Understanding Attrition in Rape Cases - Key Findings for Practitioners - Sussex Rape Steering Group

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Introduction & Background

• Conviction rate at all-time low of under 6% in England & Wales (Home Office, 2007), Sussex 3.2% (2006)

• Most attrition happens at the earliest stages of the justice process i.e. policing (Harris & Grace, 1999; Lea et al, 2003) - victim withdrawal & decision by police that case is false or problematic

• Research Questions:
  - What factors influence attrition at various stages of the criminal justice process?
  - Why, despite interventions and improvements in practice, is the attrition rate rising?
  - How do those involved experience the process?
Design

• Case Study Design
  • Sussex - no SARC; access
  • one of the lower conviction rates – 3.2% (2006)
  • c.500 reported rapes per annum
  • Interaction Between Institutions (Jupp, 1985)

• Timeliness
  • Sexual Offences Act (2003)
  • Statutory Charging (April 2006)

• Women & Men
Methods

• Review of Past Cases (n=408) – bivariate, multivariate, valid percentages
• Case Tracking & Court Observations (7)
• Interviews
  – Police Officers: SOLOs & CID (40)
  – Forensic Medical Examiners & Nurse Practitioners (11)
  – Crown Prosecution Service (CPS) (5)
  – Barristers (defence & prosecution) (7)
  – Trial Judges (7)
  – Victims of Rape: Reporters (5)
  – Victims of Rape: Non-reporters (10)
Attrition Points

<table>
<thead>
<tr>
<th>Reports</th>
<th>408</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advice Sought from CPS</td>
<td>143</td>
<td>35%</td>
</tr>
<tr>
<td>Referred to CPS</td>
<td>116</td>
<td>28%</td>
</tr>
<tr>
<td>Charged</td>
<td>64</td>
<td>16%</td>
</tr>
<tr>
<td>Convicted</td>
<td>26</td>
<td>6%</td>
</tr>
</tbody>
</table>

- Majority of cases (65%) lost at policing stage
- Majority coded as ‘NFA’ (no further action)
- Victim withdrawal a significant problem (34%, n=140)
- Majority withdraw at policing stage (88%, n=123)
- ‘No-crimeing’ rate 8.8% (n=36)
Complainants

- Majority of complainants are female – 92.7% (n=377), 7.6% (n=31) male
- Complainant age range 2-64

<table>
<thead>
<tr>
<th>Age</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12</td>
<td>13.5% (n=54)</td>
</tr>
<tr>
<td>13-15</td>
<td>17% (n=68)</td>
</tr>
<tr>
<td>16-19</td>
<td>22.2% (n=89)</td>
</tr>
<tr>
<td>20-24</td>
<td>13.2% (n=91)</td>
</tr>
<tr>
<td>25-39</td>
<td>22.7% (n=91)</td>
</tr>
<tr>
<td>40 &amp; over</td>
<td>11.5% (n=46)</td>
</tr>
</tbody>
</table>
• Complainant age not statistically related to outcome as a standalone variable
• But some significant differences by age
• Majority white British
• 15.4% (n=63) ongoing domestic abuse
• 33.5% (n=133) considered vulnerable
• 14.6% (n=58) previous allegations of rape/sexual assault
Suspects

• Suspect age range 9 – 74

<table>
<thead>
<tr>
<th>Age</th>
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</tr>
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<tbody>
<tr>
<td>9-15</td>
<td>7.3% (n=24)</td>
</tr>
<tr>
<td>16-24</td>
<td>31.6% (n=104)</td>
</tr>
<tr>
<td>25-39</td>
<td>37.1% (n=122)</td>
</tr>
<tr>
<td>40 &amp; Over</td>
<td>24.2% (79)</td>
</tr>
</tbody>
</table>

• Statistically related only to victim age
• 13% (n=38) previous convictions
• Majority white British (77.7%, n=282)
Features of Assaults

- Victim injured in 23.9% (n=82) of cases
- Most took place in private places (71.3%, n=286), 24.2% (n=97) in public, and 4.5% (n=18) semi-public
- Alcohol consumption
  - 52.7% (n=188) of complainants
  - 55.4% (n=164) of suspects
- Suspect denied intercourse in 50.2% (n=145) of cases
- Suspect claimed consent in 47.2% (n=137) of cases
- Witnesses to assault in only 4.3% (n=17) of cases
• Victims resisted in 65.7% (n=238)
  – verbal 28.7% (n=104); physical 2.5% (n=9); both 34.5% (n=125); incapacitated 14.1% (n=51), no resistance 20.2% (n=73)
• Time between assault and report ranged from immediate to 47 years
• Majority report within 24 hours (41.6%, n=163)
• Complainants most likely to be assaulted by known men: acquaintances 24hr + (33.3%n=135); intimates (25.9%, n=105); acquaintances less than 24 hrs (16.3%, n=66); relatives (14.1%, n=57); and lastly strangers (10.4%, n=42)
Referral to CPS

**Increases**

- Medical evidence complainant
- Victim resistance
  - Wriggling/pushing
  - Fighting/kicking/punching
  - Escape attempt
  - Medical Exam. Conducted
  - Any evidence from Medical
- Suspect a relative
- Reporting within 24 hours or more than 1 year
- Oral Sex on complainant

**Decreases**

- Suspect consumed alcohol
- Complainant consumed alcohol
- Suspect a stranger
- Reporting between 1 week and 1 year after assault
Charging

**Increases**

- Suspect previous convictions for sexual crime
- Medical evidence complainant
- Victim resistance
  - Fighting/kicking/punching
  - Escape attempt
  - Incapacitated
- Any evidence from Medical
- Oral sex on complainant
- Suspect a relative

** Decreases**

- Verbal resistance only
- Suspect an intimate
Complainant Withdrawal

**Increases**

- Ongoing domestic abuse
- Suspect denies intercourse
- Suspect claims consent
- Suspect is an intimate

**Decreases**

- Suspect previous convictions for sexual crime
- Previous allegations by complainant
- Medical evidence complainant
- Any evidence from Medical
- Suspect is a relative
To Report or not?

• Informed by a number of features including:
  – available support structure outside justice process (class related)
  – concerns about being believed/received well
  – fear of the process
  – concerns about the trauma being ‘played out in public’ & hiding assault
  – whether and when the incident is named as rape
Complainant Experience

• Standard of treatment by CJ personnel is key
• Good SOLOs reported as invaluable
• Procedural justice emerges as a useful theoretical tool for understanding complainant experience
  – More likely to accept negative judicial outcomes when the process is experienced positively
• Good SOLOs necessary for procedural justice
• Room for advocacy also – many report need for support (tension here for SOLO role)
Conclusion

• Rape case attrition still a significant problem
  – very low conviction rates
• Victim withdrawal still a significant problem
  – Role for victim advocacy/support, especially for early reporters
• Stereotypical beliefs about victim resistance salient
• Some variables potentially proxy measures for thorough police investigation
• Procedural justice – well trained, sensitive personnel important, especially SOLOs
• Does not negate a poor conviction rate though