, to ensure that cases had been matched across agencies. Worksheet information from both data collection rounds was combined. These worksheets were then imported into a statistical software package, (STATA) and labelled and cleaned so that all information was comparable across agencies. Files were reformatted where necessary and then merged to create one single incident-based dataset. In this final format, one record referred to one incident, to which victims, offenders and offences were linked. The final step before analysis involved the creation of additional variables, such as offender age at incident and at arrest, and a code denoting where records were subject to attrition from the justice system.

Interrogating the final dataset

All analyses were conducted using STATA. The majority of analyses were descriptive in nature. The very small number of cases precluded the possibility of complex statistical testing or modelling.

Key learning areas regarding methods

Issues linked to case tracking

Recording systems of the Courts, the Supreme Court, Corrective Services, and Youth Justice Services do not accommodate the unique identifiers for incidents and offenders employed by ACT Policing and the DPP. PROMIS identifiers and PERSON IDs are allocated by ACT Policing to incidents and offenders respectively when offences are reported/offenders apprehended. This numeric information does not reveal the actual identity of offenders, but in combination allows unique incidents to be identified. At the time of data collection, no unique victim identifier could be generated by ACT Policing (although this has now changed and as discussed elsewhere, all victim information derived from this point forward will be more reliable). This means that offenders could not be efficiently tracked through the criminal justice system. More importantly, staff compiling data in subsequent agencies could potentially produce incorrect information because individual defendants/incidents could be confused in the absence of systemwide unique identifiers.

Highly confidential identifying information was necessarily included to allow cases to be tracked. It was originally intended that the identifying numbers referred to above would be used to track cases through the criminal justice system, but because they were not employed systemwide, cases were tracked through agencies via offender name information. The highly sensitive nature of name information meant it was critical that the disk containing the electronic workbook did not leave the ACT justice system. The disk was therefore delivered by safe hand between relevant staff, and all name information was removed before the disk was returned to the AIC for analyses. The need to strictly protect confidential name information placed an additional administrative load on staff within the Supreme Court, because the file needed to be sanitised prior to being sent to Corrective Services and Youth Justice Services. Specifically, all adult offender name information was removed from the copy forwarded to Youth Justice Services and the name details of young people were removed from the copy forwarded to Corrective Services.

A number of factors caused delays in the collection process. These included the need to fully brief agency staff on processes and procedures; agency staff absences; and conflicting and/or other agency commitments. Additionally, although data related to relatively few cases (see below), the extraction process is not automated in all agencies and therefore data provision is potentially resource intensive. Some agency staff needed to search agency recording systems for the individuals in question and manually enter information into the workbook. This process would presumably be streamlined with the inclusion of unique identifiers (such as the PROMIS and PERSON ID numbers) consistently employed across agencies. Information retrieval proved especially problematic for Corrective Services, where changed information management systems meant that only specialist IT staff within the agency could extract the information required for this process. While information retrieval within Corrective Services was automated to a degree, a complex information retrieval

protocol had to be developed and then employed by these specialist staff. This led to unavoidable, but extensive delays in the provision of Corrective Services data (see Figure 2).

Not all variables could be supplied in the form requested. Although the variables listed in the workbook were based on the minimum dataset, received data did not always conform to that requested. Usually this was because of changes to recording practices or to database systems within agencies occurring since the development of the minimum dataset. Further, the form of supplied information did not always match that requested (for example, providing values for variables that were not specified in the minimum dataset; or providing alphabetical rather than numeric values, or vice versa). This issue is perhaps best illustrated by the new information management system employed by Corrective Services. As discussed above, the information outlined in the minimum dataset is no longer easily retrievable. More importantly, it is only retrievable in a form that does not match that required for this project. Offender information held by Corrective Services is now maintained as episodes (or contacts with the agency) such that one set of offences relating to one offender may give rise to separate episodes of bail, remand, prison and recognisance. This mismatch between project requirements and the new data format precluded fully automated information extraction for this project (although the new information system will permit automatic information retrieval if information requests account for the episodic recording format).

It is no longer apparent which variables are mandatory because of justice agency information system changes since the development of the minimum dataset. A variable is considered mandatory if agency staff initially entering information must supply a value for that variable in every case. This is relevant because, when variables are mandatory, it can be assumed that any missing values are genuinely unknown rather than the result of some other systematic factors (such as, for example, agency staff being reticent to ask certain questions). Without knowing if variables are mandatory, it is difficult to postulate why there may be a low number of non-missing responses. More importantly, it is harder to confidently state that summary statistics represent all the cases in question because missing values may systematically relate to some important but unknown aspect of cases (such as victim age, or offender ethnic or cultural identification).

Some records missed relevant information because of delays in the data collation process. Information from all agencies is necessary to cross check the accuracy of collated data and to paint as complete a picture of what occurs as sexual assault offenders move through the criminal justice system. As already discussed however, delays as the workbook moved through the agencies meant some information was missed for tracked cases (for example, complete offender court information was not available for some clients of Corrective Services).

Victim information is not wholly reliable. At the time victim data were compiled, the recording system of ACT Policing was not able to easily extract a victim PERSON ID and

other descriptive information for every individual victim, particularly in the case of incidents with multiple victims. The recording system was such that there were multiple locations into which reporting officers could record victim information arising from the incident. In incidents with multiple victims, ACT Policing data extraction protocols only allowed for the extraction of a limited number of descriptive fields, for only one of the victims. Additionally, this information was not necessarily completely reliable because not all such possible victim reporting fields were mandatory. Other limitations relating to victim data include the fact that the relationship of a victim to an offender could only be extracted for one listed victim of that incident, and that only age in years (rather than date of birth) was extractable in police records. This means that victim cases passed on to the DPP could not be unequivocally matched in the same way as could offender cases. On the basis of some information supplied by the DPP, it appears that the number of victims exceeded the number of incidents: that is, some incidents involved multiple victims. These cases were not able to be identified and annotated as such in police records. Refinements of the ACT Policing information management system means that victim data associated with more recent sexual assault and related offences is more easily extractable, reliable and detailed.

Varying data formats can result in differing information. Inconsistencies emerged in the number of offences arising from the original incidents, such that the police offence count listed in the incident worksheet was less than the actual number of offences compiled in the offence worksheet. So too, all incidents were associated with only single offenders but the count of offenders involved in incidents as reported in the incident file indicated that at least one incident involved multiple offenders. In a related fashion, the offence report dates recorded in the dataset of all reported offences differed in a small number of cases from those in the workbook dataset. Reasons behind these mismatches were not always clear, but they indicated that information extracted on an offence- or offender-basis was not identical to that captured when extraction was incident-based. Even when extracted in an identical format (that is, offence-based), information could differ depending on what was extracted and when.

Different agencies produce different information. The values allocated to some variables collected by more than one agency (for example, a flag highlighting that an incident was related to family violence), differed between agencies. This could be a genuine mismatch arising because of erroneous record taking or data extraction, although discrepancies between agency records did not arise solely because of issues with the data compilation process. Discrepancies may reflect the fact additional information becomes available when incidents are further investigated: the passage of time allows for greater detail, or a more accurate understanding of what occurred. For example, the officer providing the initial report may subjectively understand the matter to be related to family violence, but detailed investigation by a family violence specialist within the DPP indicates that the matter is not related to family violence. This change in status following further investigation can also apply to other variables. For instance, it may emerge that an incident initially reported as sexual

assault was in fact fallacious and so the offences related to the matter are later recoded as public mischief; thus DPP files will show different offences, and possibly a different offender.

Errors cannot be easily detected. Because of discrepancies in information formats and values between agencies and delays in the compilation of information, errors could not be easily detected nor could they be resolved in any automated fashion. For example, one incident recorded in the workbook erroneously recorded the victim as an offender. The matter obviously did not proceed through the criminal justice system and later agencies were able to provide clarification of what had transpired, but without this clarification the actual status of the case could not have been ascertained.

Issues linked to creating and analysing the final dataset

It is unlikely that the process of data compilation can become fully automated.

Although only a small number of incidents were examined for this research, data compilation and analyses were automated as much as possible to assess the feasibility of integrating criminal justice system information. Developing the programming necessary to automate the process was resource intensive (more than 3,500 lines of programming were required to clean the final full-year dataset before analyses could be undertaken). Even with this level of automation, inconsistencies emerged that could only be resolved by the visual inspection of all information related to that incident. For instance, a code was developed that indicated at which point attrition occurred in the criminal justice system. When attrition was early in the system (for example, offences were shown by police to be unfounded), this code could be applied automatically. However, when attrition was late (for example, an offender was acquitted), the code could only be applied with certainty after all information from all agencies was inspected.

Data do not provide all anticipated information. Missing values, inconsistent coding, and poor data linkage across agencies mean that although certain information should theoretically be extractable, it is not. For example, difficulties encountered when ascertaining the nature of the sentences imposed on convicted offenders meant only an incomplete description was provided.

Data are incomplete if they are expected to provide a full understanding of what has transpired in each case of sexual assault. The majority of information is either:

- pre-coded, so that a number or word or phrase represents a particular predefined category. This generally does not allow the detail of 'extraordinary' cases to be recorded, or
- quantitative only, representing an amount.

Data of these types allow an examination of the broad characteristics of sexual assault, but do not permit a rich understanding of its more complex aspects, such as reasons behind

attrition or non-reporting, the intricacies of charge negotiations, or even a clear understanding of whether charge negotiations have occurred. As will be discussed later in the report, a large proportion of the adult offenders could be located within correctional records, indicating that at least some of the offenders linked to the incidents examined were not new to the criminal justice system. Unfortunately, the information collected for this project did not include the criminal histories of offenders, so unless an individual reoffended within the reference period, recidivist behaviours could not be examined in detail. Any future research attempting to understand cases tracked through the criminal justice system would be advised to carefully select and define the units of information requested from participating agencies.

Future directions

Despite these limitations, this project has demonstrated that sexual assault and related offences can be tracked from their point of entry into the criminal justice system to the point at which they are finalised in that same system. Tracking, however, is neither streamlined nor automated. The data collection process and analysis of the compiled data was both time consuming and resource intensive.

Changes to what is collected and how it is collected would improve both the process and outcome of any future data tracking. Specifically, these changes might include:

- **The development of a set of specific questions that need to be asked of any dataset compiled, so as to guide the type of information ultimately collated.** These questions – the research questions guiding data collection – should be clearly articulated to allow agencies providing data to readily establish if this information is available. Consultation with stakeholders who provide data and with those end users of data analyses should guide the specific information gathered. Questions which could not be addressed with the current dataset but which nonetheless emerged as important to end users relate to why there is case attrition at the stage of reporting to police, and to the nature, if any, of recidivist sexual offenders.
- **Clearly specifying the nature and form of any data required to answer these questions, to ensure that relevant information is ultimately collected.** Issues relating to the form of data should be canvassed with all participating agencies. Consultation with data-providing stakeholders should establish what can be provided and how this can be used to address the research questions. For instance, consultation might include establishing whether ACT Policing electronic systems record information regarding attrition at the reporting stage in a relevant and easily extractable form. This phase of consultation may show that some research questions cannot be addressed using a data tracking methodology but rather may require dedicated and narrowly focussed small research projects.

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- **Fully scoping and, where necessary, addressing the difficulties faced by all agencies with respect to data extraction and compilation prior to any data collection, to ensure data collection is streamlined and current.** This pilot project has illustrated that information management within participating agencies is subject to change and these changes can influence both the quality and timeliness of data tracking. Consultation with staff responsible for information management within agencies before proceeding to data collection would allow contingencies to be built in to accommodate any planned information management changes, as well as allowing a realistic timeframe for data collection to be established.
 - **Developing a new minimum dataset mapping all relevant variables and values available from participating ACT criminal justice system agencies.** This new minimum dataset would ideally accommodate changes to agency information management systems since the compilation of the last minimum dataset, as well as the specific information required to address predetermined research questions. The earlier minimum dataset canvassed the range of possible information exchanges between participating agencies. A revised minimum dataset may choose to focus only on those data items that directly address agreed research questions. Reducing data items required and fine tuning their alignment with current agency information management systems may in turn streamline data extraction and compilation.
 - **Creating a revised data collection instrument which closely reflects developed research questions and the revised minimum dataset.** The current electronic data collection spreadsheet will ideally be amended in accordance with changes to the minimum dataset. More detailed, agency-specific data dictionaries to guide data extraction may need to be developed to ensure ease of process. This in turn should promote resource efficient data compilation.
 - **Uniformly employing non-name codes which uniquely identify incidents, offenders and victims across all agencies, to ensure accurate and streamlined data matching.** At present, these data items cannot be included within all agency information management systems, even though their inclusion would remove the need to employ sensitive and confidential name information. The inclusion of name information was problematic for the current pilot project: it added to the workload for agencies contributing data and increased the likelihood of inaccurate data matching across criminal justice agencies. Any future data tracking will ideally work towards the incorporation of some systemwide unique identifiers, such as the PROMIS and PERSON IDs employed by ACT Policing. Until such time as these can be included, alternative, less sensitive ways of tracking individuals could be developed through consultation with data-providing stakeholders.

A snapshot of sexual assault

Sexual assault and related offences

Sexual assault and related offences in Australia

The ASOC coding employed by the Australian Bureau of Statistics (ABS NCCJS 1999) allows criminal offences coming to the attention of criminal justice authorities in Australia's eight jurisdictions to be coded in a uniform way. The ASOC category of sexual assault captures:

- **aggravated sexual assault**, where conditions of aggravation include taking place in company; involving a weapon; involving victim injury or violence; consent proscribed; or involving intercourse
- **non-aggravated sexual assault**, or that involving none of the aggravating circumstances listed above
- **non-assaultive sexual offences against a child**, which involve victims under 16 years, but which do not involve physical contact with the victim. This subcategory excludes the possession or distribution of child pornography (captured by the subcategory of censorship offences, which falls under the overarching category of public order offences)
- **non-assaultive sexual offences not elsewhere classified**, such as voyeurism or gross indecency.

The ABS *Recorded crime, victims* collection (ABS 2004a) reports criminal victimisations coming to police attention and recorded in police administrative systems. This collection shows a total of 18,237 victims of sexual assault reported to police in Australia in 2003. This number of victims translates to a victimisation rate of 91.7 per 100,000 persons. Not surprisingly, the rate of victimisation was not consistent across all age groups and gender: females were victimised at a rate of 148.8 whereas the rate for males was 33.0. Children and young adults, irrespective of gender, experienced the highest rates of any age groups (10 to 14 years, 276.9 per 100,000; 15 to 19 years, 287.7 per 100,000), and girls and young women experienced the highest rates of all persons: female aged 15 to 19 years were victimised at the rate of 519.6 per 100,000.

Issues surrounding the recording of sexual assault in crime statistics

More recent national data on the report of sexual assault and related offences to police are not available. Investigations by the ABS National Crime Statistics Unit (NCSU) into the equivalence of crime data across Australian states and territories in the *Differences in recorded crime statistics* project, established that the ASOC categories of assault and sexual assault were inconsistently recorded. An absence of national standards means different thresholds were applied by the states and territories in deciding if an incident coming to police attention is recorded as such on police information systems (ABS 2005a).

Because of this lack of equivalence, the offence categories of assault and sexual assault have been omitted from national recorded crime data published by the ABS post-2003.

Recorded crime data underestimate the actual number and rate of crimes perpetrated in the community, and this is especially true of sexual assault. If sexual violence is not reported to police, it cannot be acted upon through formal justice processes. This is not attrition per se: because these unreported incidents never entered the criminal justice system, they are not subject to attrition from it. However, any examination of the nature of sexual assault must consider why certain incidents are not brought to police attention. The reasons victims do not report sexual violence are beyond the scope of the current work, however a range of reasons was uncovered in earlier research (see Lievore 2005; 2004; 2003), and includes:

Personal factors and beliefs of the victim, such as:

- shame and embarrassment
- the degree of closeness in victim–offender relationships and/or the desire of victims to protect their family
- perceived seriousness of the assault, and whether it is even regarded as criminal by the victim
- fear of reprisal
- fear of the justice system
- fear of the attack becoming public knowledge
- beliefs about the ability of the criminal justice system to effectively deal with the assault and/or protect the victim.

Cultural factors, such as:

- a lack of awareness of laws, legal processes and human rights
- institutional barriers of racism and sexism.

Social and geographic factors, especially in rural and remote areas, such as:

- isolation and conservative social norms
- perceived informal social networks between offenders and justice officials, seen by victims as a ‘boys club’.

Further, the decision to report sexual violence to police is only one that must be made by victims in the time following attack. Research exploring the help seeking behaviour of women following sexual assault found that decisions concerning future personal safety, managing physical trauma, and dealing with anger and fear are part of the ripple effect of sexual assault in victims’ lives. In considering this broader life context, reporting to police is not necessarily the paramount decision victims must take (Lievore 2005).

More realistic estimates of the prevalence of sexual assault in the community arise from surveys of individuals randomly sampled from the broader population. For example, the *Crime and safety* survey estimated that in the 12 months prior to survey in 2002, there were around 33,000 victims aged over 17 years of at least one sexual assault (that is, incidents of a sexual nature involving physical contact), translating to a prevalence rate of 0.4 percent of women (ABS 2003a). The estimated number of victims was substantially higher than the 17,850 victimisations recorded as reported to police in the year 2002 (ABS 2003b). The *Crime and safety* survey also found that around four-fifths of female respondents reporting victimisations did not tell police about their most recent sexual assault (ABS 2003a).

Although capturing sexual assaults not reported to police, surveys such as *Crime and safety* are still thought to underestimate the true prevalence of sexual assault in Australia because of the context in which respondents answer survey questions. That is, because the survey is couched in terms of general crime in society, and some victims may not regard their own experiences of sexual violence as relevant or even criminal, they may not report sexual assaults against them when asked in a general criminal survey (see Lievore 2003).

One way of overcoming the effect of a generic crime context on the reporting of sexual assault is to utilise surveys designed specifically to explore sexual victimisation and/or the victimisation of women. One such survey, the *International violence against women survey* (IVAWS) estimated that four percent of women had experienced sexual assault (including unwanted touching of a sexual nature) in the 12 months prior to interview (Mouzos & Makkai 2004). An earlier survey also designed specifically to explore sexual and other violence against women, the *Australian Women's safety survey*, estimated that 1.9 percent of women experienced one or more incidents of sexual violence in the previous 12 months (ABS 1996).

Characterising sexual assault in Australia

The crime data sources cited vary in terms of their methods, the offences considered, the timeframe examined, the populations assessed, the degree of accuracy with which they are able to capture all cases of sexual assault, and the estimated prevalence of sexual assault. They nonetheless converge to provide a broad characterisation of sexual assault, which shows:

The majority of victims of sexual assault are women or girls. Females constituted 80 percent of victims in recorded crime data (ABS 2003b), and 86 percent of self-reported victimisations (ABS 2003a).

Sexual assault victims tend to be young. Forty-eight percent of *Crime and safety* survey victims were aged between 18 and 24 years (ABS 2003a), and 72 percent of victims recorded on police systems in 2002 were aged less than 25 years (ABS 2003b). As already noted, four percent of all women interviewed for IVAWS experienced sexual assaults in the

previous 12 months, but this figure rose to twelve percent among women aged 18 to 24 years (Mouzos & Makkai 2004). Similarly, the *Women's safety survey* estimated that 4.6 percent of women aged 18 to 24 years were victim to one or more incidents of sexual violence (which includes threats of sexual violence which the woman believed would be carried out) in the year before interview (the figure for all women was 1.9%; ABS 1996). Unfortunately, the victim surveys referred to here did not interview children and adolescents although data were gathered from adult respondents regarding recalled childhood and teenage experiences of crime.

Most incidents are perpetrated by men or boys. Ninety-three percent of female victims reported to the *Crime and safety survey* that males were responsible for their most recent sexual assault (ABS 2003a). The *Women's safety survey* found that women were four times more likely to experience violence by a male, including non-sexual physical violence, than by a female (ABS 1996).

Most sexual assaults are perpetrated by a person known to the victim. The *Crime and safety survey* estimated that 58 percent of female victims were sexually assaulted by a person known to them (ABS 2003a). Of women who had experienced sexual violence at some time since the age of 15, in only 23 percent was the perpetrator a stranger. Moreover, nearly one-quarter of women who have ever been married or in a de facto relationship experienced some form of violence by their intimate male partner, although the women reported higher proportions of physical rather than sexual intimate partner violence (ABS 1996). Recorded crime data show that around 60 percent of child victims (that is, those aged 0 to 14 years of age) of sexual assault know their attackers, with approximately 30 percent of victimisations perpetrated by parents (ABS 2004b).

Most sexual assaults take place in a residential setting. In 2003, two-thirds (67%) of sexual assault victims were attacked in a residential setting (ABS 2004a). This is not surprising, given that nearly three in ten sexual assaults are perpetrated by family members of victims (29% of all victims; ABS 2004a). However, it has been estimated that women who experienced sexual assault by someone other than a partner are generally also victimised in the home (55%; see ABS 1996).

Most sexual assaults do not involve a weapon. In nearly 99 percent of all sexual assaults recorded by police in 2003, the offender did not use a weapon. The most commonly used weapon was a knife, reported as being used in 0.7 percent of all recorded sexual assaults (ABS 2004a).

Most incidents are not reported to police. Eighty-nine percent of women who reported sexual assault in the previous 12 months to the *Women's safety survey* chose not to report the matter to police. Of those women, over half (55%) reported dealing with the matter themselves, 16 percent did not regard the incident as a serious offence, and eight percent

did not think they could do anything (although these estimates were not wholly reliable; ABS 1996). Other research has shown that the decision to report sexual or physical violence to police is linked to the nature of the relationship between victim and offender. For instance, only ten percent of women victimised by a male they knew reported the matter to judicial authorities, whereas 27 percent of those victims of physical or sexual violence by strangers reported the matter (Mouzos & Makkai 2004).

Sexual offences brought to the attention of the justice system do not result in convictions at the same rate as other offences. Criminal courts data show that around three-quarters of defendants (77%) whose principal offence was sexual in nature who appeared before lower courts in Australia in 2004–05 were found guilty, and guilty pleas or verdicts resulted for 76 percent of defendants in the higher courts. The equivalent proportion for all defendants (that is, regardless of principal offence type) in magistrates' courts was 96 percent, and in Australian higher courts, was 91 percent (ABS 2006a).

The prosecution of sexual offences in Australia

Recorded crime data list investigative outcomes for sexual assault offences that are reported to police. Offenders may be proceeded against through legal processes (for example, caution, arrest or summons). In other cases, an offender is not proceeded against because the sexual assault has been shown to be unfounded, the offender cannot be pursued for a variety of reasons, such as he or she is now deceased, or the complaint is withdrawn. Under these circumstances, the matter is considered finalised (or cleared) by police. Sexual assault matters can also remain open – said to be not finalised (or uncleared) – which indicates that police are either actively continuing investigations or have suspended investigations but will re-open the matter should new evidence arise.

Recorded crime data from 2003 show that 62 percent (or 11,312) of investigations of the matters reported by victims of sexual assault had not been finalised within 30 days of incident report (ABS 2004a). The investigation of reported victimisations resulted in proceedings against offender(s) within 30 days of report in only around 18 percent of cases. Data regarding the outcomes of reporting sexual assaults to police derived from victim surveys echo recorded crime statistics: 28 percent of women who experienced sexual assault in the preceding 12 months reported that police charged the perpetrator (ABS 1996).

Criminal courts data compiled by the ABS show that sexual and related offences constituted the principal offence in 13 percent of cases adjudicated in higher courts in Australia in the year 2004–05. These were the principal offence type brought against less than one percent of adjudicated defendants in Australian magistrates' courts over the same period (ABS 2006a).

Courts data from 2004–05 also show that 24 percent of defendants in higher court cases where principal offences were of a sexual nature were acquitted, similar to magistrates' courts (23%). The proportion of acquittals was much lower for all defendants (that is, regardless of offence type): nine percent of defendants in the higher courts and four percent in the lower courts. The corollary of this is, as noted above, that proportionally fewer defendants whose principal offence is sexual in nature are convicted than the percentage convicted for most other offence types (ABS 2006a).

The conviction rate for sexual offences appears linked to the precise nature of the sexual assault or related offence. For instance, 8.1 percent of sexual assault offences finalised in NSW higher courts in 2004 resulted in a guilty verdict compared with 21.4 percent of aggravated sexual assault offences, and 30 percent of offences relating to acts of indecency against a child. Accordingly, the proportion of guilty pleas was variable: for example, 14.6 percent of aggravated sexual assault offences compared with 44.3 percent of charges relating to sexual intercourse with child aged 10 to 15 years (see Fitzgerald 2006).

The time required to adjudicate defendants in sexual assault matters in Australian courts is not markedly different from that required for adjudication of all defendants. For example, courts data show that in 2004–05 the time elapsed between initiation and finalisation in the higher courts was a year or more for 22 percent of all defendants, regardless of principal offence type. For 29 percent of those individuals defending sexual assault charges, time elapsed was also 52 weeks or longer (ABS 2006a).

Of those defendants proven guilty of sexual offences in Australian higher courts in 2004–05, 12 percent received a non-custodial order as the principal sentence, 14 percent a fully suspended sentence, and 74 percent a custodial term. In magistrates' courts, 23 percent were penalised with a monetary order, 32 percent with some other non-custodial order, and 44 percent with a custodial term. Higher proportions of sexual offenders received a custodial term in both the higher and lower courts than most other offences: regardless of principal offence type, 63 percent of all defendants appearing before Australian higher courts received a custodial term, with nine percent of defendants before magistrates' courts sentenced to custody.

Still other information collated by the ABS indicates that almost 11 percent of the 25,353 prisoners in custody or on remand in Australian prisons on 30 June 2005 were being held for sexual and related offences (as their most serious offence, or in the case of remandees, most serious charge). The average maximum sentence possible for those prisoners sentenced to prison for sexual and related offences was 91.4 months, with half of these prisoners having a maximum possible sentence of 84 months. The average time expected to serve (that is, from reception to earliest possible release date) for these same prisoners was 63.6 months, with half expected to serve 53.9 months (ABS 2005b).

Attrition from the criminal justice system

Not all criminal incidents reported to police result in the administration of some form of punishment by correctional authorities: there is attrition as cases drop out of the criminal justice system. Following reporting to police, attrition can occur at three key points: during police investigation, following the initiation of proceedings, or following trial (see Lievore 2003). It may occur for a number of reasons. For instance:

- upon further investigation incidents are classified as unfounded by police
- the public prosecutor is unable to further pursue matters for some evidentiary reason or, as discussed below, the victim is unwilling to proceed
- accused persons are acquitted when the matter goes to trial.

Attrition at the investigative stage

Attrition of sexual assault incidents reported to police from criminal justice systems in Australia is high, and sizeable attrition occurs early in the criminal justice process. Police recording practices regarding sexual assault differ between jurisdictions and rules for individual officers regarding what must be recorded can be discretionary to some degree. This means that the threshold for what is recorded as a sexual offence varies. For instance, an allegation of a sexual offence that does not have sufficient evidence to allow it to be classified as a crime may not be recorded on some police systems, whereas other systems may record every report, regardless of evidence (see ABS NCSU 2005; Lievore 2003). This potentially contributes to the underestimation of sexual offences in recorded crime data, but also marks the first point of attrition proper, because although a decision has been taken by a victim to report an incident, it is not recorded as such.

Once recorded on police systems, only a subset of sexual victimisations are finalised within 30 days of incident report (see above), but other data suggest that a proportion of incidents will not be finalised in the longer term. For instance, only 28 percent of sexual and indecent assaults against children, and 32 percent of those against adults, reported to NSW police in 2004 were cleared within 180 days of report (Fitzgerald 2006). Similarly, 40 percent of child sexual assault incidents reported in South Australia in 2000–01 had not been cleared by police when followed up one year after the reference period (Wundersitz 2003).

Attrition at the prosecutorial stage

Only a subset of finalised matters result in an offender being proceeded against (see above). Research into the attrition of sexual offences from the criminal justice system in NSW found that 53 percent of cleared incidents involving a child, and 59 percent an adult, led to the

initiation of criminal proceedings against an offender. Some factors linked to the initiation (as compared with the non-initiation) of criminal proceedings for sexual assaults included:

- victim age of greater than 10 years at the time of the incident
- less than 10 years elapsed between offence and report, and
- the involvement of some aggravating circumstance (see Fitzgerald 2006).

Research exploring prosecutorial decisions in adult sexual assault cases (Lievore 2004) found that a case was more likely to proceed when:

- the victim expressed non-consent, either physically or verbally
- the victim was injured in the sexual assault
- evidence existed linking the defendant to the sexual assault
- the defendant used force during the sexual assault
- the sexual assault was severe
- the defendant had no prior relationship to the victim.

As these factors suggest, the decision to initiate and proceed with the prosecution of a sexual assault matter is primarily evidentiary in nature. However, Lievore (2004) found victim unwillingness to proceed was the reason nearly half of the cases were withdrawn. Decisions to not proceed when victims are reluctant may be based on a desire to minimise the risk of re-victimisation of those victims who have a pre-existing relationship with offenders, and/or because unwilling witnesses are likely to undermine a case. These findings highlight that even when a victim takes the decision to formally report sexual assault to police, they will not necessarily be willing participants in judicial proceedings.

Attrition at the adjudication stage

Even when matters are brought to court, not all result in the conviction of an offender. Only approximately eight percent of sexual offences against children and 10 percent against adults reported to NSW Police in 2004 were proven in court (Fitzgerald 2006). Less than 10 percent of cases reported to South Australia Police in 2000–01 resulted in a conviction on at least one of the offences arising from the child sexual assault incident initially reported (Wundersitz 2003).

Additional evidence linking defendants to sexual assaults has been demonstrated to be important in whether matters proceed to trial or sentencing, as shown above. Two evidentiary factors – the presence of additional evidence, and whether defendants explicitly threatened victims during sexual assaults – have also been shown to be linked to whether a defendant is acquitted once a matter goes to trial (Lievore 2004).

The reasons behind the failure to secure convictions against sexual assault offenders brought to adjudication are complex and numerous, and the current research was unable to address issues of this complexity. For instance, recent research experimentally exploring jury decision making, found that jurors preferring a guilty verdict to a not guilty verdict tended to hold favourable attitudes towards rape victims in general (Taylor & Joudo 2005). Although a description of attrition from the criminal justice system is provided in this report, it can provide only the broadest description of factors that may lie behind attrition. Further research into attrition is required to identify why some sexual assaults are finalised through offender conviction and why others are not. This current work may provide a foundation on which more extensive research into the attrition of sexual assault and related offences from the ACT criminal justice system. Once these factors are understood, the most appropriate responses to the victims of sexual assault (those that provide effective physical, emotional and psychological support; promote reporting to justice authorities; enhance the investigative opportunities for police; ensure the continuance of prosecution; secure convictions etc) can be developed. Reviews of current responses to sexual assault in some jurisdictions have resulted in recommendations aimed at the development of appropriate responses to sexual assault (for example, NSW Criminal Justice Sexual Offences Taskforce [CJST] 2006; DPP & AFP 2005).

Statistics concerning sexual assault and related offences in the ACT

Data for 2003 indicated that 127 reported sexual assault victims were recorded in the ACT, a victimisation rate of 39.3 per 100,000 persons, the lowest recorded by any jurisdiction for that year (ABS 2004a). Although aggregated national sexual assault statistics have not been published since 2003, the ABS continues to report victim numbers and indexed victimisation rates² for the states and territories. This indexed rate suggests that sexual assault victimisation in the ACT fluctuated since 2001 but decreased by around 10 percent between 2001 and 2005 (ABS 2006b). Other data capturing different reference periods indicate that the number of sexual offences (including sexual assault, sexual intercourse without consent, acts of indecency with all persons regardless of age, incest and abduction) recorded by police in the ACT fluctuated in recent years (for example, 203 in 2000–01 versus 480 in 2003–04; DPP & AFP 2005).

Data from the current study show a total of 327 reported sexual assault and related offences from 1 July 2004 to 30 June 2005 (inclusive). It is important to note, however, that current data are not necessarily directly comparable with other data sources because they do not capture identical offence types, do not encompass similar timeframes, and this figure considers every offence reported for all reported workbook and secondary incidents (but not every count of every offence).

² Using the jurisdictional rate observed in a designated reference year as a baseline, thereby making any jurisdictional comparisons inappropriate.

The ACT does not appear to differ from other Australian jurisdictions with regard to the prosecution of sexual offences. Of matters reported to ACT Policing in 2003, 56 percent of cases were not finalised within 30 days of report (extracted from 2003 unpublished data from recorded crime collection provided by the ABS, Canberra). Criminal courts data for 2004–05 indicate that 11 percent of the 122 defendants in the ACT higher courts, and less than one percent of 3,344 defendants before the ACT Magistrates Court were adjudicated principally for sexual offences (ABS 2006a). Other data show that there were 177 sexual offence charges concluded, 38 percent of these resulting in convictions, in 2003–04, (DPP & AFP 2005).

The following discussion explores the dataset obtained for the current research into sexual assault and related offences in the ACT in detail.

A snapshot of sexual assault and related offences in the ACT

For reasons already outlined, the final dataset contained records relating to matters that were reported to police outside the reference period (1 July 2004 to 30 June 2005). Of the total 259 incidents, 209 were reported in 2004–05, and of the 43 incidents that proceeded beyond initial recording by police, seven fell outside the reference period (report dates in the workbook ranged from June 2003 to June 2005). Because of the small number of records, all workbook records were retained in workbook analyses.

This snapshot of sexual assault and related offences is divided into subsections relating to offences, incidents, victims and offenders and concludes with a discussion of attrition from the criminal justice process.

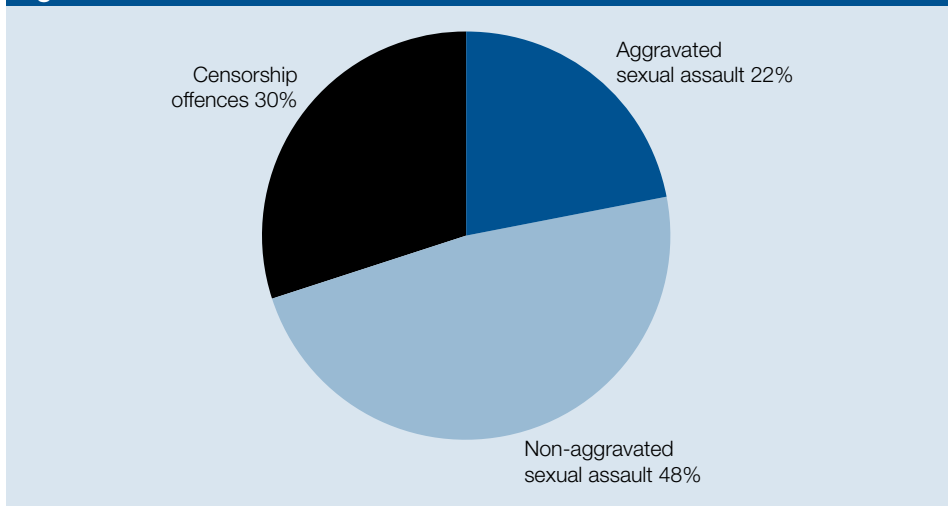
Sexual assault and related offences

Offences which proceeded beyond ACT Policing

The number of offences (as per ASOC coding) recorded as arising from incidents differed from the actual count of offences linked to each incident via the PROMIS number. As shown in Figure 1, 93 separate offences were listed by police in the offence worksheet. The ACT Policing incident worksheet includes a variable that reports the number of offence charges for each incident, and this suggested that only 61 offences arose from incidents. The offence worksheet was assumed to be a more accurate reflection of actual offences, therefore all discussion is based on the set of 93 offence cases.

Almost half of all offences (48%) were recorded as non-aggravated sexual assaults in the ACT policing database (see Figure 3). Three in 10 were censorship offences, and a little over one-fifth were aggravated sexual assault.

Figure 3: Offences linked to examined workbook incidents



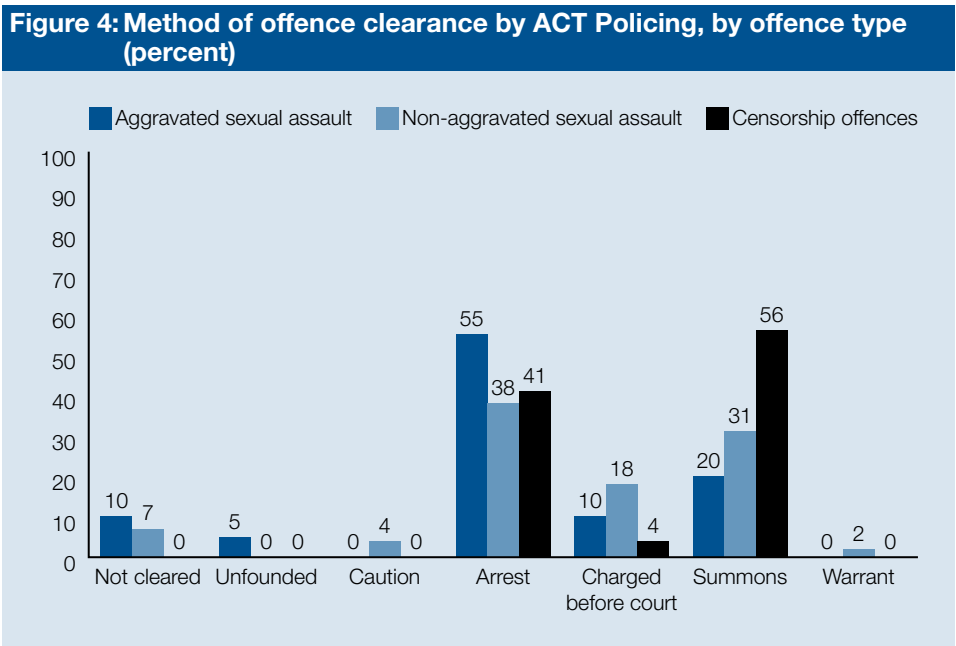
Note: Based on offence category information supplied by ACT Policing. Some offences categorised as censorship offences in police files were coded as 'non-assaultive sexual offences against a child' in records supplied the Courts

Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=93

Not surprisingly, there was near complete agreement between DPP and AFP records regarding the nature of offences. There were two exceptions:

- one aggravated sexual assault offence charge recorded by police that was annotated as unfounded by the DPP. The variable relating to police clearance also showed the offence as unfounded, implying that investigations following the initial report resulted in a change of the incident's status.
- one censorship offence charge which police records noted was finalised with a summons but which the DPP recorded as never being received. Victim, incident and offender files indicated that only a single offence charge arising from the incident in question proceeded to court even though the ACT Policing offence files recorded two censorship offence charges, both finalised with a warrant. DPP information was assumed to be more complete therefore the anomalous offence charge was ignored in all subsequent analyses of the incident to which the charge was linked.

Only five of the 92 offences which ultimately proceeded to the DPP were not finalised by police when AFP data were collated. The remaining 87 offences were cleared by court proceedings or cautions and as noted already, one offence charge was shown to be unfounded. Figure 4 summarises the method of offence clearance as recorded by ACT Policing for each of the offence types. The largest proportion of both aggravated sexual assault offences (55%) and non-aggravated sexual assault offences (38%) were cleared via arrest, whereas censorship offences were most often cleared via issuance of a summons (56%).



Note: Excludes the single censorship offence charge which was not recorded in DPP files
Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=92

Over half of all incidents (24 of 43) gave rise to only a single offence (see Table 1). Where an incident resulted in multiple offences, the most serious offence was ascertained. There was, however, little variation in the average number of offences as a function of most serious offence: 2.1 separate offences brought against offenders involved in aggravated sexual assault; 2.1 for non-aggravated sexual assault; and 2.4 for the individuals in incidents related to censorship offences. The overall average for all offenders (that is, regardless of their most serious offence) was 2.1 offences.

Table 1: Offences arising from incidents

Offence count	n	%
1	24	56
2	10	23
3	2	5
4	3	7
5	1	2
6	–	–
7	–	–
8	2	5
9	1	2
(Total)	(43)	(100)

Note: Excludes the single censorship offence charge which was not recorded in DPP files

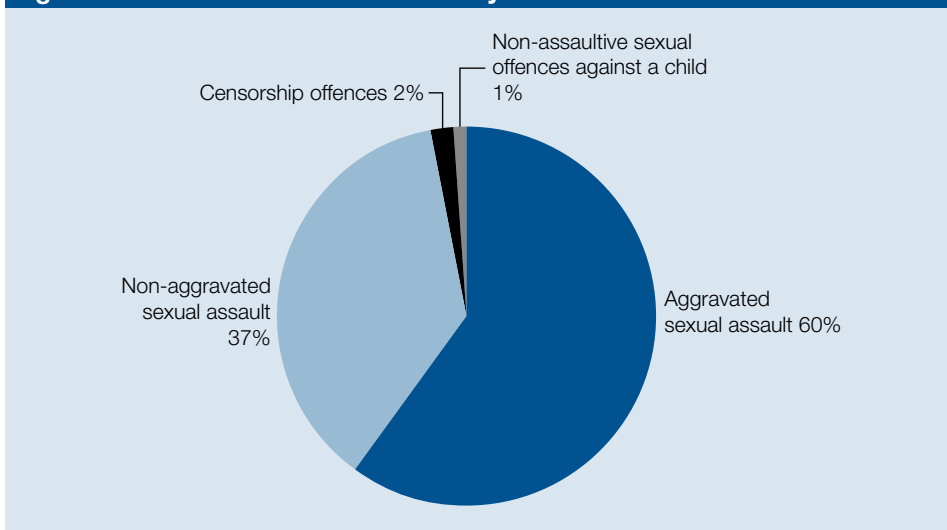
Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=92

Offences recorded in the ACT Policing secondary file, not captured in the workbook

Separate analyses of the 234 offences³ arising from the 216 incidents that had not proceeded beyond report when data were collated (that is, that did not appear in the workbook) showed that the majority of offences related to aggravated sexual assault (60%; see Figure 5). Thirty-seven percent were non-aggravated sexual assault offences, and only very small proportions were non-assaultive sexual offences against a child (1%) and censorship offences (2%). A small minority of incidents generated multiple offences so the most serious offence was calculated. Analyses showed, however, that proportions were similar to those when all offences were examined: 62 percent of incidents had a most serious offence of aggravated sexual assault, 37 percent non-aggravated sexual assault, and one percent, censorship offences. No further analyses of offences contained in this secondary dataset were possible because of the extremely limited nature of the data it contained.

³ Regardless of how many counts of those offence charges; when all counts of all offence charges were considered, the total was 256.

Figure 5: Offences linked to secondary dataset incidents



Note: Includes only offences arising from incidents which were not included in the workbook. Does not include multiple counts of the same offence arising from an incident

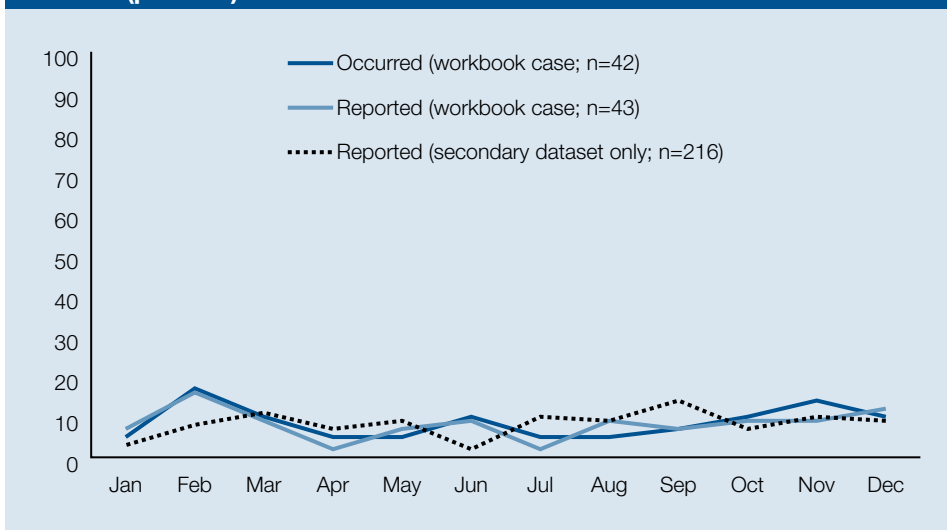
Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=234

Incidents involving sexual assault and related offences

Temporal and situational aspects of sexual assault incidents

Of the 43 incidents in the workbook, nearly half (n=21) occurred in 2004, 14 in 2005, four in 2003, and a single incident each in 1981, 1993 and 2003 (one case did not include incident occurrence date, hence contains a missing value for any variables related to or derived from this). Figure 6 shows that the spread of incident occurrence was fairly even over the calendar year. Apparent spikes in February and November are probably a function of the instability inherent in examining very small numbers of cases over time. On the whole, the spread of months when incidents were reported for the 43 cases that proceeded beyond initial report mirrored month of occurrence. This is not surprising given that most sexual assaults were reported soon after they occurred. The distribution of report months for incidents recorded only in the secondary file was similar.

Figure 6: Months in which sexual assaults occurred and were reported (percent)



Note: Occurrence information refers only to incidents described in the workbook because incident occurrence date was not included in the secondary reported offences file

Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]

On the basis of reported start and finish times, the duration of the average incident that proceeded beyond initial report was almost five hours (4.7). When considering only incidents reported within the reference period, the average duration was slightly less (3.8 hours). These average values exclude cases where the time elapsed between noted start and finish times was a negative value (implying that the incident took place over multiple days, but as incident start and finish dates were not included this could not be concluded with certainty); and where time elapsed was a zero value.

Nearly three-quarters of all sexual assault incidents in the workbook took place in a house (66%; n=28). Eight occurred in public places, two of these in a car park. Two occurred in licensed premises. An office, a school and a recreational centre were listed as the site of a single incident each, whilst two incidents occurred in 'other' locations. Data show that non-pornography related sexual offences which occurred in houses were longest in duration on average (approximately 6.3 hours, although average values in other location categories could not be interpreted reliably because of the very small number of contributing cases).

A single incident was flagged by police as involving alcohol.

A single victim record and a single offender record were linked to each incident. This does not mean that all sexual assaults and related offences always involve two parties, and this was not case even among the small set of 43 incidents examined. As discussed in greater

detail in section on victims, some incidents related to child pornography (that is, involved no immediate victim) and others involved more than one victim. Data recording limitations within police information systems meant that reliable victim information was not extractable when police data were compiled (although as noted, these issues have now been addressed).

One incident record was annotated as involving two offenders, although detailed inspection of the offender, victim and offences file revealed only a single offender linked to the incident in question. The research method employed specified that ACT Policing records included only offenders apprehended during the reference period. Presumably data relating to one of these offenders was excluded because the offender was apprehended at some time subsequent to the period under examination in this research. Any future data tracking exercise needs to establish a collation method that gathers data relating to all linked offenders, regardless of when they were apprehended, to compile the most accurate picture of sexual assault.

Reported violence in sexual assaults incidents

Sexual assaults and related criminal acts, by their very nature, involve a degree of implicit or explicit violence. This violence need not be weapons-based: not a single offence arising from incidents contained in the workbook was linked to weapons. Family violence was, however, associated with some incidents: ACT Policing records flag six incidents as family violence related.

There was a discrepancy in the alleged family violence aspect of incidents between ACT Policing and DPP data. Five cases were annotated as linked to family violence by both agencies, but records disagreed in another three incidents (that is, one case was shown as family violence related by ACT Policing but not the DPP, and two were listed as family violence matters by the DPP but not police). As noted previously, this is the likely result of the differing criteria and processes that agencies employ when assessing family violence.

Records relating to clients of Corrective Services also flag if the offender is subject to a family violence alert. Data indicated that two offenders were flagged as such in correctional records, but their linked incidents were not marked as family violence related by either the DPP or police. One of these offenders was not a current correctional client when information was compiled. The Corrective Service family violence alert presumably related to earlier or unrelated incidents, or was activated because of other factors unrelated to the incident examined here (for example, family violence identified as a criminogenic issue for an offender). The other client was under correctional supervision for a sexual assault matter at the time of data compilation, but detailed examination of the incident showed that the relationship between offender and victim was not known. The family violence alert therefore may relate to this incident but this cannot be ascertained unequivocally.

Reporting of sexual assault incidents

Over half of all incidents (51%) were reported to police without delay, (that is, on the same day as reported occurrence). Seventy percent of incidents were reported to police within 10 days of their reported occurrence, and 84 percent within six months. The average delay between occurrence and report was 350 days, although this average incorporates delays of upwards of 8,000 days. When the more extreme values (that is, those greater than two standard deviations above the mean) were removed, the average time elapsed between occurrence and report was 61 days. The reasons behind lengthy reporting delays are clearly of interest to policy makers. Data show that of the incidents that took longer than six months to report where victim age information was available, victims were aged between 11 and 14 years and the incident occurred in a house (n=3; three of the six cases that took longer than 180 days to report did not have an immediate victim because offenders were charged with matters related to the possession of child pornography). Factors linked to the non-reporting of sexual assault may also be behind delayed reporting (for example, lack of knowledge of legal rights and criminal justice options, or fear of reprisal) and these may be even more pronounced for young victims. Unfortunately, current data are not sufficiently detailed to establish if this is indeed the case, and future research should explore in detail why a minority of victims chose not to report incidents until years after the event.

Time elapsed between report and adjudication of sexual assault incidents

Of cases included in the workbook, Childrens or Magistrates Courts finalisation dates were available for 21 offenders (not all cases which contained details of how matters were finalised contained finalisation dates, thus not all finalised matters have been included in these analyses). Using this information, the time elapsed between incident report to police and finalisation in the courts was calculated. The average duration was 185 days, although this varied with the most serious offence recorded for that incident: 186 days for aggravated sexual assault, 133 days for non-aggravated sexual assault, and 329 days for censorship offences. These averages are lower than those cited elsewhere. This is probably due to the fact that they consider only a subset of cases *reported* within a certain timeframe. Longer delays cited in other sources (for example, DPP & AFP 2005) arose from examinations of *all cases finalised* within a reference period.

A number of these lower court matters for which time elapsed information was available were finalised because the offender was committed to the Supreme Court for sentencing or trial (n=7). The average duration until finalisation in the lower courts for cases which were ultimately committed to the higher court was 175 days. Similar calculations using the date of finalisation in the Supreme Court show that the average time elapsed since report to police was 231 days (n=5; relates only to offenders who had been referred to and then convicted in the Supreme Court).

The average duration for cases adjudicated in the lower courts (that is, not committed to the higher court; n=14) was 190 days. For matters in which finalisation was in the form of a conviction (guilty plea or verdict; n=8), average duration was 140 days. Where the matter did not result in a conviction and was not referred to the Supreme Court (that is, acquittal), average duration was 257 days.

Victims of sexual assault and related offences

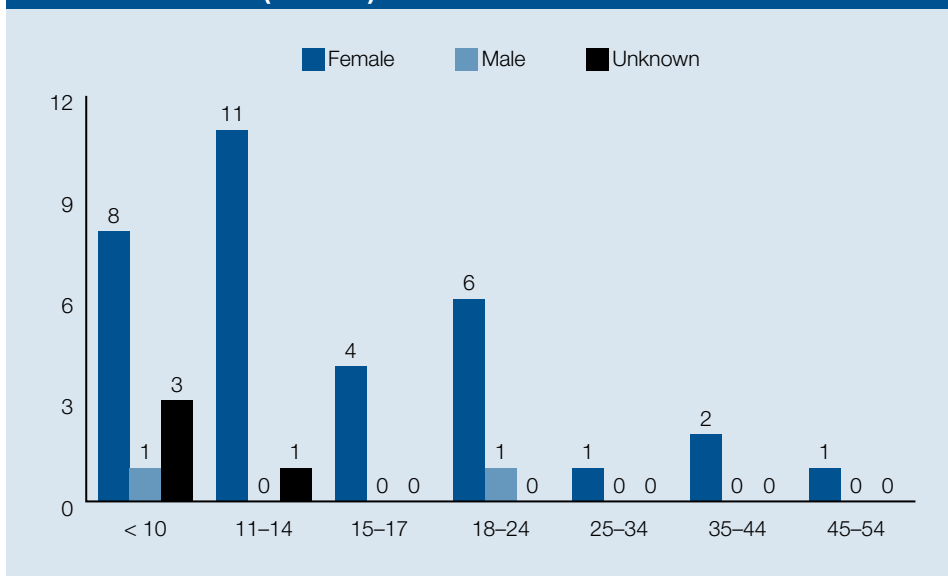
Victims linked to incidents recorded in the workbook

The number of victims associated with reported incidents differed between ACT Policing and DPP records, and as a function of file format (for example, incident- versus victim-based file). Of the 43 victim records provided by ACT Policing, full or partial demographic information was available for 34 individuals. DPP data included a victim flag, intended to indicate if the information provided related to a victim or to a witness. Thirty-four of the 38 victim records for which data were provided were flagged as victims, with the remaining four records missing values on this variable. The count of victims provided by the DPP suggested that 36 victims were associated with the examined incidents (25 incidents involved single victims, four involved two victims, and one involved three victims), but full or partial demographic information from the DPP was available for only 34 individuals.

Victim data were derived using full and partial data supplied by both the DPP and ACT Policing. Seven incidents were noted by the DPP as resulting in possess child pornography charges involving no victims, even though demographic information was available for the victim linked to one of these records. Because DPP information was assumed to be reliable, these seven incidents were excluded from all examinations of victims. Victim date of birth could not be provided, and this greater detail would have allowed victim age at the time of the sexual assault to be calculated with greater precision.

As noted, DPP data were assumed to more accurately reflect victim profiles given the greater information required for the prosecution of an offence than that taken at the initial reporting of an incident. In a minority of instances, victim demographic information was not recorded by the DPP, therefore police data were used. Figure 7 summarises all available age and gender information for 39 victims recorded in the workbook. The majority of victims were female (94% of victims for whom gender information was available) and most were children or young adults: 90 percent were aged less than 25 years old.

Figure 7: Age and gender of victims of whose details were recorded in the workbook (number)



Note: Excludes victim data relating to incidents flagged as child pornography

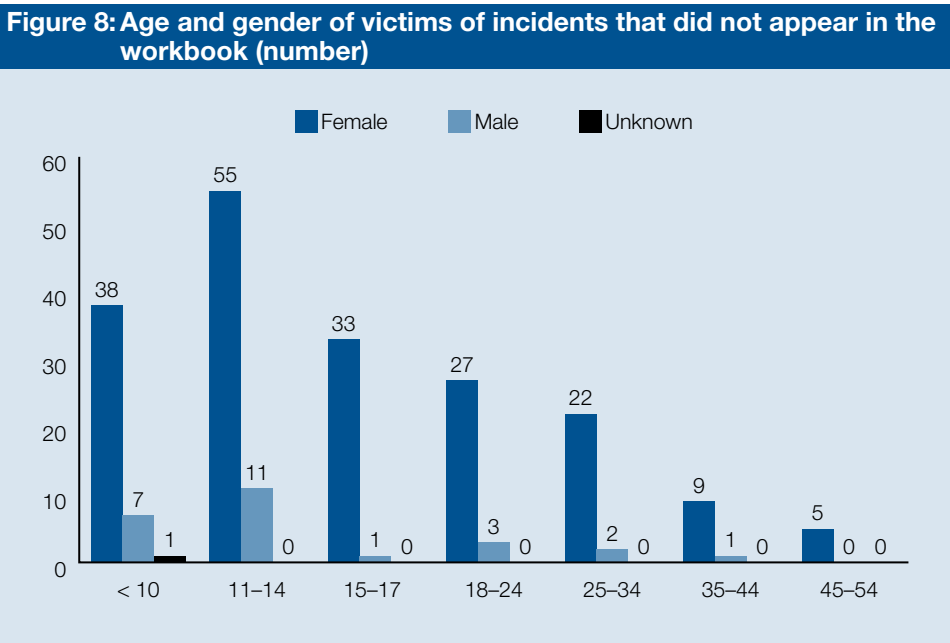
Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004-05 [computer file]; n=39

The average age of victims described in the workbook was 14.7 years. The average age of victims of aggravated sexual assault was 14.4 years whereas the average non-aggravated sexual assault victim was aged 18.6 years. This is not surprising because any sexual assault (as opposed to, for example, an act of indecency) against a young person less than 16 years of age would be treated as aggravated sexual assault. This calculation included only the first listed victim age in an incident where most serious offence was aggravated or non-aggravated sexual assault (n=25). This difference was not statistically significant although as already noted, the very small numbers examined decrease the likelihood of finding statistical significance.

Even if police data had contained information concerning multiple victims, ACT Policing only record the relationship of an offender to the first listed victim, thus no relationship data were available for second and subsequent victims. On the basis of the data received for 34 victims, 41 percent (14 victims) were assaulted by known individuals who were non-family members, with 18 percent (six cases) victimised by immediate or other family members. Five of the cases involving family members were flagged as family violence-related by both the DPP and police. The offender was unknown to the victim or the nature of the relationship (if any) was unknown in 14 cases, or not provided for two victim cases (cases where the relationship is not known can arise when the offender is disguised, or the victim is unable to accurately recall offender details).

Victims linked to incidents that did not appear in the workbook

Full or partial demographic details were available for 215 victims linked to incidents that appeared only in the secondary file. The age and gender of these individuals is summarised in Figure 8. As with victims detailed in the workbook, the majority of victims were female (88%), and the majority (82%) were aged less than 25 years. The average age of victims was older than that seen among the victims whose matters proceeded: 17.0 years. The average age for victims of aggravated sexual assault matters which did not proceed was significantly older (18.7 years; $t=2.4$, $df=147$, $p<.05$) than that of non-aggravated sexual assault victims (14.9 years), the reverse pattern of that observed among victims whose matters were captured in the workbook. This analysis was based on first listed victims only, therefore excludes second and subsequent victims linked to an incident.



Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; $n=215$

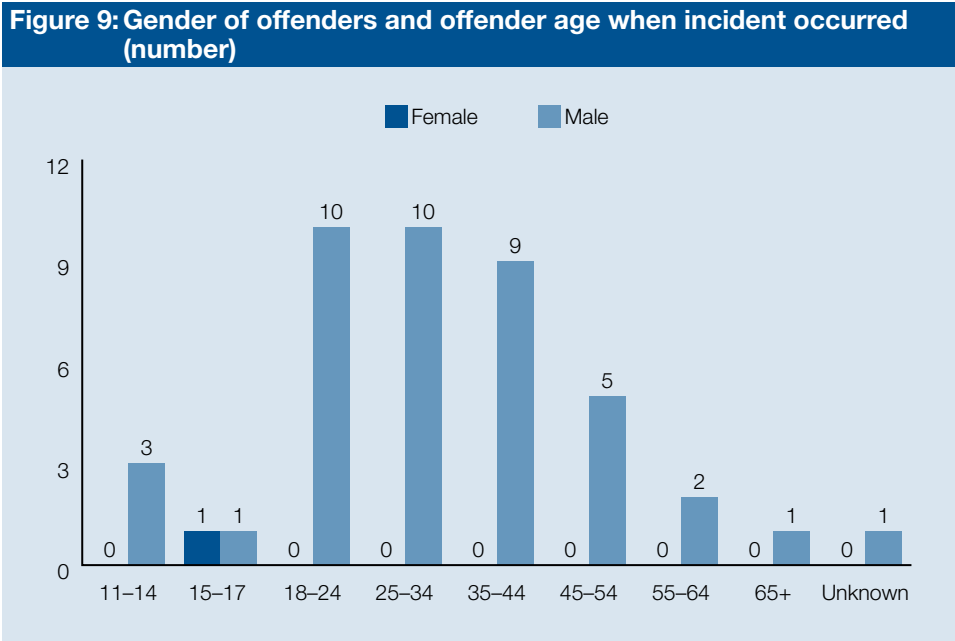
Sexual assault offenders

Demographic characteristics of offenders

AGE AND GENDER OF OFFENDERS

Figure 9 shows the age at the time of the incident and the gender of all offenders recorded in the workbook. Viewed as a group, offenders were the demographic opposite of victims. All offenders were men and boys (the single apparent instance of a female offender detailed

in Figure 9 actually relates to the incident already referred to, in which victim details were erroneously recorded in the offender file. All subsequent analyses exclude offender data linked to this incident). Offenders also tended to be older (63% were aged 25 years or older). The average age of offenders at the time of incident was 33.2 years. The average was slightly older when considering age at offender arrest (34.4 years), as is to be expected given that some cases were reported months and years after the incident occurred.

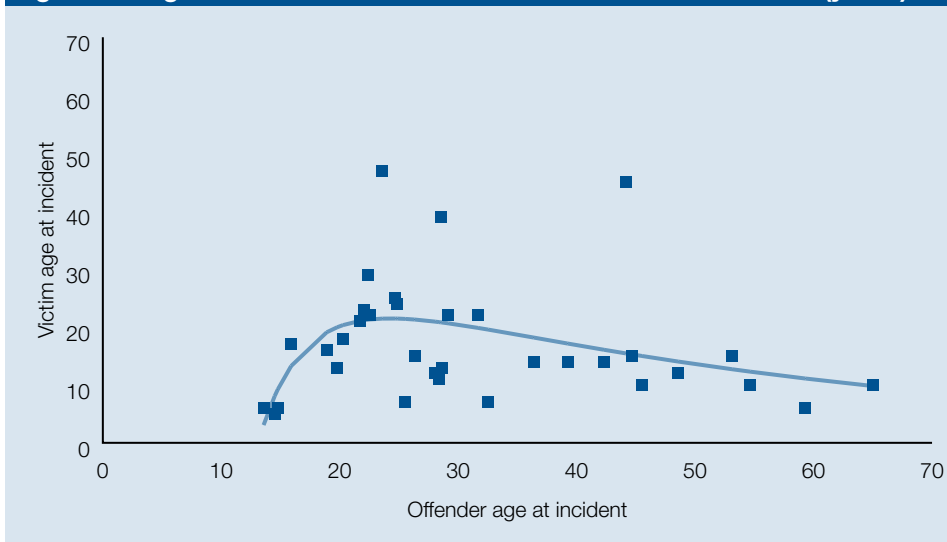


Note: The single offender for whom age at incident was unknown was associated with the incident for which occurrence date was unknown. Includes single incident initially suggesting a female offender, but which was later shown to have been erroneously included in workbook: all subsequent analyses of offender information exclude this incident

Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=43

Victim and offender age at incident are plotted in Figure 10. Data indicate that victim age and offender were associated ($r^2=0.22$; $F[2,31]=4.29$, $p<.05$), but this relationship was not simple. As the line best describing the relationship shows, children and adolescent offenders' and victims' ages tended to increase together (they victimise people their own age) whereas, as offender age increased from around the late-twenties, victim age tended to decrease. There was no interpretable relationship between victim and offender ages for offenders in their early twenties.

Figure 10: Age of offenders and victims when incident occurred (years)



Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=34

OTHER CHARACTERISTICS OF OFFENDERS

Two offenders were classified by police as Indigenous. However the standard ABS rule for Indigenous offender identification is not strictly applied by ACT Policing. Indigenous status is assessed through a combination of offender self-identification, prior police knowledge and administrative records, visual assessment, and other agency records. While ACT Policing considered this an accurate assessment methodology, other agencies use a range of approaches. Corrective Services and Youth Justice Services compile a variable describing self-identification: cross-tabulations show that one of these offenders annotated as Aboriginal and/or Torres Strait Islander (ATSI) by police self-identified as Indigenous (as per correctional data) but the other did not (only one correctional client of the 20 for whom this information was available, identified as ATSI). Unfortunately country of birth information was not available, so statements regarding the (non-ATSI) cultural or ethnic background of other offenders cannot be made.

Other demographic information in addition to ATSI status is compiled by Corrective Services. Because not all offenders described in the workbook ultimately became correctional clients, valid data were available for a maximum of 20 cases. Not all 20 individuals were current correctional clients. In cases where offenders had been placed under correctional supervision for matters not relating to the examined sexual assaults, demographic information was presumably collated in relation to other criminal matters. Ten offenders were reportedly single, one was involved in a de facto relationship, with the

remaining eight valid cases annotated as unknown. Three offenders were employed, five were unemployed and the employment status for the remainder was unknown or missing.

Although some offenders had prior involvement with the ACT criminal justice system, particularly correctional authorities, the nature of this involvement could not be ascertained. It is possible that offenders' previous contact had been with respect to sexual assault but the information collected did not address criminal history. No offender in the workbook appeared on more than one occasion, indicating that (sexual offence) recidivism was not detected by ACT justice authorities among these offenders during the reference year.

CAN OFFENDERS BE CHARACTERISED ON THE BASIS OF THEIR MOST SERIOUS OFFENCE?

The average age of offenders varied as a function of the most serious offence with which they were charged: 30.3 years for those charged with aggravated sexual assault offences; 32.1 years for non-aggravated sexual assault offenders; and, 41.5 years for those charged with censorship offences. Because demographic data were not available for all offenders it is difficult to make statements about how offenders may differ beyond this apparent age variation.

Disposition of offender cases through ACT courts

Thirteen offenders (31% of those linked to incidents described in the workbook; 5% of all reported incidents including those contained only in the secondary dataset) were convicted of sexual assault or related offences by the time the workbook had been received at the AIC. Full details of the penalties imposed upon offenders were not easily ascertained because:

- of issues related to the nature of data extracted from Corrective Services information systems (see earlier section on data)
- information regarding the principal sentence for the principal offences was supplied by the courts, but in some instances the principal sentence related to an offence that was not one selected for inclusion in this research (for example, deprivation of liberty/false imprisonment).

Consequently outcomes could be only determined for some convicted offenders.

Further, not all information extracted has been reported because offender numbers are too small for these data to be collapsed and summarised in any meaningful way. Descriptions of these limited data would need to be on a case by case basis, which might enable the individuals involved in these matters to be identified. Therefore only broad statements regarding sentencing follow.

Twenty-six matters (62% of valid workbook cases) had been finalised in the Magistrates and Childrens Courts when relevant data were collated. Of these, 12 (or 29% of workbook cases) were committed to the Supreme Court for trial or sentencing, eight (19%) resulted in guilty findings (either via guilty plea or guilty verdict), four did not result in convictions (acquittals or charges unproven), and the remainder did not proceed because there was no evidence to offer or information was dismissed.

The duration of the penalties imposed could not be calculated with any accuracy because of the data limitations outlined. Data show that offenders principally convicted of non-aggravated sexual assault were placed on good behaviour bonds or probation orders, or given terms of imprisonment. Sentences of imprisonment also followed convictions for non-assaultive sexual offences against a child, while suspended sentences followed censorship offence convictions.

Supreme Court data show that offenders sentenced after pleading guilty, were imprisoned or received fully suspended sentences of imprisonment. Sentences ranged in length from less than two years to five years.

Attrition of cases from the ACT criminal justice system

The following examines the attrition and finalisation of cases within the ACT criminal justice system. A broad definition of attrition has been adopted for these analyses. Adjudication by the courts is typically conceived as the end point in the processing of sexual assault cases. For current purposes, the completion of a penalty imposed by the courts has been deemed the conclusion of a matter. Therefore if an offender was still under the control of either Corrective Services or Youth Justice Services when data were compiled, the matter with which they were associated was deemed to be still progressing even though it had been adjudicated in the lower or higher courts. Any matter which ceased progressing before this end point (or beyond) was judged to be subject to attrition, and any matter where offenders were still under the control of any ACT criminal justice agency was labelled as still progressing.

There was no means of automating interrogation of the dataset with respect to attrition. As already discussed, a code establishing where cases were 'lost' was developed but this was only used to describe numbers of cases finalised at each stage. To gain some understanding of why matters recorded in the workbook did not proceed, incidents were examined on a case by case basis.

Table 2 highlights that when the data collection workbook was received, 26 incident cases were not wholly finalised (that is, they may still have been progressing through the courts, or the convicted offender may have still been under some sort of correctional order).

Table 2: Finalisation in the ACT criminal justice system of workbook cases

	Number	% of workbook ^a
Stage at which matter finalised/did not proceed further		
ACT Policing	3	7
DPP	4	9
Courts	6	14
Supreme Court	0	0
Corrective Services ^b	3	7
Youth Justice Services	1	2
Total finalised/did not proceed further	17	40
Current stage of matter not fully finalised		
ACT Policing	0	0
DPP	0	0
Courts	10	23
Supreme Court	7	16
Corrective Services	7	16
Youth Justice Services	2	5
Total proceeding	26	60
Total incidents	43	100

a: Percentage calculated on total cases collated including the single incident later shown to have been erroneously included in the workbook

b: Includes cases in which adult offenders were transferred interstate

Note: Matters can be finalised in terms of an agency's involvement in processing an offender (for example, finalised in the Supreme Court) but the offender may still be under the supervision of an ACT Justice agency (for example, Corrective Services), however, finalisation here refers to the offender no longer being involved with any ACT criminal justice agency with respect to the incident that gave rise to the sexual assault and related offences examined in the workbook

Source: AIC pilot study on sexual assault and related offences in the ACT (stage 3) 2004–05 [computer file]; n=43

Attrition at the investigation stage

As noted throughout the preceding sections, 216 incidents (84%) were not contained in the workbook: this suggests that these did not proceed beyond initial reporting to police. However, as noted elsewhere, data are too limited to conclude that this definitely was the case and the limited information available also means that definitive statements regarding why they may not have proceeded cannot be made.

The majority of workbook incidents – those known to have proceeded – were cleared by police via arrest (40%) or summons (35%) by the time data were collated in the workbook.

There were three incidents contained in the workbook which did not proceed to the DPP. One was the already discussed matter entered into the workbook in error, and another was

a matter finalised via police caution. No offence details were received by the DPP in relation to these incidents. The outcome of the other workbook matter which apparently did not proceed beyond policing is less interpretable. Although the DPP did not provide offence details for this matter, Corrective Services data indicated that the offender was their client but in relation to other (non-sexual assault) offences. As the PROMIS incident identifier employed by ACT Policing is not employed by later agencies it is unclear if these 'other' offence charges arose from the same incident as the sexual assault offences recorded by police. Further, because the data contained in the workbook provide little descriptive context surrounding the incidents in question, it cannot be ascertained if the other offence charges detailed by Corrections were actually the result of changed offences brought against the individual following investigation, or because of some other form of charge negotiation.

Attrition at the prosecutorial stage

Four matters were recorded by, but did not proceed beyond the stage of, the DPP (10% of workbook cases). These matters were later shown to be unfounded, resulted in offenders being cautioned, or were withdrawn by the DPP because there were no reasonable prospects of success. These latter cases were flagged by the Magistrates Court as 'information dismissed' or as 'no evidence to offer, dismissed'.

Attrition at the adjudication stage

Four matters heard before the Magistrates or Childrens Courts did not result in convictions (that is, acquittals or charges unproven). This translates to around 10 percent of all cases in the workbook.

There was a total of six incidents in which offenders did not proceed beyond the Courts; those just discussed plus two finalised by the Courts with guilty findings which resulted in good behaviour bonds/recognition. These latter cases were not subject to attrition *per se* because the matters were adjudicated and did result in findings of guilt. However details of both these offenders were not contained on Corrective Services databases thus they had apparently left the supervision of the criminal justice system at the stage of the Courts.

Offenders in the remaining matters finalised by the Courts were committed to the Supreme Court for trial or sentencing (as already discussed above). No offenders involved in incidents referred to the Supreme Court had been acquitted by the time relevant data were collated.

Cases finalised with correctional authorities

Offenders linked to four incidents had been 'fully' processed through the ACT criminal justice system. These offenders had been convicted and sentenced and had completed those

sentences (including probation orders and sentences of imprisonment) or transferred interstate.

Matters still progressing

Sixty percent of workbook incidents (around 10 percent of all incidents if also considering the secondary dataset cases) were not fully finalised by the ACT criminal justice system when the dataset was received by the AIC (that is, they still had contact with an ACT justice agency). All cases still progressing had moved beyond police investigation and initial prosecution but these cases were not homogenous with respect to other aspects of associated incidents. The most serious offence in 41 percent of these incidents was aggravated sexual assault; in 24 percent, censorship offences were most serious; with the remainder resulting in non-aggravated sexual assault offences (35%). Victims ranged in age from minors to over 45 years, and offenders similarly spanned the entire age range (15 to over 65 years). Most of these incidents occurred in houses (n=11).

Around four in 10 workbook cases (n=17) were still progressing through the lower courts or the Supreme Court. Offenders had failed to appear in two matters and warrants had been issued for their arrest. Nine offenders had been convicted and were currently under the supervision of adult or juvenile correctional authorities (for reasons already outlined in the section discussing the disposition of offender cases, summary information relating to sentence duration etc has not been included).

Summary

In summary, on the basis of data collected in the workbook, sexual assaults in the ACT:

- were mostly against women and girls
- were mostly against young people aged less than 25 years
- were perpetrated by men and boys
- were often against victims who were younger than their attackers, although the relationship between victim and offender age was not linear
- were mostly perpetrated by offenders known to victims, but involved family violence in only a minority of incidents
- mostly took place in residential settings
- did not involve weapons and hardly ever involved alcohol
- were reported to police without delay in around half of all incidents
- were mostly cleared by police when data were collected, via arrest or summons in the majority of incidents

-
- were mostly not wholly finalised within the ACT criminal justice system (that is, offender cases had not been adjudicated, or sentences had not been completed) by the time data were compiled
 - when adjudicated, had an average of about six months elapse between initial report to police and finalisation in the lower courts and an average of almost eight months when adjudicated in the Supreme Court (although averages varied with court outcome and offence type)
 - resulted in the conviction of around one-third and the acquittal of around one in 10 apprehended offenders.

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Appendix A

Excerpts from the unpublished report *Pilot study on sexual assault and related offences in the ACT: progress report* (Mouzos & Johnson 2004), that informed stage 3

Excerpt from pages 2 to 3

Requirements of stage 2

There were a number of requirements regarding the second stage of the Pilot Study. These are as follows. The 50 offences were to have been reported between 1 January 2001 and 31 December 2001, and where possible, to have been randomly selected. Random selection was defined as the selection of one in twenty sexual assault and related offences. In order for there to be a representative sample of cases that proceed through each stage of the criminal justice system in the ACT, the following method of selection was suggested:

- Youth Justice Services will randomly select five Clients who proceeded to them from the Childrens Court Criminal Court.
- Youth Justice Services will extract the data items for these five Clients and provide the Childrens Court Number only for those five Clients who proceeded to them from that court.
- Corrective Services will randomly select five Clients who proceeded to them from the Magistrates Criminal Court and 10 Clients who proceeded to them from the Supreme Court.
- Corrective Services will extract the data items for these 15 Clients and provide the Supreme Court with the Supreme Court Case Numbers only for those 10 Clients who proceeded to them from the Supreme Court.
- Corrective Services will provide the Magistrates Criminal Court with the Magistrates Criminal Court Case Numbers only for those five Clients to the Magistrates Criminal Court.
- The Supreme Court will extract the data items for the 10 Clients whose Supreme Court Case Number was received from Corrective Services. They will then provide the Supreme Court Case Numbers of those same 10 Clients/Defendants to the Magistrates Criminal Court.
- The Magistrates Criminal Court will extract the data items for the five cases whose Magistrates Criminal Court Number they receive from Youth Justice Services, five case numbers they receive from Corrective Services and the 10 case numbers they receive from the Supreme Court.
- The Magistrates Criminal Court will then provide the DPP with the Court Case Numbers only for those 20 cases.

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- The DPP will then extract the data items for the 20 defendants whose Magistrates Criminal Court Numbers were supplied to them from the Magistrates Criminal Court.
 - The DPP will also randomly select an additional 15 cases that did not proceed. The DPP will then provide ACT Policing the PROMIS Numbers only for these 35 cases.
 - ACT Policing will then extract the relevant data items for these 35 offenders whose PROMIS Numbers they received from the DPP, as well as an additional 15 randomly selected cases that did not proceed to the DPP or the Magistrates Criminal Court.

Excerpt from pages 14 to 18

Benefits of a linked file

A primary objective of this pilot study was to examine the feasibility of collecting statistical data on sexual assault cases and tracking them through from police to courts and corrective services. These agencies all collect a range of data describing sexual assault cases, offenders and victims but all within separate data collection systems. A total of 16 cases were successfully linked using a combination of police PROMIS numbers (unique to each incident), Magistrates Court number, and offenders' date of birth. There are too few cases to conduct in depth analysis; however, it is envisioned that should the project continue into stage 3, the following types of analysis would be possible therefore contributing knowledge about sexual assault in the ACT and the handling of these incidents by criminal justice agencies:

- Charges withdrawn at court by victim–offender relationship.
- Delayed reporting by victim–offender relationship, police outcomes, delays in court processing, and court outcomes.
- Case processing time by characteristics of incidents, such as victim age and sex, offender age and sex, location, relationship, severity of charges.
- Sentence given by characteristics of incidents, such as victim age and sex, offender age and sex, location, relationship, severity of charges.
- Reduction in charges from those laid by police to those proceeded against in court.
- Comparison of case characteristics and court outcomes for Indigenous and non-Indigenous people.

Limitations and processing issues

There were a number of difficulties encountered in trying to link the data and create a clean data set. The following discussion outlines some of the processing issues and limitations with the data received from the various agencies.

Timeliness

The provision of data on the selected 50 cases took in excess of seven months to be collected and supplied to the AIC. There were a number of reasons for the delay: the availability of resources to extract the relevant data was one of the main reasons, as was the filtering through of information from representatives on the committee to actual persons who would be extracting the information. These issues are important as they may also impact on stage 3 of the project.

Data quality

In order to be able to make authoritative statements or comments with regard to the profile of sexual assault and related offences in the ACT, the data these statements or comments are based on need to be accurate, and to have undergone a quality control process.

A number of quality control issues were identified with the data received. These are outlined below.

INCONSISTENT COLLECTION OF VARIABLES

It was difficult to determine from the different formats in which the data were supplied by the agencies certain variables such as the number of victims, number of offenders, and number of offences. The DPP often provided victim age in a range (e.g. 8–10 years) whereas a precise age was required, and offence type in descriptive format as opposed to criminal code number. This required manual data verification. The AFP and DPP also often report conflicting information about the same case.

The family violence variable was not reliably coded when checked against the victim–offender variable so re-codes were necessary.

LINKAGE OF DATA

Data provided by the DPP included both PROMIS numbers and Person ID numbers, both of which originate from the AFP. In 13 cases, these had been switched in the DPP records. As a result, all PROMIS and Person ID numbers had to be verified and matched manually with AFP data.

There was also a problem in matching Magistrates Court numbers since there are many for the same offender when there are multiple charges, and these can change over time. One Magistrates Court number was kept for each finalisation date, the one that matched the DPP data (usually only one was supplied by the DPP) where applicable. In cases without a matching Magistrates Court number, the first one was kept. This required manual manipulation of the data.

MISSING INFORMATION

Although the data provided by the agencies was fairly complete, some variables were not supplied (e.g. corrective services ID number for youth) or had missing codes for some cases. This was a serious problem in cases where the linking variables were missing, for example, in 10 out of 36 cases supplied by the DPP, the PROMIS number was missing.

Within the 28 cases that could be linked from Corrective Services through to AFP, the following problems were encountered:

- 12 of the 28 cases have missing PROMIS numbers; seven of these also have missing Magistrates Court numbers and so are consistently missing police and court data. These cases have complete Corrective Services information only.
- Five had Magistrates Court numbers but no PROMIS numbers. These were matched with Corrective Services cases through offenders' date of birth.
- Of the 10 cases supplied by the DPP, four had missing police information, although all had PROMIS numbers (after the problem with switched PROMIS and Person ID numbers had been resolved).
- Out of 28 cases provided by Corrective Services (including five youth cases):
 - seven could not be matched at all to Court or police records
 - five were matched to Magistrates Court records through offenders' date of birth, but could not be matched to police records
 - 16 were matched through to Magistrates Court and PROMIS numbers, although four of these had missing police information.

A total of 12 cases were successfully linked through from Corrective Services to police and had complete information from all agencies. A total of five of these were youth cases indicating that just seven cases dealing with adult offenders had the requisite information to be linked through all agencies.

One reason for unsuccessful linkage in some cases relates to the sometimes lengthy period of time required for cases to proceed through the criminal justice system, and the fact that a majority of cases provided by the police and DPP would not have proceeded through court within the study period. However, the study methodology required agencies to provide data on specific cases identified as having been finalised in Corrective Services. This should have yielded complete linked information for 20 cases (five through Magistrates Court, 10 through Supreme Court and five youth cases).

Recommendations

The results presented herein indicate that some potentially useful information on the nature of sexual assault and related offences in the ACT can be collected, and that it is possible to track cases through the criminal justice system. However, the linkage of cases was a manual and time-consuming process, and the linking variables (PROMIS number, Magistrates Court number, offenders' date of birth) were not always provided or were problematic (as in the case of many Magistrates Court numbers for the same offenders).

In order to facilitate the linkage of cases for stage 3 of the Pilot Project, we recommend the following:

- The PROMIS number and Person ID numbers created by ACT Policing when an offence is reported and an offender is identified should be mandatory fields for all agencies, especially in Magistrates Court and Supreme Court databases to avoid linking based on defendants' names or date of birth (spelling of defendants' names may vary and date of birth is not unique). This will permit the linkage of both case-based and offender-based information.
- All agencies provide data in an Excel spreadsheet to be designed and provided by the AIC. This will help ensure that the data provided are consistent with the agreed-upon Minimum Data Set, reduce the amount of missing data, and reduce the level of manual manipulation required to clean the data and produce a final data set.

Research and Public Policy Series

No. 79

This report summarises the final stage of a three-stage research project examining the passage of sexual assault and related offence information through the Australian Capital Territory's criminal justice system. The research, commissioned by the ACT Department of Justice and Community Safety, explored the feasibility of integrating criminal justice information systems. Earlier project stages assessed the nature and availability of offence information, and tracked information about offences that had resulted in convictions back through relevant agencies. This last stage followed offences proceeding through criminal justice agencies forward from offence report. The ease with which data could be matched and followed was explored. The report also provides a snapshot of sexual assault and related offences in the ACT in 2004–05.