

Reported Sexual Offences in Queensland

Research and Prevention Division
Criminal Justice Commission

December 1999

The CJC's mission is to promote integrity in the Queensland Public Sector and an effective, fair and accessible criminal justice system.

ISBN: 0 7242 7147 3

© Criminal Justice Commission 1999

Criminal Justice Commission
557 Coronation Drive
Toowong Qld

PO Box 137
Brisbane Albert Street Qld 4002

Tel. 33606060
Fax. 3360 6333

Web site: www.cjc.qld.gov.au
Email: mailbox@cjc.qld.gov.au

Contents

List of tables and figures	iv
Acknowledgments	v
Abbreviations	vi
Executive summary	vii
Part 1 Background	1
1.1 Aims of the report	1
1.2 Data sources	1
1.3 Structure of the report	2
Part 2 Police data	3
2.1 Offence-counting rules	3
2.2 Reporting and detection rates	3
2.3 Limitations of the data	4
2.4 The rate of reported sexual offences in Queensland	5
2.5 The offence	8
2.6 A profile of the complainants and offenders	9
2.7 Reporting the offence	15
2.8 Offence status and police clear-up rates	21
2.9 Summary: Police data	24
Part 3 Court data	26
3.1 Background	26
3.2 The Magistrates Courts	27
3.3 The higher courts (District and Supreme)	27
3.4 Outcomes of higher court appearances	31
3.5 Court data on victims of childhood sexual assault	32
3.6 Summary: Court data	34
Part 4 Data from the Office of the Director of Public Prosecutions	36
4.1 Background	36
4.2 The offence	36
4.3 The plea	38
4.4 The outcome	38
4.5 Summary: ODPP data	41
Part 5 Summary and recommendations	42
5.1 Implications of the data	42
5.2 Where do we go from here?	43
Appendix: QPS definitions of sexual offences	45
References	47

List of tables and figures

Tables:

1	Sexual offences reported to the QPS by complainants of all ages: Number and rate of offences by region and year (1994–98)	7
2	Type of offence (1994–98)	8
3	Offence location (all sexual offences): All complainants (1994–98)	9
4	Gender breakdown of sexual offences reported to the QPS in 1996: Number and rate of offences by region	9
5	Complainant age and gender at first reported offence (all sexual offences, 1994–98)	10
6	Offender age and gender at the first reported offence (all sexual offences, 1994–98)	11
7	Age differences between the complainant and the offender (all sexual offences, 1994–98)	11
8	Number of years between the first and final reported offence (all sexual offences, 1994–98)	12
9	The relationship between the complainant and the offender (1998 data only)	13
10	Ethnicity of the offender and the complainant	15
11	How long do people wait to report the offence?	16
12	Delay in reporting an offence by the age of the complainant at the time of the first offence	17
13	Delay in reporting to police by gender of the complainant	17
14	Delay in reporting to the police by relationship between the complainant and the offender (1998 data only)	19
15	Delay in reporting by crime classification	20
16	Overall status of the offence	21
17	Definition of actions undertaken and the number (%) of offences in each category	22
18	Action taken by crime class (1994–98)	23
19	Action taken by overall status of the crime (1994–98)	24
20	The number of appearances and charges for sexual and all other offences (against victims of all ages) before the Magistrates Courts (1994–95 to 1997–98)	28
21	Number of charges and appearances against victims of all ages by outcome for the Magistrates Courts (1994–95 to 1997–98)	29
22	Number of appearances and charges for sexual and other offences (against victims of all ages) before the higher courts (1994–95 to 1997–98)	30
23	Number of charges and appearances against victims of all ages by outcome for the high courts (1994–95 to 1997–98)	32
24	Number and proportion of higher court appearances for sexual offences which reflect identifiable cases of childhood sexual abuse	33
25	Appearances for offences which can be identified as offences against children (16 years or younger) or intellectually impaired persons	33
26	Types of offences (1994–97)	37
27	Number (%) of appearances by plea: Annual average (1994–96)	38
28	Trial outcomes (1994–97)	38
29	Appearance outcomes for sexual offence prosecutions — ODPP data (1994–97)	39
30	Appearance outcomes for sexual offences — ODPP data (1994–97)	40

Figures:

1	Rate of reported sexual offences in Queensland per 100,000 population (1994–98)	6
2	Number of reported offences by year and gender of complainant (1994–98)	6
3	Gender of the complainant by type of relationship with the offender (%) (all sexual offences, 1998 data only)	13
4	Graphical representation of the delay in reporting to police by the known/unknown status of the offender to the complainant (1998 data only)	18

Acknowledgments

This report was prepared for the Taskforce on Women and the Criminal Code by Ms Margot Legosz of the Research and Prevention Division of the Criminal Justice Commission. The following people also provided valuable and ongoing assistance:

- Senior Sergeant Dave Johnson, Expert Support Unit, Police Information Centre, Queensland Police Service
- Julie Butner, Research and Prevention Division, Criminal Justice Commission
- Victoria Moore and Gavin Whitlock, Queensland Crime Commission
- Julianne Buckman, Office of the Government Statistician
- Louise Logan, Office of the Director of Public Prosecutions.

Abbreviations

ABS	Australian Bureau of Statistics
AIC	Australian Institute of Criminology
ANCO	Australian National Classification of Offences
CJC	Criminal Justice Commission
CRISP	Crime Recording Information System for Police
MSO	Most Serious Offence
n.e.c.	not elsewhere classified
ODPP	Office of the Director of Public Prosecutions
OGS	Office of the Government Statistician
QPS	Queensland Police Service
SETONS	Self-Enforceable Ticketable Offence Notice System

Executive summary

This report was prepared for the Taskforce on Women and the Criminal Code to document the current status of sexual assault data within the Queensland criminal justice system. Data from the Queensland Police Service, the courts and the Office of the Director of Public Prosecutions were analysed for the years 1994 to 1998. The aim was to provide a critical review of this data, focusing on *who* reports sexual offences, *when and how* the system responds, and *what* the long-term effects of these responses might be.

Key findings

Police data

- On average, approximately 6,500 sexual offences were reported to the Queensland Police Service annually between the years 1996 and 1998.
- The rate of sexual abuse reported to the Queensland Police Service by 1998 was in the vicinity of 193.5 offences per 100,000 population.
- Females were significantly more likely to be complainants (at 213.5 per 100,000 females) than males (at 102.3 per 100,000 males).
- While the number of sexual offences reported to the Queensland Police Service doubled between 1994 and 1998, it is likely that this was the result of significant societal and legal changes, rather than evidence of a dramatic increase in sexual offending per se.
- The majority of reported offences were committed against children younger than 16 years of age (58%).
- Most of the offenders were male (71%) and most were known to their victim in some way (60%); many were identified as relatives (26%).
- Most victims delayed reporting the offence to the police. Factors such as the age of the victim (younger than 16 years), the intrusiveness of the offence (penetrative offences) and the relationship of the offender to the victim (relatives) appeared to play a major role in the complainant's delay in reporting.

Court data

- The court data suggest that between 700 and 900 persons accused of sexual offences come before the Magistrates Court annually (representing about 1% of all charges and 20% of all charges against the person heard before the Magistrates Court).
- The majority of those people accused of rape (83%) and other sexual offences (57%) are committed by a Magistrate for trial or sentence in a higher court.
- At about 600 cases annually, these offences represent about 9 per cent of all appearances and 28 per cent of all appearances against the person before the higher courts.
- Approximately 45 per cent of appearances for rape and 67 per cent of appearances for other sexual offences result in a conviction. By comparison, the conviction rate for other types of offences heard before the higher courts is about 75 per cent.

Data from the Office of the Director of Public Prosecutions

- About half of the defendants between 1994 and 1998 pleaded guilty, although significantly fewer of those accused of rape chose to do so (28%).
- It appears that most findings of ‘not guilty’ were the result of a ‘nolle prosequi’ or a ‘no true bill’ rather than a jury verdict.
- Similar conviction rates to the court data were recorded. The low conviction rates may be a factor that discourages victims of rape, in particular, from pursuing their complaints through the legal system.

Data improvements required

There were considerable problems with the quality of the data from all sources, indicating that improvements in all data collection and monitoring procedures are required. There is also no simple or direct way to track cases through to their final outcome from the police system to the courts or the Office of the Director of Public Prosecutions. It is important that systems are developed so that complainants can be tracked through each level of the criminal justice system to identify:

- which victims report their offences and why
- conviction and acquittal rates and changes to these over time
- the factors that enhance or diminish the rates of conviction or acquittal
- the impact that involvement with the criminal justice system has on the long- and short-term well-being of complainants
- evidence-based recommendations for improvements in service provision and the future directions of the organisations involved.

Part 1: Background

1.1 Aims of the report

This report aims to:

- document and interpret the current status of sexual assault data within the Queensland criminal justice system; and
- critically review these data in the light of *who* reports sexual offences, *when and how* the system responds, and *what* the long-term effects of these responses might be.

The report was prepared for the Taskforce on Women and the Criminal Code in response to a request from the Attorney-General and Minister for Justice and Minister for the Arts, and pursuant to section 23(e) of the *Criminal Justice Act 1989*, which defines as one of the responsibilities of the Criminal Justice Commission (CJC):

research generating and reporting on proposals for reform of the criminal law and the law and practice relating to enforcement of, or administration of, criminal justice ...

1.2 Data sources

Data for this report were provided by the:

- **Expert Support Unit of the Queensland Police Service (QPS)**
Data from the Crime Recording Information System for Police (CRISP) were requested for all reported cases of sexual assault in Queensland for the years 1994 to 1998. Data were provided on the crime class for all offences (see the appendix for a full explanation of these offences), the number of charges and actions undertaken, police details (such as region, unit and officer number), and offender and complainant details (such as gender, birth date and the relationship between the offender and the complainant). The Research and Prevention Division of the CJC undertook all analyses.
- **Office of the Government Statistician (OGS)**
Data on all sexual offence charges and appearances heard before all Queensland Magistrates and higher courts between 1994 and 1998 were provided on a spreadsheet. Most analyses were undertaken by the OGS.
- **Office of the Director of Public Prosecutions (ODPP)**
Data on all sexual offence cases undertaken by the ODPP in Queensland for the years 1994 to 1996 were provided to the CJC by the ODPP, along with partial information for 1997. These data were provided in hard copy by the ODPP, entered onto a database and analysed by CJC research staff.

Data limitations

There were considerable problems with the quality of the data from all sources. Furthermore, there was no simple or direct way to track cases through to their final outcome from the police system to the courts or ODPP systems. Systematic analysis to establish how the criminal justice system as a whole responds to sexual offenders and their victims is important, but the data are currently unavailable to pursue this approach.

1.3 Structure of the report

The information in this report is presented under the following headings:

- police data
- court data
- data from the Office of the Director of Public Prosecutions
- summary and recommendations.

Part 2: Police data

2.1 Offence-counting rules

According to the QPS Statistical Review 1997 (p. 142), the counting rules used by the QPS are based on guidelines published in the *National Crime Statistics Manual* (ABS). The national counting rule is that for each victim within a distinct criminal incident, the *Most Serious Offence (MSO)* per *Australian National Classification of Offences subdivision (ANCO)* is counted. By applying the MSO rule, a single criminal incident may result in a number of offences being recorded — for incidents where the same victim is subjected to multiple offences belonging to different subdivisions, the most serious is counted within each subdivision.

However, the offence subdivision of sexual offences (which includes rape, attempted rape and other sexual offences) is an exception to the national counting rule. The counting rule applied by the QPS in respect of this group of offences is that for each victim the MSO per ANCO subdivision is counted on the basis of time and place.

The effect of using this rule is that if the victim is subjected to numerous sexual offences over a long period by one offender and these actions come to the attention of the police at one point in time, the MSO per separate incident based on time and place is counted. By using this rule, therefore, it is only possible to identify the number of offences, not victims, of sexual offences. A count of 10 offences may mean that there were 10 victims or that one victim was subjected to 10 offences over an unspecified time by one or more offenders. Fluctuations in the number of reported offences for this offence category must, therefore, be considered with caution due to the effect of the current counting rules.

2.2 Reporting and detection rates

Reporting

Crime-victim surveys repeatedly reveal that as few as 33 per cent of victims of sexual offences report the incident to the police (ABS 1999, p. 66). To gain a more comprehensive picture of the nature and extent of crime in Queensland, police crime statistics should be examined in conjunction with information from other sources such as crime-victim surveys and criminological research. However, the importance of police data must not be overlooked as it:

- (a) represents the official response to crime
- (b) can be used to monitor trends over time because the data are collected continuously
- (c) can provide data at local and regional levels (which most crime surveys cannot do)
- (d) is able to capture, on occasions, rare events.

Reporting rates may reflect a combination of factors. These include:

- (a) the perception by members of the community as to whether an actual offence has taken place or whether it is serious enough to report to the police
- (b) a victim's perceptions of whether the police can or will take action
- (c) the availability of crime compensation to victims
- (d) the number of agencies available in the community to support victims
- (e) a greater number of 'old' crimes being reported
- (f) a lessening of the stigma attached to victims of sexual offences
- (g) active encouragement of victims to report sexual assaults through police phone-in campaigns (for example, Operation Paradox, see next page).

Changes in some of these areas have encouraged more victims to approach the police at the time of a new offence, as well as reporting those that had occurred many years previously.

It is important to note two public activities regarding sexual offence that took place in Queensland during the time in which the data were collected for this report, and that may have had a significant impact on reporting rates. These were:

- 1) A special **Child Sexual Abuse Hotline**, which was instituted by the Department of Families, Youth and Community Care over a four-month period in 1996. More than 400 phone calls were received by the hotline, 28 cases were referred to the police and two to the CJC. Nearly 70 per cent of callers to the hotline were adults reporting abuse experienced during their childhood, among them a number of residents who alleged abuse while residents in the 1950s and 1960s at St Joseph's Home at Neerkol near Rockhampton.
- 2) **Operation Paradox**, which was held in Brisbane in September 1997. Operation Paradox is the largest community awareness campaign against child sexual abuse in Australia. It aims to increase community awareness of child sexual abuse and the role police play in protecting children at risk. Operation Paradox has been endorsed on a national scale by various state police services since 1989.

Recording

CRISP was introduced statewide during 1994. The following year, 1995, was the first year that provided Queensland crime statistics exclusively from this source. During this period, the processes involved in recording crime on CRISP have varied, even though the classification and counting rules have remained relatively constant. Hence, there is the possibility that the crime statistics during this period may reflect methodological factors rather than actual or reporting changes in crime.

Under-recording by police

Crime reports are collated by police for offences either reported to or detected by police, and are submitted when police are satisfied an offence has occurred. Therefore, some reports made to police may not be officially recorded as a crime report (Crime Prevention Committee 1995, p. 39).

Legislative change

Several changes to the *Criminal Code* have had an impact on QPS crime statistics. Pertinent to the analyses presented here are the changes to the sexual offences category by the *Criminal Law Amendment Act 1997*. Many offences that were formally classified as 'Other Sexual Offences' are now counted as 'Rape'. This is due to the broadening of the definition of rape to include non-consensual sodomy, and the subsequent inclusion of males as possible rape and attempted rape victims. However, the total for Sexual Offences should remain comparable (QPS Statistical Review 1997–98, p. 143).

2.3 Limitations of the data

Considerable inaccuracies in the data limit the integrity of the findings. For example:

- at times the relationship between the offender and victim was described differently for each offence, even though it involved the same people
- addresses varied significantly for the same people on the same dates
- many important data points were missing (gender, marital status etc.)

- birth dates were inaccurate (for example, according to some details the clients were assaulted before they were born, giving a negative age).

Most importantly, there were marked discrepancies in the data regarding complainants, offenders and the official count for each sexual offence. While all cases were matched by their crime number so that a complete offender/complainant and official count profile could be developed, a significant proportion of offences lacked complementary information in the other databases (for example, an offender might be identified without a matching complainant or official count; similarly, complainant details might be documented without offender details or an official count for the offences).

Calculations by the CJC on the age of the victim (by subtracting the complainant's date of birth from the date of the first reported offence) were also at variance with the police data. In at least 50 per cent of cases, the age calculated by the police computer system varied by at least one year to our estimates, casting further doubt on the quality of the data. However, for the following analyses we have used the police estimates of age, as data on the initial offence were also missing for many of the cases.

Statistical significance testing was unable to be performed on any of the data analysed for this report because of the format in which the data were provided.¹ Therefore, any differences noted between groups or variables are only estimates based on raw numbers — it was impossible to establish whether there were any statistically significant differences between any of the factors involved.

Should comparisons be made, it is also important to note that QPS published statistics are presented in the financial year format (July to June), whereas the data presented in this report are in the calendar year format (January to December).

Because of the limitations imposed by the quality of the data, and the processes of reporting and recording offences, extreme caution must be applied to the analysis and interpretation of these data. There is the potential either to miscount the number of offences or to come to conclusions about the data that may be inaccurate or spurious because of missing or inaccurate information.

2.4 The rate of reported sexual offences in Queensland

Figures 1 and 2 (next page) illustrate that the number of reported offences rose dramatically between 1994 and 1996, but remained fairly constant between 1997 and 1998. The number of offences reported by females, however, appears to have increased significantly throughout the entire period, while the number of offences reported by males increased significantly between 1994 and 1996, and then dropped again for 1997 and 1998. (Figure 1 illustrates the *rate* of reported sexual offences in Queensland per 100,000 population for the years 1994 to 1998.² Figure 2 depicts the *actual number* of sexual offences reported to the QPS during this period, disaggregated by the gender of the complainant.)

1 Because all frequencies had to be multiplied by the number of 'officially counted' offences, each analysis had to be split by the variable in question and the sum (of the count) produced by a descriptives calculation. Once these levels of data had been constructed, tests of statistical significance (such as chi-square or t-tests) could not be performed.

2 Population breakdown by gender was not available for all of these years.

FIGURE 1. Rate of reported sexual offences in Queensland per 100,000 population (1994–98)

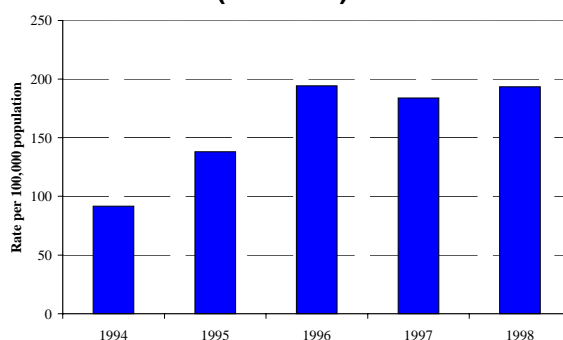


FIGURE 2. Number of reported offences by year and gender of complainant (1994–98)

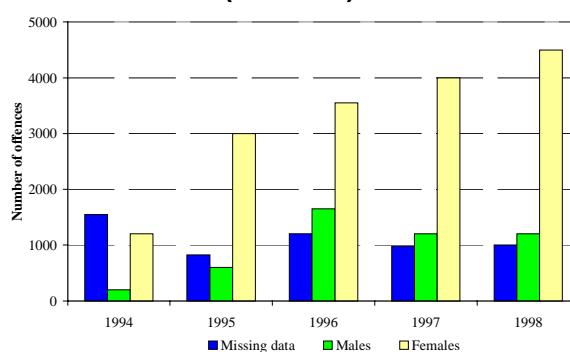


Table 1 documents the number and rate per 100,000 population of sexual offences reported to the police by region³ and year (1994–98). The table shows:

- The rate of reported sexual offences for Queensland doubled between 1994 (from 91.9 per 100,000 population) and 1998 (193.5 per 100,000). The substantial proportion of this increase occurred between 1994 and 1996 with the figures remaining relatively constant since 1996. As discussed in section 2.2 of this report, this increase may be explained by changes in police recording practices, changes in legislative practices and increased reporting rates of offences to the police. The data do not necessarily provide evidence of a dramatic increase in sexual offending per se. Nevertheless, these figures are important to: (a) assess the extent of the increased police activity required to respond to these types of offences during this period; and (b) document the effects of changes in society, policy and prevention programs during this time.
- Northern Region appears to have the highest rate of reported sexual offences per regional population (at more than twice the overall State rate in 1998). Far Northern Region also had an extremely high rate of reported offences in 1997, but this fell dramatically in 1998. Such fluctuations may be due to the apprehension of a few active offenders, or the result of very active and targeted policing in the region.
- As noted previously, there was a large increase in reported offences against males in 1996. This was due to the apprehension of two paedophiles in the Metro North region who had committed a large number of offences (more than 1,000) against several male victims over a very long period.

³ 'Region' refers to the place where the offence took place, rather than the address of either the complainant or the offender, or the location of the police officer undertaking the investigation.

TABLE 1. Sexual offences reported to the QPS by complainants of all ages: Number and rate of offences by region and year (1994–98)

Region	Year															
	1994			1995			1996			1997			1998			Total
	No. ¹	Pop. ²	Rate/ 100,000	No.	Pop.	Rate/ 100,000	No.	Pop.	Rate/ 100,000	No.	Pop.	Rate/ 100,000	No.	Pop.	Rate/ 100,000	No.
Central	161	310,972	51.8	287	316,116	90.8	508	321,214	158.2	526	327,588	160.6	536	321,274	166.8	2,018
Far Northern	200	196,640	101.7	302	202,895	148.8	332	207,743	159.8	586	211,714	276.8	324	221,591	146.2	1,744
Metro North	412	472,828	87.1	511	481,054	106.2	1,400	492,228	284.4	631	505,420	124.8	965	509,193	189.5	3,919
Metro South	496	507,454	97.7	541	518,007	104.4	728	531,523	137.0	713	549,576	129.7	671	556,962	120.5	3,149
North Coast	367	545,424	67.3	573	571,894	100.2	749	594,462	126.0	1,035	607,094	170.5	1,011	613,789	164.7	3,735
Northern	174	229,078	76.0	271	232,616	116.5	338	235,204	143.7	410	237,147	172.9	614	230,322	266.6	1,807
South Eastern	432	516,583	83.6	729	541,089	134.7	741	557,936	132.8	761	572,530	132.9	870	599,868	145.0	3,533
Southern	294	412,604	71.3	466	417,878	111.5	542	420,751	128.8	677	423,267	159.9	681	410,770	165.8	2,660
Missing data	394	N/A	N/A	854	N/A	N/A	1,189	N/A	N/A	973	N/A	N/A	1,030	N/A	N/A	4,440
Queensland	2,930	3,191,844	91.8	4,534	3,281,833	138.2	6,527	3,361,321	194.2	6,312	3,434,136	183.8	6,702	3,463,768	193.5	27,005

¹ Number of offences reported per year, per region.

² Population per region, per year. *Note:* These figures are taken from the yearly QPS Statistical Reviews, with the population as at June of each year. As the offence data figures are collated annually from January to December, these figures may be slightly inaccurate.

N/A = Not applicable

Data source: QPS

2.5 The offence

Type of offence

The majority of sexual offences reported to the police were classified as ‘indecent assaults on children’ (54.4%). This offence accounts for more than half of all offences against females (52.9%) and almost all offences against males (82.1%). The other most frequently occurring offences reported to the police for females were ‘rape’ (14.2%), ‘wilful obscene exposure’ (13.6%) and ‘indecent assaults against adults’ (9.9%). For males, ‘indecent assaults against adult’ (5.1%) and ‘wilful obscene behaviour’ (3.5%) form the other major categories, although the number of cases in these categories are relatively few (see table 2).

TABLE 2. Type of offence (1994–98)

Code	Offence name	Offences							
		Males		Females		Missing data		Total	
		No.	%	No.	%	No.	%	No.	%
1361	Rape	135	2.7	2,306	14.2	575	10.0	3,016	11.2
1362	Attempted rape	10	0.2	280	1.7	82	1.4	372	1.4
1363	Indecent assaults on adults	252	5.1	1,617	9.9	1,261	22.0	3,130	11.6
1364	Indecent assaults on children	4,092	82.1	8,616	52.9	1,989	34.7	14,697	54.4
1365	Assault with intent to commit rape	65	1.3	50	0.3	127	2.2	242	0.9
1366	Indecent assaults (other)	4	0.1	22	0.1	164	2.9	190	0.7
1371	Unlawful carnal knowledge	29	0.6	554	3.4	374	6.5	957	3.5
1372	Incest	11	0.2	202	1.2	204	3.6	417	1.5
1373	Sexual offences — consent proscribed	53	1.1	224	1.4	71	1.2	348	1.3
1391	Bestiality	1	0.0	2	0.0	20	0.3	23	0.1
1392	Indecent practices between males	49	1.0	0	0.0	24	0.4	73	0.3
1393	Wilful obscene exposure	176	3.5	2,215	13.6	620	10.8	3,011	11.1
1394	Sexual offences (other)	106	2.1	205	1.3	218	3.8	529	2.0
	Total	4,983	100.0	16,293	100.0	5,729	100.0	27,005	100.0

Data source: QPS

Offence location

The location where victims appear to be most at risk of abuse is inside a dwelling (unit, house, caravan park, outbuilding etc.). Both males and females exhibit similar levels of risk for this type of location (62.4% and 67.0% respectively). Outside locations (including recreational venues) are the next highest risk — slightly more so for females (21.4%) than males (16.5%), although a significant amount of missing data (approximately 21%) makes it difficult to interpret the overall findings with any precision (see table 3).

TABLE 3. Offence location (all sexual offences): All complainants (1994–98)

Location	Offences							
	Males		Females		Missing		All	
	No.	%	No.	%	No.	%	No.	%
Dwelling (including house, unit, caravan park, motel, outbuilding)	3,110	62.4	10,918	67.0	63	1.1	14,091	52.2
Government location (including church, community, correctional centre, education, government, hospital, library, medical, railway, terminal)	288	5.8	590	3.6	10	0.2	888	3.3
Business location (including bank, food shop, garage, licensed premises, manufacturing, office, restaurant, shop, shopping area, warehouse)	88	1.8	488	3.0	11	0.2	587	2.2
Outside (including agriculture, beach, boarding, boat ramp, bushland/scrub, car park, in transit, marine, open space, private grounds, recreational, rest area, river, street, wharf)	672	16.5	3,484	21.4	23	0.4	4,179	15.6
Other/unknown	823	13.3	808	5.0	11	0.2	1,642	5.9
Missing data	2	0.0	5	0.0	5,611	97.9	5,618	20.8
Total	4,983	100.0	16,293	100.0	5,729	100.0	27,005	100.0

Data source: QPS

2.6 A profile of the complainants and offenders

Gender

Calculations for the rate of reported sexual offences by gender of the complainant were undertaken for the census year 1996, as this was the only year that population gender data were available. Table 4 highlights the dramatic difference between the rates of reported abuse for females and for males, with females being about four times more likely to report victimisation of a sexual offence than males in all regions except Metro North. As discussed previously, the figures for males in Metro North for this year were unusual and have the effect of diluting the overall gender differences for Queensland.

TABLE 4. Gender breakdown of sexual offences reported to the QPS in 1996: Number and rate of offences by region

Region	Males			Females		
	No. offences	Population	Rate/100,000	No. offences	Population	Rate/100,000
Central	96	166,115	57.80	410	157,294	260.7
Far Northern	66	120,595	54.70	265	116,284	227.9
Metro North	934	236,661	394.72	462	250,295	184.6
Metro South	133	254,676	52.20	591	266,139	222.1
North Coast	143	292,424	48.90	604	300,060	201.3
Northern	70	119,398	58.60	268	112,610	238.0
South Eastern	175	284,383	61.50	563	293,835	191.6
Southern	90	194,646	46.20	450	195,663	230.0
Queensland	1,707	1,668,898	102.30	3,613	1,692,180	213.5

Note: Missing gender data for 1996 = 1,207 offences.

Data source: QPS

Age

Most reported sexual offences happen to children 16 years or younger: 69.5 per cent of identified females, 88.9 per cent of identified males, or 58.3 per cent overall when missing gender and age data are taken into consideration (see table 5).

The age breakdown of the offenders presents quite a different profile. The majority of male offenders were aged between 21 and 40 years (51% approximately). On the other hand, the majority of female offenders were between the ages of 17 and 20 (43% approximately). See table 6.

Most offenders (53.3%) were more than five years older than their victims (see table 7).

TABLE 5. Complainant age and gender at first reported offence (all sexual offences, 1994–98)

Age group	Offences							
	Male		Female		Missing		Total	
	No.	%	No.	%	No.	%	No.	%
0–5 years	782	15.7	2,177	13.4	2	0.0	2,961	11.0
6–10 years	1,269	25.5	4,053	24.9	12	0.2	5,334	19.8
11–16 years ¹	2,375	47.7	5,083	31.2	18	0.3	7,476	27.7
17–20 years ¹	122	2.4	1,268	7.8	0	0.0	1,390	5.1
21–25 years	88	1.8	1,010	6.2	0	0.0	1,098	4.1
26–30 years	50	1.0	658	4.0	2	0.0	710	2.6
31–35 years	53	1.1	533	3.3	0	0.0	586	2.2
36–40 years	30	0.6	351	2.2	0	0.0	381	1.4
41+ years ²	63	1.3	621	3.8	0	0.0	684	2.5
Missing data	151	3.0	539	3.3	5,695	99.4	6,385	23.6
Total	4,983	100.0	16,293	100.0	5,729	100.0	27,005	100.0

¹ These age groups have been combined in this way to correspond with the definition of a ‘child’ (i.e. 16 years or younger).

² The oldest age of a complainant was 93 years.

Data source: QPS

**TABLE 6. Offender age and gender at the first reported offence
(all sexual offences, 1994–98)**

Offenders age at first offence	Offences							
	Male		Female		Missing		Total	
	No.	%	No.	%	No.	%	No.	%
0–9 ¹ years	62	0.3	11	2.2	0	0.0	73	0.3
10–16 ¹ years	1,585	8.2	23	4.6	0	0.0	1,623	6.0
17–20 ¹ years	1,469	7.6	218	43.9	27	0.4	1,699	6.3
21–30 years	4,851	25.2	81	16.3	37	0.5	4,969	18.4
31–40 years	4,973	25.9	80	16.1	45	0.6	5,098	18.9
41–50 years	2,605	13.5	52	10.5	17	0.2	2,674	9.9
51–60 years	2,040	10.6	9	1.8	18	0.2	2,067	7.7
61+ ² years	846	4.4	9	1.8	14	0.2	869	3.2
Missing data	802	4.2	14	2.8	7,117	97.8	7,933	29.4
Total	19,233	100.0	497	100.0	7,275	100.0	27,005	100.0

¹ The age categories of 0–9, 10–16 and 17–20 were used to demonstrate: (a) the number of offenders younger than 10 years of age who would not be held criminally responsible for the offence, even though they might have been involved in the crime and (b) the number of offenders who would be tried as juveniles (16 years and younger) rather than adults.

² There were 14 offences committed by offenders in their nineties, 58 offences committed by offenders in their eighties and 222 offences committed by offenders in their seventies.

Data source: QPS

TABLE 7. Age differences between the complainant and the offender (all sexual offences, 1994–98)

Age difference (years)	Offences	
	No.	%
Offender younger than complainant	820	3.0
Offender 0–5 years older	1,914	7.1
Offender 6–10 years older	2,020	7.5
Offender 11–20 years older	3,310	12.3
Offender 21–30 years older	4,250	15.7
Offender 31–40 years older	2,146	7.9
Offender 41–50 years older	1,995	7.4
Offender 51 plus years older	674	2.5
Missing data	9,876	36.6
Total	27,005	100.0

Data source: QPS

Length of victimisation

Many victims (28.5%) reported that their victimisation had occurred over a period longer than one year (see table 8).

TABLE 8. Number of years between the first and final reported offence (all sexual offences, 1994–98)

No. years between first and final offence	Offences	
	No.	(%)
Less than one year	14,861	55.0
1–5 years	6,741	25.0
6–10 years	844	3.1
11–31 years	119	0.4
Missing data	4,440	16.4
Total	27,005	100.0

Data source: QPS

The relationship between the complainant and the offender

The data classification system of CRISP only allows seven categories to describe the relationship between the complainant and the offender (see table 9). Clearly, these definitions are inadequate. It would be valuable, for example, to be able to differentiate between ‘friends’ and ‘romantic friends’. Differences between foster parents, carers and guardians, and between ‘step’ and ‘blood’ relatives, would also provide a greater understanding of the nature of these offences. On the other hand, the definitional differences between an ‘acquaintance’ and a person ‘known’ to the complainant appear to be relatively meaningless.

Unfortunately, missing data for this variable were extensive — particularly for the years 1994 to 1997 where data were missing for between 67 and 87 per cent of all offences. Information from these years has not been presented in this report because of its extreme inaccuracy.

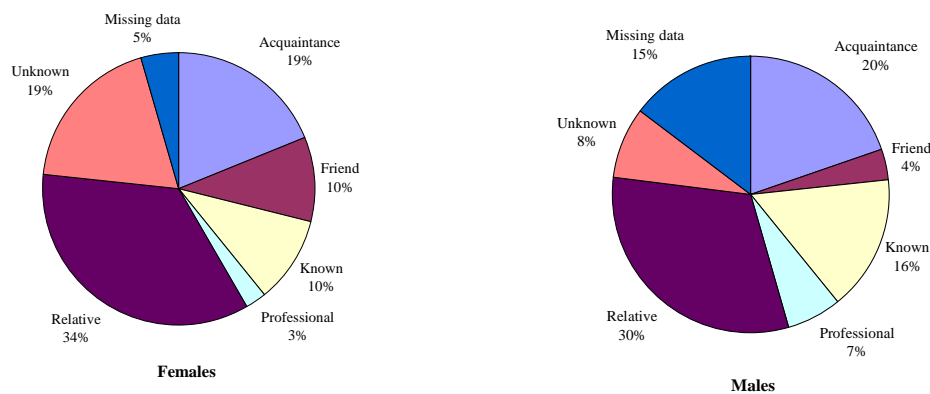
Table 9 identifies how the relationship categories are defined, and the number and proportion of offences in each group for 1998 only. Overall, most offenders (59.8%) were known to their victims in some way and the majority were relatives (26.3%).

Figure 3 illustrates the gender of the complainant by the type of relationship (%). The male and female profiles are similar, with the exception of a slightly increased likelihood of females to identify unknown assailants (19%) compared to males (8%), and an increased likelihood of males to report offenders who were known to them on a professional basis (7%) than females (3%). The former presents a particularly important statistic for prevention purposes (that is, the message about ‘stranger danger’ may be even less applicable for boys than for girls).

**TABLE 9. The relationship between the complainant and the offender
(1998 data only)**

Relationship between the complainant and offender	Offences							
	Male		Female		Missing		All	
	No.	%	No.	%	No.	%	No.	%
Acquaintance (includes: acquaintance, family friend, house mate, flatmate, neighbour, new acquaintance)	242	20.3	731	16.4	4	0.4	977	14.6
Friend (includes friend, girlfriend, boyfriend)	49	4.1	399	8.9	15	1.3	463	6.9
Known (includes: non-family member)	198	16.6	410	9.2	5	0.5	613	9.1
Professional (includes: professional, client, colleague, associate teacher, tutor, carer, foster parent, guardian, educator, student)	72	6.0	112	2.5	0	0.0	184	2.7
Relative (includes mother, father, step-mother/father, sister, brother, half-sister/brother, daughter/son-in-law, sister/brother-in-law, mother/father-in-law, grandmother/grandfather-in-law, grandmother/father, step-grandmother/father, cousin, step-cousin, cousin-in-law, grandson, grandson-in-law, aunt, step-aunt, aunt-in-law, uncle, step-uncle, uncle-in-law, niece, step-niece, niece-in-law, nephew, step-nephew, nephew-in-law)	373	31.3	1,388	31.1	4	0.4	1,765	26.3
Unknown (includes: no relationship, stranger, unacquainted, none, unknown)	95	7.7	748	16.7	15	1.3	858	12.8
Child of the complainant	6	0.5	1	0.0	0	0.0	7	0.1
Missing data	158	13.2	680	15.2	997	95.9	1,835	27.4
Total	1,193	100.0	4,469	100.0	1,040	100.0	6,702	100.0

Data source: QPS

**FIGURE 3. Gender of the complainant by type of relationship with the offender (%)
(all sexual offences, 1998 data only)**

Marital status of the offender and complainant

Data collected by the police on the marital status of offenders refer to their status at the time the offence was reported to the police, not their status at the time of the offence. This appears to be an oversight, as this information could be important.⁴ Furthermore, more than 50 per cent of these data were missing; therefore it has not been included in this report.⁵ Data on the marital status of the complainant is not collected at all.

Ethnicity of the offender and the complainant

Ethnicity is based on racial appearance as determined by the QPS. Unfortunately, about 25 per cent of this source of data was either missing or not specified for the complainants and a further 39.9 per cent was either missing or not specified for the offenders. It may be that many complainants were unable to identify the ethnicity of their assailants and the police, in turn, may not have apprehended the offenders and therefore have been unable to make a determination about their ethnicity.

According to the existing data, the majority of both complainants (67.5%) and offenders (44.1%) were Caucasian in appearance. It is also most likely that the majority of victims and offenders whose ethnicity was not identified were also Caucasian (as the most common ethnic identity in Australia). Just under 5 per cent of both complainants and offenders were identified as Aboriginal and about 3.1 per cent of complainants and 3.8 per cent of offenders were of mixed origins (European, Indian, Oriental and so on).

It is important to note, however, that comparative analysis of the data collected regarding the offender's place of birth and ethnicity, as defined by the QPS, revealed marked discrepancies. For example, many offenders identified as 'Aboriginal' were born in places such as Scotland, Yugoslavia, Fiji and London; some offenders identified as Caucasian were born in Europe, India or Chile; and many offenders in the 'not specified' category should have been clearly identifiable (some were born in South Africa, New Zealand, Iraq, the Philippines and so on). Little faith can be placed in the QPS ethnic categories because they do not seem to have been based on the collection of factual data.

4 Victorian police data reported by Petrakis & O'Connor (1999, p. 213) illustrated a high proportion of offenders to have never married (63%). Another 24% were married at the time of the offence and 13% were separated, divorced, widowed or in a defacto relationship.

5 Unlike the data on the 'relationship' between the offender and the complainant, the quality of this data did not improve over time. If anything, it deteriorated between 1994 and 1998.

TABLE 10. Ethnicity of the offender and the complainant

Ethnicity	Offences			
	Offender		Complainant	
	No.	%	No.	%
Caucasian	11,918	44.1	18,339	67.5
Aboriginal	1,242	4.6	1,192	4.4
European	380	1.4	124	0.5
Indian	59	0.2	43	0.2
Pacific Islander	426	1.5	376	1.4
Oriental	92	0.3	128	0.5
Middle Eastern	33	0.1	7	0.0
South-East Asian	61	0.2	143	0.5
African	19	0.1	8	0.0
Not specified/other*	5,869	21.7	2,205	8.2
Missing data*	4,908	18.2	4,440	16.4
Total	27,005	100.0	27,005	100.0

* It is most likely that the majority of victims and offenders whose ethnicity was not identified were Caucasian (as the most common ethnic identity in Australia).

Data source: QPS

2.7 Reporting the offence

Delay between the offence and the report

As indicated in Part 1 of this report, reporting rates of sexual offences to the police have increased dramatically over the past 10 years. This does not necessarily reflect a significant increase in the occurrence of sexual offending per se. Rather, the most likely explanation is a change in reporting patterns due to a number of organisational and societal changes and initiatives during this time.

Table 11 illustrates the length of time between the first offence and when it was reported to the police. Only 7.8 per cent of offences were reported to the police within the first week of their occurrence. This increased to nearly 41 per cent within the first year and to nearly 49 per cent by the end of the second year. Almost a quarter (22.3%) of the offences, however, were not reported to the police for two or more years (54 years in one case) after the time of the first offence. Again, significant levels of missing data (28.8%) made this analysis problematic.

TABLE 11. How long do people wait to report the offence?

Delay in reporting the offence	Offences	
	No.	%
Reported within the same week	2,102	7.8
Delay between 1 and 4 weeks	4,087	15.1
Delay between 1 and 6 months	3,239	12.0
Delay between 6 months and 1 year	1,627	6.0
Delay between 1 and 2 years	2,136	7.9
Delay between 2 and 5 years	1,494	5.5
Delay between 5 and 10 years	1,128	4.2
Delay between 10 and 20 years	2,026	7.5
Delay of more than 20 years	1,381	5.1
Missing data	7,785	28.8
Total	27,005	100.0

Data source: QPS

What increases the likelihood of reporting an offence to the police?

We investigated whether there might have been any factors that played a noticeable role in the rate of reporting behaviour.

Societal changes

Previous analysis of data on childhood sexual offences for the Queensland Crime Commission (Project Axis Discussion Paper, in press) illustrated significant increases in delayed reports between 1994 and 1998, highlighting important societal changes regarding the reporting of abuse. Unfortunately, the data set for this report had a far higher proportion of missing data (58%) and did not illustrate such clear trends.

Age at time of abuse

As shown in table 12, adult victims (that is, 17 years or older at the time of the offence) were almost four times more likely to report the offence within a month of its occurrence (63.2%) than victims who were children at the time of the offence (18.1%). Within 12 months, twice as many adult victims had reported the offence (80.4%) than victims who were children at the time of the offence (42.7%).

Gender

Table 13 highlights that males were less likely than females to report a sexual offence within the first year of its occurrence (approximately 37% for males compared to 56% for females). Conversely, males were more likely to report offences that had occurred more than one year previously (approximately 55% for males compared to 33% for females). These figures probably reflect the action in the Metro North Region during the years 1996 and 1997. But they may also indicate an increased awareness of the victimisation of males more generally, which may have, in turn, encouraged more male victims to report their experiences.

TABLE 12. Delay in reporting an offence by the age of the complainant at the time of the first offence

Delay in reporting the offence	Offences					
	≤16 Years		17+ Years		Missing data	
	No.	%	No.	%	No.	%
Reported within the same week	680	4.3	1,303	26.9	119	1.9
Delay between 1 and 4 weeks	2,173	13.8	1,758	36.3	156	2.4
Delay between 1 and 6 months	2,478	15.7	655	13.5	106	1.7
Delay between 6 months and a year	1,401	8.9	179	3.7	47	0.7
Delay between 1 and 5 years	3,268	20.7	213	4.4	149	2.3
Delay between 5 and 10 years	1,029	6.5	33	0.7	66	1.0
Delay between 10 and 20 years	1,950	12.4	25	0.5	51	0.8
Delay more than 20 years*	1,332	8.4	7	0.1	42	0.7
Missing data	1,460	9.3	676	13.9	5,649	88.5
Total	15,771	100.0	4,849	100.0	6,385	100.0

* Offences were reported up to 54 years after the initial offence took place. This estimate is from the date of the first offence to the date of reporting to the police. As illustrated in table 8, some offences took place over many years, which could also explain some of the delay.

Data source: QPS

TABLE 13. Delay in reporting to police by gender of the complainant

Delay in reporting offence	Offences					
	Female		Male		Missing gender	
	No.	%	No.	%	No.	%
Reported within the same week	1,845	11.3	231	4.6	26	0.5
Delay between 1 and 4 weeks	3,483	21.4	587	11.8	17	0.3
Delay between 1 to 6 months	2,650	16.3	578	11.6	11	0.2
Delay between 6 months to 1 year	1,166	7.2	446	9.0	15	0.3
Delay between 1 to 5 years	2,703	16.6	888	17.8	39	0.7
Delay between 5 to 10 years	811	5.0	304	6.1	13	0.2
Delay between 10 to 20 years	1,092	6.7	900	18.1	34	0.6
Delay more than 20 years	738	4.5	642	12.9	1	0.0
Missing reporting delay data	1805	11.1	407	8.2	5,573	97.3
Total (n=27,005)	16,293	100.0	4,983	100.0	5,729	100.0

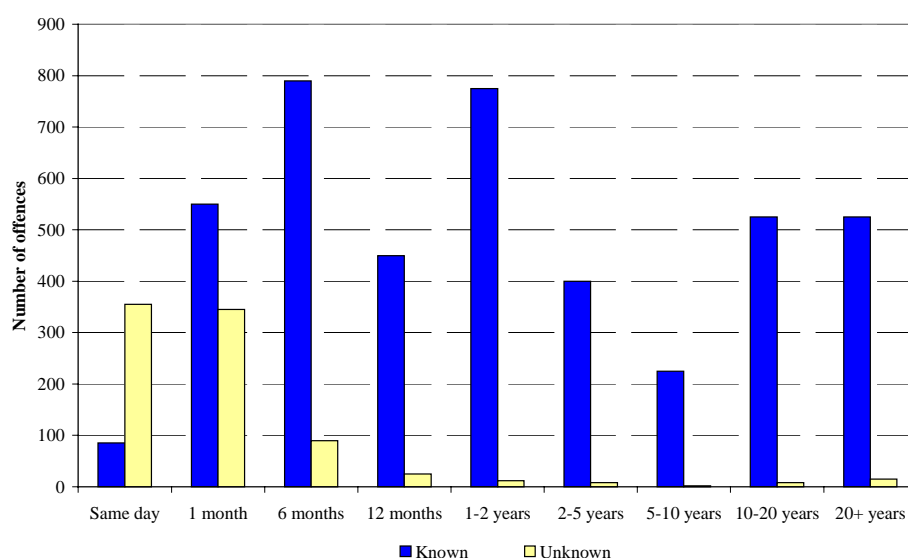
Data source: OPS

The relationship between the complainant and the offender

As most of the data regarding the relationship between the complainant and offender were missing (57%), we investigated only the 1998 data (only 27.4% of the data was missing for this year).

Figure 4 and table 14 demonstrate the relatively strong effect of the relationship between the complainant and the offender on reporting rates. The majority of offences committed by strangers (classified as ‘unknown’) were reported to the police within the first year (91.7%), while significantly fewer offences committed by relatives (34.6%) and other offenders ‘known’ to the victim (49.8% on average⁶) were reported within the same time frame. Of particular interest is the high proportion of victims reporting ‘professional’ offenders (47.8%) more than 10 years after the abuse. Greater societal awareness of male abuse, particularly in relation to institutions, churches and paedophile rings, has probably contributed to these recent changes.

Figure 4. Graphical representation of the delay in reporting to police by the known/unknown status of the offender to the complainant (1998 data only)



The type of offence

The type of crime class also appears to have an impact on reporting rates (see table 15, page 20). Most offences of wilful obscene behaviour, for example, were reported within the first month, probably reflecting the generally ‘unknown’ relationship between the complainant and the offender, as well as the non-intrusive nature of the offence for the majority of such cases.

Relatively fewer offences for ‘rape’ (43.3%), sexual offences — consent proscribed (16.1%) and indecent assaults against children (33.7%) were reported within the first year, highlighting again the effect of the ‘known’ relationship of the offender to the complainant on reporting delay.

6 This calculation comprises the categories of Known, Acquaintance, Professional and Friend.

TABLE 14. Delay in reporting to police by relationship between the complainant and the offender (1998 data only)

Delay in reporting offence	Relationship to the victim													
	Relative		Unknown		Known		Acquaintance		Professional		Friend		Missing data	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Reported within the same week	20	1.1	325	37.9	24	3.9	30	3.1	20	10.9	6	1.3	84	4.6
Delay between 1 and 4 weeks	115	6.5	339	39.5	129	21.0	234	24.0	0	0.0	56	12.1	134	7.3
Delay between 1 and 6 months	310	17.6	99	11.5	148	24.1	206	21.1	31	16.8	95	20.5	79	4.3
Delay between 6 months to 1 year	166	9.4	24	2.8	92	15.0	123	12.6	11	6.0	31	6.7	31	1.7
Delay between 1 and 5 years	526	29.8	14	1.6	122	19.9	264	27.0	27	14.7	238	51.4	42	2.3
Delay between 5 and 10 years	184	10.4	1	10.1	29	4.7	41	4.2	2	1.1	14	3.0	9	0.5
Delay between 10 and 20 years	226	12.8	4	0.5	35	6.2	52	5.3	21	11.4	5	1.1	2	0.1
Delay more than 20 years	216	12.2	12	1.4	31	5.1	23	2.4	67	36.4	3	0.6	25	1.4
Missing data	2	0.1	27	3.1	3	0.5	4	0.4	5	2.7	15	3.2	1,429	77.9
Total n=6,695	1,765	100.0	858	100.0	613	100.0	977	100.0	184	100.0	463	100.0	1,835	100.0

Note: Missing data = 27.4% (n = 1,835)

Data source: QPS

TABLE 15. Delay in reporting by crime classification

Offence Code	Offence	Time delay between first offence and police report — n (%)										
		Within same week	1–4 weeks after	1–6 months after	6–12 months after	1–2 years after	2–5 years after	5–10 years after	10–20 years after	20+ years after	Missing data	Total
1361	Rape	219 (7.3%)	740 (24.5%)	253 (8.4%)	95 (3.1%)	117 (3.9%)	148 (4.9%)	113 (3.7%)	173 (5.7%)	132 (4.4%)	1,026 (34.0%)	3,016 (100%)
1362	Attempted rape	56 (15.1%)	101 (27.2%)	28 (7.5%)	13 (3.5%)	6 (1.6%)	7 (1.9%)	12 (3.2%)	10 (2.7%)	15 (4.0%)	124 (33.3%)	372 (100%)
1364	Indecent assaults on children	286 (1.9%)	1,535 (10.4%)	1,923 (13.1%)	1,225 (8.3%)	1,576 (10.7%)	1,160 (7.9%)	933 (6.3%)	1,757 (12.0%)	1,170 (8.0%)	3,132 (21.3%)	14,697 (100%)
1373	Sexual offences – consent Proscribed)	1 (0.3%)	11 (3.2%)	38 (10.9%)	6 (1.7%)	200 (57.5%)	6 (1.7%)	0 (0.0%)	12 (3.4%)	0 (0.0%)	74 (21.3%)	348 (100%)
1392	Indecent practices between males	16 (21.9%)	6 (8.2%)	4 (5.5%)	7 (9.6%)	0 (0.0%)	8 (11.0%)	0 (0.0%)	4 (5.5%)	2 (2.7%)	26 (35.6%)	73 (100%)
1393	Wilful obscene behaviour	1,034 (34.3%)	852 (28.3%)	302 (10.0%)	77 (2.6%)	16 (0.5%)	5 (0.2%)	5 (0.2%)	1 (0.0%)	0 (0.0%)	719 (23.9%)	3,011 (100%)

Note: Due to missing numbers, the following offence categories were removed from this table:

1363: Indecent assaults on adults (45.4% missing data)

1365: Assault with intent to commit rape (61.6% missing data)

1366: Indecent assaults (other) (87.4% missing data)

1371: Unlawful carnal knowledge (45.8% missing data)

1372: Incest (54.0% missing data)

1391: Bestiality (87.0% missing data)

1394: Sexual offences (other) (50.1% missing data)

Data source: QPS

2.8 Offence status and police clear-up rates

Overall status of the offences

Table 16 documents the overall status of the offences reported to the police for the years 1994 to 1998. Just under half of the offences were classified as 'solved' (46.3%), and this figure remained relatively constant for the years 1995 to 1998. The number of cases that remained 'unsolved' dropped by half after 1994 from 45.2 per cent to an average of only 19.1 per cent for the next four years.

The number of 'withdrawn' cases was few and remained relatively constant over the years (range 4.1% to 7.2%). There was an increase in those offences which were classified as 'not substantiated' in 1997 (14.2%).

TABLE 16. Overall status of the offence

Overall status	Offences											
	1994		1995		1996		1997		1998		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Solved	994	33.9	2,062	45.5	3,257	49.9	2,847	45.1	3,346	49.9	12,506	46.3
Unsolved	1,323	45.2	981	21.6	1,133	17.4	1,142	18.1	1,291	19.3	5,870	21.7
Not substantiated	98	3.3	361	8.0	572	8.8	896	14.2	646	9.6	2,573	9.5
Withdrawn	121	4.1	276	6.1	376	5.8	454	7.2	389	5.8	1,616	6.0
Missing data	394	13.4	854	18.8	1,189	18.2	973	15.4	1,030	15.4	4,440	16.4
Total	2,930	100.0	4,534	100.0	6,527	100.0	6,312	100.0	6,702	100.0	27,005	100.0

Note: All cases that had been 'cancelled' were removed by the QPS Expert Support Unit before the data analysis was undertaken. A case can only be cancelled by the CRISP operator — it can apply to either an error in the charges (for example the complainant may change his or her mind) or an error in the data entry process (such as a duplicate entry).

Data source: QPS

Police action

An offence is deemed to be cleared by the police under one or more of the following circumstances:

- the offender has been arrested, summonsed, or information laid with a view to the issue of a process for the purpose of bringing the offender before the court (for example, a warrant)
- the offender has been dealt with in accordance with QPS policy (for example, cautioning of juvenile and elderly people)
- the offender has admitted the offence but will not be charged due to certain circumstances (for example, the victim refuses to proceed or the offender has diplomatic immunity)
- the offender has died before a charge can be made
- the offender has been committed to a psychiatric institution
- the offender is serving a sentence of imprisonment and no useful purpose would be served by prosecution
- the victim or an essential witness is deceased
- the victim has requested that the police take no further action.

According to the CRISP data, each charge is assigned one action, which is presumed to be the final action taken by the police for that case (for example, even though an offender may be interviewed prior to being arrested, only the code for arrest is assigned to that case). Table 17 describes the actions taken for sexual offences reported to Queensland police from 1994 to 1998.

TABLE 17. Definition of actions undertaken and the number (%) of offences in each category

Action	Description	Offences	
		No.	%
Arrest	Offender has been arrested.	8,730	32.3
Caution	Juvenile offender has been officially cautioned.	508	1.2
Community conference	Juvenile offender is dealt with by means of Community Conferencing (rather than formal Caution).	2	0.0
Interviewed	Suspect has been spoken to by the police, whether a formal interview or an informal conversation, and the suspect is no longer to be listed as Wanted, but not to be Removed either.	3,691	13.7
No longer wanted	Suspect person not spoken to or interviewed by the police, but no longer wanted by the police.	501	1.9
Notice to attend	Juvenile offender has been issued a Notice to Attend by the Children's Court.	743	2.8
Summons issued*	A summons has been issued by the court for the apprehension of an offender, but has not yet been served on the offender.	2,011	7.4
Summons served*	A summons has been served on the offender.		
Wanted	Suspect or offender is wanted by the police in relation to this offence, but no warrant has been issued.	3,590	13.3
Warrant	A warrant has been issued for the suspect's apprehension or arrest; or, the suspect has been arrested by virtue of a warrant.	34	0.2
Other		284	1.1
Missing data/unknown		6,911	25.6
Total		27,005	100.0

* The data are unclear as to which of these options this number (%) represents

Data source: QPS

About a third of the offences (32.3%) resulted in an arrest, although this varied considerably with the type of offence reported (see table 18). For example, a relatively higher proportion of arrests resulted from the offences of sexual offences — consent proscribed (68.9%), indecent assaults on children (39.7%), rape (36.4%) and attempted rape (36.0%), which probably reflects the severity and nature of the assault. Overall, interviewing was the second most common action taken (13.7%). The majority of offenders charged with wilful obscene behaviour (55.1%) were still described as 'wanted'.

According to table 19 (page 24), most offences were deemed to be 'solved' following either an arrest (68.3%), a summons (15.6%) or a caution (4.0%). Those offences classified as 'unsolved' were classified as such primarily because either the offender was still wanted (53.9%) or an interview had failed to result in an arrest for that crime (25.5%). Data are missing on the actions taken by the police for those cases classified as either 'unsubstantiated' (32.6%) or 'withdrawn' (44.2%). It appears, however, that for the majority of cases either an interview was undertaken (55.7% and 39.4% respectively) or the offender was deemed to be unwanted (6.2% and 15.2% respectively).

TABLE 18. Action taken by crime class (1994–98)

Offence No.	Offence	Arrest	Cautioned	Community Conference	Inter-viewed	Not Wanted	Notice Attend	Summons	Wanted	Warrant	Other	Missing data	Total
1361	Rape	1,099 (36.4%)	2 (0.1%)	0 (0.0%)	458 (15.2%)	134 (4.4%)	37 (1.2%)	76 (2.5%)	235 (7.8%)	9 (0.3%)	13 (0.4%)	953 (31.6%)	3,016 (100%)
1362	Attempted rape	134 (36.0%)	1 (0.3%)	0 (0.0%)	32 (8.6%)	7 (1.9%)	4 (1.1%)	7 (1.9%)	66 (17.7%)	0 (0.0%)	3 (0.8%)	118 (31.7%)	372 (100%)
1363	Indecent assaults on adults	547 (17.5%)	20 (0.6%)	3 (0.1%)	300 (9.6%)	46 (1.5%)	80 (2.6%)	185 (5.9%)	573 (18.3%)	2 (0.1%)	15 (0.5%)	1,362 (43.5%)	3,130 (100%)
1364	Indecent assaults on children	5,836 (39.7%)	367 (2.5%)	2 (0.0%)	2,361 (16.1%)	254 (1.7%)	470 (3.2%)	1,259 (8.6%)	912 (6.2%)	21 (0.1%)	229 (1.6%)	2,986 (20.3%)	14,697 (100%)
1373	Sexual offences — consent proscribed	240 (68.9%)	2 (0.6%)	0 (0.0%)	17 (4.9%)	1 (0.3%)	9 (2.6%)	3 (0.9%)	2 (0.6%)	0 (0.0%)	0 (0.0%)	74 (21.3%)	348 (100%)
1392	Indecent practices between males	16 (21.9%)	8 (10.9%)	0 (0.0%)	14 (19.2%)	0 (0.0%)	15 (20.5%)	2 (2.7%)	2 (2.7%)	0 (0.0%)	0 (0.0%)	16 (21.9%)	73 (100%)
1393	Wilful obscene exposure	380 (12.6%)	40 (1.3%)	0 (0.0%)	250 (8.3%)	28 (0.9%)	91 (3.0%)	318 (10.6%)	1,660 (55.1%)	0 (0.05)	10 (0.3%)	234 (7.8%)	3,011 (100%)

Note: Due to missing numbers, the following offence categories were removed from this table:

1365: Assault with intent to commit rape (58.7% missing data)

1366: Indecent assaults (other) (86.3% missing data)

1371: Unlawful carnal knowledge (43.9% missing data)

1372: Incest (53.2% missing data)

1391: Bestiality (39.1% missing data)

1394: Sexual offences (other) (41.6% missing data)

Data source: QPS

TABLE 19. Action taken by overall status of the crime (1994–98)

Action taken	Offences									
	Solved		Unsolved		Not substantiated		Withdrawn		Missing data	
	No.	%	No.	%	No.	%	No.	%	No.	%
Arrest	8,540	68.3	0	0.0	0	0.0	0	0.0	190	4.3
Cautioned	494	4.0	0	0.0	0	0.0	0	0.0	14	0.3
Community Conference	2	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Interview	62	0.5	1,497	25.5	1,434	55.7	636	39.4	62	1.4
Not wanted	6	0.0	88	1.5	159	6.2	245	15.2	3	0.1
Notice to attend	703	5.6	0	0.0	0	0.0	0	0.0	40	0.9
Summons	1,947	15.6	0	0.0	0	0.0	0	0.0	64	1.4
Wanted	30	0.2	3,162	53.9	128	5.0	20	1.2	250	5.6
Warrant	34	0.3	0	0.0	0	0.0	0	0.0	0	0.0
Other	253	2.0	15	0.3	13	0.5	0	0.0	3	0.1
Missing data/unknown	435	3.5	1,108	18.9	839	32.6	715	44.2	3,814	85.9
Total	12,506	100.0	5,870	100.0	2,573	100.0	1,616	100.0	4,440	100.0

Data source: QPS

2.9 Summary: Police data

From analysis of the police data, the following points can be made:

- Any statistics based on data collected by any police service will be an underestimate of the true extent of any crime. Sexual offences are particularly vulnerable to the effects of under-reporting.
- The rate of sexual abuse reported to the QPS by 1998 was in the vicinity of 193.5 offences per 100,000 population. According to the 1996 census figures, females were significantly more likely to be complainants (at 213.5 per 100,000 females) than males (at 102.3 per 100,000 males), although the figures for reported abuse for this year were spectacularly exaggerated for males due to a high proportion of offences against young males reported in the Metro North Region.
- The number of offences reported to the police increased significantly between the years 1994 and 1998. This may reflect the societal and legal changes that have occurred during this period.
- The majority of offences were committed against children younger than 16 years of age (58.4%).
- The most common type of offence was indecent assault against children (54.4%).
- Most offences (52.2%) occurred in dwellings (such as houses, unit, caravan parks, motels and outbuildings).
- Most offenders were male (71.2%).
- While offending may occur at any age, the period of greatest risk for males to offend appears to be between the ages of 21 and 40 years and the period of greatest risk for females to offend appears to be between the ages of 17 and 20 years.
- The majority of offenders were more than five years older than their victims (53.3%).

-
- Most offenders were known to their victim in some way (59.7% in 1998), with very few reports of offences perpetrated by strangers (12.8% in 1998).⁷
 - The single largest category of offenders was identified as relatives (26.3%).⁸
 - Most offenders were identified as Caucasian (44.1%). About 5 per cent were of Aboriginal descent and another 3.8 per cent were identified as other origins (Pacific Islanders, European, Asian, Indian etc.).
 - Most victims delayed reporting the offence to the police. Only 7.8 per cent of all offences were reported within a week of its occurrence. Many of the offences (22.3%) were not reported until two or more years after the offence (some as long as 54 years).
 - Female victims were slightly more likely to report offences sooner than were their male counterparts.
 - Reports of offences perpetrated by offenders known to the victim were more likely to be delayed than those perpetrated by offenders unknown to the victim.
 - Less intrusive crimes (such as wilful obscene behaviour) were more likely to be reported sooner than those involving penetration (such as rape and sexual offences — consent proscribed).
 - The age of the victim at the time of the abuse was a significant predictor of delay in reporting: child victims were less likely to report the offence within the first 12 months of its occurrence than were adult victims.
 - Just under half of all the sexual offences reported to the police were considered to be solved (46.3%). Fewer remained unsolved (21.7%) or unsubstantiated (9.5%), and about 6 per cent were withdrawn before charges could be laid.
 - Most offences were solved by arrest (68.3%), summons (15.6%) or caution (4.0%).
 - About a third of the actions taken by police resulted in an arrest (32.3%), although this varied considerably with the type of offence reported. A higher proportion of arrests resulted from sexual offences — consent proscribed (68.9%), rape (36.4%) and attempted rape (36.0%), which probably reflects the severity of the offence.
 - Most offenders described as still wanted by the police were perpetrators of the less severe offences, such as wilful obscene behaviour (55.1%).
 - The data repeatedly pointed to an important event affecting the rates of reporting by male victims in the Metro North Region in 1996. This was reported by the QPS to be the apprehension of two paedophiles who had repeatedly offended against a small number of victims over a very long period.

7 Because of extensive missing data, the figures quoted here are for the year 1998 only.

8 Because of extensive missing data, the figures quoted here are for the year 1998 only.

Part 3: Court data

3.1 Background

There are two court hearings for most sexual offence charges. The first hearing, which is called a committal hearing, takes place in a Magistrates Court. At a committal hearing, the Magistrate determines whether there is sufficient evidence to justify a trial; if so, the Magistrate will ‘commit the accused for trial’. It is then up to the prosecution to arrange for the matter to be listed for trial in a higher court (that is, the District or Supreme Court).⁹ The prosecution does this by presenting (or filing) an ‘indictment’ in a higher court. The higher court trial is the second hearing. In some cases, the prosecution may file an indictment even though there may not have been a committal hearing or the committal hearing was unsuccessful (that is, the Magistrate has decided that there is insufficient evidence to justify a trial).¹⁰

Sometimes, an accused will plead guilty during a committal hearing. When this happens, the Magistrate must ‘commit the accused for sentencing’. The prosecution then arranges for the matter to be listed for sentencing in a higher court.

The prosecution must arrange for a matter to be listed for trial (or sentencing) within six months of the Magistrate committing the accused for trial (or sentencing) unless the prosecution obtains an extension or there was no prior committal hearing.¹¹ While this rule is an attempt to facilitate the trial in a timely fashion, it does not address the problem of delay before committal, which can, at times, be considerable.

Some minor sexual offence charges only require one court hearing before a Magistrate. A sexual offence charge that is finalised by a Magistrate is one that is dealt with ‘summarily’. Generally speaking, a sexual offence charge can only be dealt with summarily if:

- the offence did not involve ‘a circumstance of aggravation’,¹²
- the complainant was 14 years of age or over at the time of the alleged offence
- the accused has pleaded guilty
- the accused does not object to the charge being dealt with summarily.¹³

9 In the vast majority of cases, sexual offence trials are heard in the District Court and not the Supreme Court.

10 This is called an ex officio indictment (see s. 561 of the *Criminal Code*).

11 See s. 590 of the *Criminal Code*.

12 A person who is charged with an aggravated offence is liable to be given a longer sentence than if they had been charged with the offence minus the ‘circumstance of aggravation’.

13 See s. 552B(1)(h) and (5) of the *Criminal Code*.

3.2 The Magistrates Courts

Table 20 (page 28) highlights the number of appearances¹⁴ and charges for rape and other sexual offences processed by the Magistrates courts for the years 1994–95 to 1997–98.¹⁵ Sexual offences (rape and other sexual offences) represent approximately 20 per cent of all charges for offences against the person and about 1.6 per cent of the total number of all charges (for all offences) brought before the Magistrates Courts, excluding SETONS offences.¹⁶ The overall proportion of charges for sexual offences appears to have increased steadily between the years 1994 and 1998.

Sexual offences (rape and other sexual offences) also represent approximately 9 per cent of all appearances for offences against the person and 0.6 per cent of the total number of all appearances (for all offences) before the Magistrates Courts, excluding SETONS offences.

Using these figures to calculate the mean number of charges per offender (that is, per appearance) also highlights that ‘other sexual offences’ represent the highest number of charges per appearance (or offender) averaging between 4.2 (for the years 1994 to 1996) and 6.5 (for the years 1996 to 1998) charges per appearance of all cases. This compares to about 1.7 charges per appearance for other types of offences. There is an increase in the mean number of charges per appearance from 1996 for both rape and other sexual offences, which probably reflects changes in both reporting rates and the relevant laws.

On average, around 83 per cent of persons appearing for rape and 57 per cent of those appearing for other sexual offences are committed for trial or sentence in a higher court. A similar profile appears for the number of charges (see table 21, page 29).

For approximately 18 per cent of all rape appearances (20% of the charges) and 15 per cent of all other sexual offence appearances (24% of the charges), the Magistrate determines that there is insufficient evidence for the matter to proceed any further and the accused is ‘discharged’. If the Magistrate determines that there is enough evidence for a person accused of rape to proceed to trial, the accused must appear before a higher court as rape is an indictable offence. On the other hand, some ‘other sexual offences’ may be dealt with summarily by a Magistrate without proceeding to a higher court.

3.3 The higher courts (District and Supreme)

Rape and other sexual offences comprise approximately 9 per cent of all appearances and 9 per cent of all charges before the higher courts. As a proportion of all offences against the person sexual offences represent approximately 28 per cent of all appearances and 45 per cent of all charges (see table 22, page 30).

14 When an offender appears before the court on a number of charges, the appearance is classified according to the most serious outcome (imprisonment compared to probation, for example) which usually (but not always) reflects the most serious charge.

15 Court figures are quoted in terms of the financial year (July to June), not the calendar year (January to December).

16 SETONS is an abbreviation for Self-Enforcing Ticketable Offence Notices (a process usually undertaken for offences related to the preservation of peace and good order such as minor traffic and liquor offences for which the offender is not required to make a physical appearance). The SETONS process is regulated by Part 4A of the Queensland *Justices Act 1886*.

TABLE 20. The number of appearances and charges for sexual and all other offences (against victims of all ages) before the Magistrates Courts (1994–95 to 1997–98)

	1994–1995			1995–1996			1996–1997			1997–1998		
	Appearances ¹	Charges ²	Mean ³	Appearances ¹	Charges ²	Mean ³	Appearances ¹	Charges ²	Mean ³	Appearances ¹	Charges ²	Mean ³
Rape	192	330	1.7	186	446	2.4	195	408	2.1	172	431	2.5
Other sex offence	660	2,740	4.2	602	2,519	4.2	554	3,677	6.6	814	5,144	6.3
Total (person) ⁴	9,285	18,951	20.0	8,822	17,355	2.0	9,059	19,433	2.1	9,481	21,556	2.3
% sex offences ⁵ of offences against the person	9.2%	16.2%	N/A	8.9%	17.1%	N/A	8.3%	21.0%	N/A	10.4%	25.9%	N/A
Total (all) ⁶	147,751	250,267	1.7	140,886	236,601	1.7	140,790	246,596	1.8	139,434	254,453	1.8
% sex offences of total offences	0.5%	1.2%	N/A	0.6%	1.2%	N/A	0.5%	1.7%	N/A	0.7%	2.2%	N/A

¹ Number of appearances.

² Number of charges.

³ Mean number of charges per appearance (charges divided by appearances).

⁴ 'Person' includes Homicide (murder, attempted murder, manslaughter, other related offences), Assault (major assault, minor assault, rape, other sexual offences, other violation of persons) and Robbery and Extortion (robbery, extortion and blackmail).

⁵ Rape plus other sexual offences.

⁶ Total offences excluding SETONS.

N/A = Not Applicable

Data source: OGS

TABLE 21. Number of charges and appearances against victims of all ages by outcome for the Magistrates Courts (1994–95 to 1997–98)

	1994–1995			1995–1996			1996–1997			1997–1998		
	Com	NC	Sum C	Com	NC	Sum C	Com	NC	Sum C	Com	NC	Sum C
Charges												
Rape	267 (81%)	63 (19%)	0 (0%)	358 (80%)	87 (20%)	1 (0%)	322 (79%)	84 (21%)	2 (0%)	342 (79%)	81 (21%)	0 (0%)
Other sex offences	2,096 (76%)	424 (15%)	220 (8%)	1,824 (72%)	483 (19%)	212 (8%)	2,396 (65%)	1,140 (31%)	141 (4%)	3,296 (64%)	1,623 (30%)	325 (6%)
Total (persons)	5,730 (30%)	3,124 (17%)	10,457 *	4,788 (28%)	3,030 (18%)	9,539 *	5,655 (29%)	3,884 (20%)	9,894 *	7,737 (36%)	4,559 (19%)	9,260 *
Total (all)	26,223 (10%)	52,824 (21%)	171,220 (68%)	22,559 (10%)	52,188 (23%)	161,854 (68%)	28,798 (12%)	48,997 (19%)	168,801 (68%)	28,448 (11%)	59,550 (23%)	166,455 (65%)
Appearances												
Rape	165 (86%)	27 (14%)	0 (0%)	147 (79%)	39 (21%)	0 (0%)	161 (83%)	34 (17%)	0 (0%)	141 (82%)	31 (18%)	0 (0%)
Other sex offences	379 (57%)	122 (18%)	159 (24%)	330 (55%)	118 (20%)	154 (26%)	343 (62%)	117 (21%)	94 (17%)	430 (53%)	147 (18%)	237 (29%)
Total (persons)	1,811 (20%)	1,438 (15%)	6,036 (65%)	1,689 (19%)	1,331 (15%)	5,802 (66%)	1,741 (19%)	1,464 (16%)	5854 (65%)	2,602 (27%)	1,470 (16%)	5,411 (57%)
Total (all)	5,318 (4%)	31,869 (22%)	110,564 (75%)	4,934 (4%)	28,019 (20%)	107,933 (77%)	5,363 (4%)	25,792 (18%)	109,635 (78%)	6,053 (4%)	27,138 (19%)	106,243 (76%)

Note: These figures are rounded up and may not always add to 100 per cent.

* The majority of these are for major and minor assault.

Com = Committal

The Magistrate determines (a) that there is sufficient evidence for the accused person to stand trial before a judge and jury, or (b) if the accused person has pleaded guilty, the Magistrate can order that the accused person be committed for sentence.

NC = Not convicted

The Magistrate determines (a) that there is insufficient evidence for the accused person to stand trial, or (b) the charge is dismissed summarily and a conviction is not recorded.

Sum C = Summary conviction

The Magistrate finalises the charge summarily and a conviction is recorded. In these instances it is most likely that the accused has pleaded guilty.

Data

source:

OGS

TABLE 22. Number of appearances and charges for sexual and all other offences (against victims of all ages) before the higher courts (1994–95 to 1997–98)

	1994–1995			1995–1996			1996–1997			1997–1998		
	Appearances ¹	Charge ²	Mean ³	Appearances ¹	Charges ²	Mean ³	Appearances ¹	Charges ²	Mean ³	Appearances ¹	Charges ²	Mean ³
Rape	153	323	2.1	132	324	2.5	138	267	1.9	141	341	2.4
Other sex offences	490	2,097	4.3	465	2,278	4.9	448	2,403	5.4	506	3,112	6.2
Total (person) ⁴	2,051	5,261	2.6	2,156	6,145	2.9	2,103	5,942	2.8	2,484	7,353	3.0
Total (all) ⁵	6,226	27,622	4.4	6,481	28,539	4.4	6,823	32,001	4.7	7,063	35,883	5.1
% sex offences of offences against the person ⁶	31.4%	46.0%	N/A	27.7	42.3%	N/A	27.9%	44.9%	N/A	26.0%	47.0%	N/A
% sex offences of total offences ⁶	10.3%	8.8%	N/A	9.2%	9.1%	N/A	8.6%	8.3%	N/A	9.2%	9.6%	N/A

¹ Number of appearances

² Number of charges

³ Mean number of charges per appearance (charges divided by appearances)

⁴ 'Person' includes Homicide (murder, attempted murder, manslaughter, other related offences), Assault (major assault, minor assault, rape, other sexual offences, other violation of persons) and Robbery and Extortion (robbery, extortion and blackmail)

⁵ Includes 'person' offences as well as property, driving, traffic and other offences

⁶ Rape plus other sexual offences divided by the total of all offences.

Data source: OGS

3.4 Outcomes of higher court appearances

Over the four years of data examined, rape charges resulted in a conviction in only 35 per cent of appearances, on average, although there does appear to have been a significant increase in conviction rates between 1994 (26%) and 1998 (44%). By comparison, about 57 per cent of charges for ‘other sexual offences’ resulted in a conviction, which is on a par with convictions for most other charges for offences against the person (59%), but significantly less than most other types of offences (73%).

When these figures are translated into the number of appearances that result in a conviction, the picture remains similar, although slightly more appearances for rape (45% on average) result in a conviction. For other sexual offences, 67 per cent of appearances, on average, result in a conviction, which compares fairly favourably with 75 per cent of all appearances and 73 per cent (on average) of appearances for offences against the person. In contrast to the trend for charges, the conviction rates for appearances do not seem to have changed over time.

It should be noted that it is possible for a person to be convicted of a different, but related, sexual offence to the one that the person is charged and tried for. For example, a person who is tried for rape of a child may, as an alternative, be convicted of various different offences, including indecent dealing of a child under 16 years of age.¹⁷ The possibility of alternative verdicts allows the prosecution to overcome difficulties in proving penetration (where this is an element of the offence charged), or lack of consent (in cases where the victim is not a child), but may not necessarily reflect the true nature or seriousness of the offence.

There are two main ways in which a charge or an appearance may result in a ‘not convicted’ outcome:

- the matter goes to trial and the person is acquitted
- the ODPP lodges a ‘no true bill’ or ‘nolle prosequi’.

We inspected the higher court data for those cases classified as ‘not convicted’ for ‘indecent dealing with a child under 16 years’. On average, for the years 1994 to 1998, it appears that as few as 16.5 per cent of the ‘no conviction’ findings were the result of a ‘not guilty’ verdict by the jury. On the other hand, the majority of non-convictions were due to a ‘nolle prosequi’ (64.5%, on average), which is a withdrawal of an indictment by the prosecution. The remaining non-convictions were due to either the lodgement of a ‘no true bill’ (15% on average), which is a withdrawal by the prosecution before an indictment has been lodged, or an ‘admonish and discharge’ (4% on average), which is a dismissal of the charge by the court.

In other words, the majority of appearances for ‘indecent dealing with a child under 16 years’ before the higher courts which did not result in a conviction were due to withdrawal of the case, rather than a finding of ‘not guilty’ by the jury. It was not possible to determine whether this profile was similar for offences against adults (indeed this scenario may not apply at all to rape cases) as we were unable to obtain data on the reasons for non-conviction for the other categories.

Further research into the reasons behind the decisions to either terminate or continue legal action appears to be warranted. It may be that low conviction and high withdrawal rates act as deterrents to victims of sexual offences to pursue their case or complaint through the legal system.

¹⁷ See s. 578 of the *Criminal Code*.

TABLE 23. Number of charges and appearances against victims of all ages by outcome for the higher courts (1994–95 to 1997–98)

	1994--1995		1995--1996		1996--1997		1997--1998	
	Convicted	Not convicted	Convicted	Not convicted	Convicted	Not convicted	Convicted	Not convicted
Charges								
Rape	83 (26%)	240 (74%)	107 (33%)	217 (67%)	102 (38%)	165 (62%)	151 (44%)	190 (56%)
Other sex offences	1,089 (52%)	1,008 (48%)	1,303 (57%)	975 (49%)	1,388 (58%)	1,015 (42%)	1,906 (61%)	1,208 (39%)
Total (all offences against persons)	2,957 (56%)	2,304 (44%)	3,528 (57%)	2,617 (43%)	3,614 (61%)	2,308 (39%)	4,630 (63%)	2,723 (37%)
Total (all)	19,294 (70%)	8,326 (30%)	20,284 (71%)	6,255 (28%)	24,668 (77%)	7,333 (23%)	26,781 (75%)	8,902 (25%)
Appearances								
Rape	64 (42%)	89 (58%)	57 (43%)	75 (57%)	62 (45%)	76 (55%)	67 (48%)	74 (52%)
Other sex offences	318 (65%)	172 (35%)	316 (68%)	149 (32%)	304 (68%)	144 (32%)	349 (68%)	157 (32%)
Total (all offences against persons)	1,457 (71%)	594 (29%)	1,508 (74%)	648 (32%)	1,553 (74%)	550 (26%)	1,814 (73%)	668 (27%)
Total (all)	4,845 (78%)	1,381 (22%)	5,112 (79%)	1,369 (21%)	5,667 (83%)	1,156 (17%)	5,699 (61%)	1,364 (19%)

Note: These figures are rounded up and may not always add up to 100 per cent.

Data source: OGS

3.5 Court data on victims of childhood sexual assault

Current court data provide little information about the victim, one of its major deficiencies being the lack of data on age. Therefore, it was virtually impossible to identify which victims in the court process were victims of childhood sexual abuse and which were adult victims of a sexual offence.

However, some offence categories refer specifically to children and intellectually impaired persons. We were able to extract data for these specific offences for closer analysis by comparing them to the total number of offences before the courts (as presented in the previous tables). As far as we could determine, the majority of appearances for sexual offences in the higher courts appear to be for victims 16 years or younger at the time of the offence (75% on average), although for definitional reasons these figures also include victims who may be intellectually impaired adults. The overall proportion of child victims of sexual assault is probably greater than those included in these analyses, however, because offences such as rape will also include child victims (as already illustrated by the police data earlier in this report).

These figures mirror those quoted in Part 2 of this report regarding police data, which indicated that approximately 58 per cent of all complainants to the police between the years 1994 and 1998 were children 16 years or younger at the time of the first offence. Table 24 identifies the overall proportion of probable childhood sexual abuse cases heard before the higher courts. Table 25 lists the rates of conviction for child-specific offences.

TABLE 24. Number and proportion of higher court appearances for sexual offences which reflect identifiable cases of childhood sexual abuse

Appearances	1994–1995	1995–1996	1996–1997	1997–1998
All higher court cases	490	465	448	506
Probable childhood sexual abuse cases	382 (78%)	348 (75%)	322 (72%)	385 (76%)

Note: Childhood sexual abuse is where the victim is 16 years or younger.

Data source: OGS

TABLE 25. Appearances for offences which can be identified as offences against children (16 years or younger) or intellectually impaired persons¹

Offence	Court	1994–95		1995–96		1996–97		1997–98	
		Convicted	Not convicted ²	Convicted	Not convicted	Convicted	Not convicted	Convicted	Not convicted
Indecent dealing with children under 16 years	Higher court	183 (61%)	119 (39%)	175 (68%)	84 (32%)	147 (67%)	73 (66%)	183 (66%)	95 (34%)
	Mags Courts ³	1 (0%)	178 (99%)	4 (3%)	156 (97%)	1 (0%)	165 (99%)	1 (0%)	179 (99%)
Unlawful carnal knowledge	Higher court	26 (73%)	11 (30%)	26 (74%)	9 (26%)	33 (70%)	14 (30%)	39 (74%)	14 (26%)
	Mags Courts	116 (72%)	45 (28%)	108 (83%)	22 (17%)	61 (69%)	27 (31%)	177 (79%)	47 (21%)
Other sexual offences (consent proscribed)	Higher court	26 (72%)	10 (28%)	29 (66%)	15 (34%)	32 (61%)	20 (39%)	34 (74%)	12 (26%)
	Mags Courts	0 (0%)	8 (100%)	0 (0%)	7 (100%)	4 (27%)	11 (73%)	3 (13%)	20 (87%)
Wilful exposure (with intent to insult)	Higher court	4 (80%)	1 (20%)	7 (78%)	2 (22%)	1 (100%)	0 (0%)	4 (80%)	1 (20%)
	Mags Courts	6 (43%)	8 (57%)	11 (73%)	4 (26%)	16 (80%)	4 (20%)	13 (77%)	4 (23%)
Other offensive behaviour including censorship)	Higher court	1 (50%)	1 (50%)	0 (0%)	1 (100%)	1 (50%)	1 (50%)	2 (67%)	1 (33%)
	Mags Courts	11 (69%)	5 (31%)	17 (55%)	14 (45%)	46 (82%)	10 (18%)	29 (78%)	8 (22%)

¹ Court data does not reflect the age of the victim. Therefore, the following offences were not included in this table because they are applicable to victims of all ages: Sexual Assault, Rape, Sexual Assault – Other, Incest, and Other sexual offences. It is highly likely, however, that child victims would represent a significant proportion of the victims of these offence types.

² The 'not convicted' category is not limited to those cases where a Magistrate hears a matter summarily and finds an accused 'not guilty'. It also includes: firstly, those cases where a Magistrate has committed an accused for trial; and secondly, those cases where a Magistrate has decided that there is insufficient evidence to commit an accused for trial.

³ 'Mags Courts' is an abbreviation for Magistrates Courts.

Data source: OGS

It is important to note that some of the offences that relate specifically to children appear to have slightly higher conviction rates than other sexual offences that are not specifically child-related. For example, in the higher courts the average rate of conviction for indecent dealing with a child under 16 years was 66 per cent. For unlawful carnal knowledge, this figure was 73 per cent; and for other sexual offences — consent proscribed, it was 68 per cent.¹⁸ By contrast, the conviction rate for rape in the period examined was only around 35 per cent of appearances. It may be that the likelihood of gaining a conviction in cases involving children is increased because the concept of ‘consent’ does not have to be taken into account. It is also important to note that the *majority* of cases that fall into the ‘not convicted’ category by the Magistrates Courts (table 25) are matters that are committed to trial. This category is not limited to those cases where a Magistrate finds an accused ‘not guilty’ or decides that there is insufficient evidence to commit the accused to stand trial.

3.6 Summary: Court data

Key findings from the court data are as follows:

Magistrates Courts

- Sexual offences represent 20 per cent of all charges (and 9% of all appearances) for offences against the person and 1 per cent (and 0.3% of all appearances) of the total number of all charges (for all offences) brought before the Magistrates Courts.
- Sexual offences represent the highest number of charges per appearance in the Magistrates Courts, averaging between 4.2 and 6.5 charges per appearance.
- For approximately 18 per cent of all rape appearances (20% of the charges) and 15 per cent of all other sexual offence appearances (24% of the charges), the Magistrate determines that there is insufficient evidence for the matter to proceed any further and the accused is ‘discharged’.

Higher courts

- Sexual offences comprise approximately 9 per cent of all appearances and charges before the higher courts. As a proportion of offences against the person they represent approximately 28 per cent of all appearances and 45 per cent of all charges.
- Relatively few rape charges (approximately 35%) or appearances (45%) result in a conviction by the higher courts. However, this rate increased from 26 per cent of charges between 1994 and 1995 to 44 per cent of charges in 1997–1998.
- A greater proportion of ‘other sexual offence’ charges (57%) and appearances (67%) result in a conviction than ‘rape’ charges and appearances. These are still significantly less than most other types of offences (73% and 75%).
- Most cases of ‘indecent dealing with a child under the age of 16 years’ which do not result in a conviction are due to the withdrawal of the case either before or after indictment, rather than a finding of not guilty by the jury.

¹⁸ The majority of cases for unlawful carnal knowledge (76% on average) and other offensive behaviour (71% on average) appear to be finalised by the Magistrates Courts (i.e. dealt with summarily). See table 25.

- Offences that relate specifically to the sexual abuse of a child are more likely to result in a conviction than those offences that are not child-specific (such as rape).
- From the limited data available, it would appear that at least 75 per cent of all appearances in the higher courts for sexual offences are for victims 16 years or younger at the time of the offence. This would be an underestimate of the true extent of child victims of sexual offences proceeding through the court system as in some prosecutions for rape, for example, the victim may have been a child.

Part 4: Data from the Office of the Director of Public Prosecutions

4.1 Background

The ODPP provided us with data on cases processed by the Office between 1994 and 1997. Unfortunately, the database developed by the ODPP was abandoned in 1997. Hence, data for 1997 are incomplete and 1998 data are completely unavailable.¹⁹ The data provided, however, suggest that the ODPP deals with between 500 and 600 sexual offence cases, on average, per annum. In total, 1,977 cases for the years 1994–1997 were examined for this report.

Most cases were heard in a District Court (98%) with only one appearance at the Supreme Court and four Circuit Court appearances. More than half of these cases were heard at either the Brisbane District Court (40%) or the Cairns District Court (12%), although cases heard at 26 other courts throughout the State contributed to the overall data. The data do not include cases heard in the Magistrates Courts.

4.2 The offence

As demographic details of the complainants were not collected, we cannot report the overall proportion of male or female victims, although some offence categories are self-explanatory (such as indecent dealing with a girl under 12 years). Nor can we accurately report the overall number of victims of childhood or adult sexual abuse, even though it is clear that the majority of these offences were perpetrated against children (many of the offences include the descriptors child, girl or boy, for example).

The ODPP data were coded according to whether the complainant was a child or an adult at the time of the offence, but there were some discrepancies between these codes and the nature of the offence, which cast some doubt on its overall accuracy.²⁰ According to these codes we estimated that approximately 66.5 per cent of all cases were against children and the remaining 33.5 per cent against adults. It is highly likely, however, that these figures will underestimate the true extent of reported childhood sexual offences.²¹

As illustrated in table 26, the sexual offences most frequently dealt with by the ODPP (almost 70% of all cases) were indecent dealing or treatment of a girl (37% on average), rape (19% on average) and indecent assault (10% on average). A wide range of other offences made up the remaining 30 per cent of cases, which ranged from penetrative offences (such as anal intercourse with a child or unlawful carnal knowledge of a girl under the age of 12 years) to non-contact offences such as wilful exposure and possession of child abuse photos.

19 It is important, therefore, not to misconstrue the lower number of offenders for 1997 as a significant decline in offences of this nature for that year.

20 For example: quite a few child offences that were clearly identifiable by their description (such as unlawful carnal knowledge of a girl under 12 years) were coded as adult offences.

21 According to ODPP coding, 50 out of 387 appearances for rape (12.9%) and 73 out of 375 appearances for other sexual offences (19.5%) were against children. These figures give us some indication of the extent to which child sexual offences may have been underestimated.

TABLE 26. Types of offences (1994–97)

Charge	Offences							
	1994		1995		1996		1997 ⁴	
	No.	%	No.	%	No.	%	No.	%
Deprivation of liberty	–	–	1	0.1	–	–	2	0.8
Abduction — child	–	–	–	–	–	–	2	0.8
Rape	114	20.1	117	17.5	107	21.6	48	16.2
Attempted rape	26	4.6	17	2.5	15	3.0	3	1.0
Unlawful carnal knowledge (including attempted) – girl	29	5.1	30	4.5	27	5.4	9	3.7
Unlawful carnal knowledge (including attempted) — imbecile	1	0.2	1	0.1	2	0.4	2	0.8
Incest/attempted incest	23	4.1	17	2.5	19	3.8	4	1.6
Maintain sex relations — child	13	2.3	25	3.7	37	7.5	12	4.9
Assault with intent to rape	–	–	1	0.1	–	–	–	–
Assault with intent to commit unlawful carnal knowledge	–	–	1	0.1	–	–	–	–
Anal intercourse/attempted anal intercourse — child	5	0.9	2	0.3	6	1.2	4	1.6
Sodomy/attempted sodomy	13	2.3	13	1.9	8	1.6	3	1.0
Carnal knowledge by anal intercourse	–	–	3	0.4	2	0.4	–	–
Indecent deal/treat – girl/attempted indecent deal – girl	208	36.7	258	38.6	151	30.4	100	40.7
Indecent deal/treat – boy/attempted indecent deal – boy	49	8.6	55	8.2	35	7.1	17	6.9
Indecent deal/treat — imbecile	1	0.2	1	0.1	2	0.4	–	–
Cause drug to be taken to enable sex	–	–	–	–	1	0.2	–	–
Indecent assault	40	7.1	81	12.1	54	10.9	28	11.4
Indecent act	6	1.1	9	1.3	6	1.2	1	0.4
Gross indecency/attempted gross indecency/procure gross indecency	2	0.4	1	0.1	1	0.2	1	0.4
Take/detain/procure child immoral purposes/indecent acts	5	0.9	6	0.9	7	1.4	1	0.4
Procure sex act by intimidation	–	–	–	–	1	0.2	–	–
Permit indecent dealing with child	10	1.8	4	0.6	–	–	3	1.0
Expose child to indecent act	10	1.8	5	0.7	6	1.2	–	–
Expose child to indecent material	3	0.5	6	0.9	1	0.2	–	–
Take indecent photos — child	–	–	2	0.3	1	0.2	–	–
Obscene publications	–	–	1	0.1	–	–	–	–
Possession child abuse photos, publications, films, games	–	–	1	0.1	3	0.6	–	–
Wilful exposure	8	1.4	10	1.5	2	0.4	–	–
Bestiality	1	0.2	–	–	2	0.4	2	0.8
Total	567	100.0	668	100.0	496	100.0	246	100.0

¹ Due to small numbers, many categories have been combined. These include:

(a) completed and attempted offences of the same kind; and

(b) offences of the same kind against children which are usually defined by the age of the complainant at the time of the offence²² (such as unlawful carnal knowledge of a girl under 10 and unlawful carnal knowledge of a girl under 16). Disaggregated data are available from the CJC if required.

² All percentages have been rounded up, hence figures may add up to more than 100%.

³ These figures refer to the number of offenders, not the number of charges.

⁴ The 1997 data are incomplete.

Data source: ODP

²² Sentencing usually reflects this age.

4.3 The plea

Just over half of the defendants (50.6%) were recorded as having pleaded guilty to the charges, although 14 per cent of the plea data was missing, making this figure somewhat unreliable. Similar levels of guilty pleas were found for both identifiable childhood sexual offences (55.8% on average) and other sexual offences (54.1% on average). Only 28.3 per cent of offenders charged with rape were recorded as pleading guilty, which was significantly lower than for any other type of sexual offence (see table 27).

TABLE 27. Number (%) of appearances by plea: Annual average (1994–96)

Offence	Guilty plea		Not guilty plea		Missing data ¹		Total	
	No.	%	No.	%	No.	%	No.	%
Identifiable child sex offences	197	55.8	109	30.9	47	13.3	353	100
Rape ²	32	28.3	61	54	20	17.7	113	100
Other sexual offences ³	60	54.1	37	33.3	14	12.6	111	100
Total sexual offences	289	50.1	207	35.9	80	13.9	577	100

¹ In many cases where the plea data is missing and the outcome is recorded as an acquittal, the case has been withdrawn either by nolle prosequi, no true bill or the death of the accused (ie. the accused has not been required to make a plea).

² Because the plea profile for attempted rape is similar to other sexual offences, and very different to the profile for rape (i.e. more accused plead guilty for attempted rape than those for rape), attempted rape has been included in the other sexual offences category.

³ All other sexual offences minus identifiable child sexual offences.

Data source: ODPP

4.4 The outcome

Overall, 65.9 per cent of all sexual offence cases resulted in a conviction (see table 28). Identifiable child sex offences and other sexual offences resulted in similar rates of conviction (70.0% and 69.3% respectively), whereas significantly fewer convictions were recorded for rape (49.6%).

TABLE 28. Trial outcomes (1994–97)

Offence	ODPP appearances							
	Convicted		Not convicted		Missing data		Total	
	No.	%	No.	%	No.	%	No.	%
Identifiable child sex offences	851	70.0	223	18.4	141	11.6	1,215	100
Rape	192	49.6	110	28.4	85	22.0	387	100
Other sexual offences	260	69.3	70	18.7	45	12.0	375	100
Total sexual offences	1,303	65.9	403	20.4	273	13.8	1,977	100

Data source: ODPP

Not surprisingly, virtually all accused who pleaded guilty were found guilty — this was the case for 98.8 per cent of those accused of childhood sexual offences, 100 per cent for those accused of rape, and 97.5 per cent of those accused of other sexual offences. In the few cases where the accused pleaded guilty but was acquitted, there was an order for probation without a formal conviction being recorded.

Just under half of the accused who pleaded not guilty were found guilty. This appears to be a consistent pattern across each type of offence. Of those who pleaded not guilty of child sexual offences 43.2 per cent were found to be guilty, 40.4 per cent of those who pleaded not guilty of rape were found to be guilty and 47.2 per cent of those who pleaded not guilty of other sexual offences were found to be guilty (see table 29).

TABLE 29. Appearance outcomes for sexual offence prosecutions — ODP data (1994–97)

Offence and plea	ODPP appearances			Total
	Number (%) convicted	Number (%) not convicted	Number (%) missing outcome data	
Identifiable child sex offences				
Guilty	683 (98.8%)	3 (0.4%) ¹	5 (0.7%)	691 (100.0%)
Not guilty	158 (43.2%)	80 (21.8%)	128 (35.0%)	366 (100.0%)
Missing plea data	10 (6.3%)	140 (87.5%) ²	10 (6.3%)	160 (100.0%)
Total	851 (69.9%)	223 (18.3%)	143 (11.6%)	1,217 (100%)
Rape				
Guilty	106 (100.0%)	0 (0.0%)	0 (0.0%)	106 (100.0%)
Not guilty	84 (40.4%)	41 (19.7%)	83 (39.9%)	208 (100.0%)
Missing plea data	2 (2.7%)	69 (94.5%) ²	2 (2.7%)	73 (100.0%)
Total	192 (49.6%)	110 (28.4%)	85 (22.0%)	387 (100.0%)
Other sexual offences				
Guilty	199 (97.5%)	4 (2.0%) ¹	1 (0.5%)	204 (100.0%)
Not guilty	59 (47.2%)	23 (18.4%)	42 (33.6%)	125 (100.0%)
Missing plea data	2 (4.5%)	43 (97.7%) ²	0 (0.0%)	44 (100.0%)
Total	260 (69.7%)	70 (18.8%)	43 (12.1%)	373 (100.0%)
Total sexual offences	1,303 (65.9%)	403 (20.4%)	271 (13.8%)	1,977 (100.0%)

¹ In some cases the accused pleads guilty but is acquitted. Mostly, these anomalies can be explained by the order of probation without a conviction being recorded.

² In many cases where the plea data were missing and the outcome was recorded as an acquittal, the case had been withdrawn either by nolle prosequi, no true bill or the death of the accused (i.e. the accused had not been required to make a plea). It is difficult to estimate the exact proportion of these cases because most of these data were missing.

Data source: ODP

Based on the ODP coding of whether the complainant was an adult or a child at the time of the offence, it appears that slightly more perpetrators of offences against children were found to be guilty (68.8%) than perpetrators of offences against adults (60.0%). However, 12.5 per cent of the child outcome data and 16.5 per cent of the adult outcome data were missing, and this could account for the difference between these figures (along with the potential for misclassification of age at the time of the abuse, as mentioned previously).

We mentioned in section 3.4 of this report, that the higher court data for ‘indecent dealing with a child under 16 years’ revealed that the majority of non-convictions were due to a ‘nolle prosequi’ or ‘no true bill’ rather than a finding of ‘not guilty’ by a jury. Table 30 lists the outcomes of all sexual offence cases dealt with by the ODPP. Of the 20.4 per cent of cases found not guilty, a significant proportion was due to a ‘nolle prosequi’ or ‘no true bill’ (18.7% of all cases or 91.9% of all cases found not guilty). While these data suggest that very few acquittals were due to a jury verdict, comparisons with the courts data suggest that it is highly likely that the cases with missing outcome data (n = 271) were probably acquittals that had not been recorded appropriately. If this were so, 13.8 per cent of the outcomes could be classified as acquittals.

Of those who were found guilty, most were imprisoned or received a suspended prison sentence (49.4% of all cases or 75% of those found guilty). Fewer received probation (9.5% altogether), recognisance (3.1%), Community Service (2.9%), or a fine (0.9%).

TABLE 30. Appearance outcomes for sexual offences — ODPP data (1994–97)

Outcome		Type of outcome	Cases	
			No.	%
Not guilty		Nolle	318	16.1
		No true bill – withdrawn	52	2.6
		Jury discharged	14	0.7
		Hung Jury	7	0.4
		Indictment quashed/stayed	3	0.2
		Acquitted	1	0.1
		Directed verdict	8	0.4
		<i>Subtotal</i>	<i>403</i>	<i>20.4</i>
Guilty	Imprisoned	Imprisoned	769	38.9
		Imprisoned – suspended sentence	192	9.7
		Detention	14	0.7
		Detention suspended	1	0.1
		Sentence adjourned	1	0.1
		<i>Subtotal</i>	<i>977</i>	<i>49.4</i>
	Probation	Probation (with & without conviction)	182	9.2
		Juvenile good behaviour order	1	0.1
		Intensive correctional order	5	0.3
		<i>Subtotal</i>	<i>188</i>	<i>9.5</i>
	Fine	Fine	18	0.9
	Recognisance	Recognisance	61	3.1
	Community service	Community service	57	2.9
	Other	Convicted	2	0.1
	Missing data			271
Total			1,977	100.0

* While these data suggest that very few not guilty outcomes were due to a jury verdict, comparisons with the court data suggests that it is highly likely that the cases with missing outcome data (n=271) were probably acquittals. If this were the case, 13.8% of the outcomes could be classified as acquittals.

Data source: ODPP

4.5 Summary: ODPP data

- The limitations of the ODPP data are similar to those of the police and courts data: considerable missing data and coding inaccuracies make interpretation difficult. It is disappointing to note, however, that this database has been abandoned altogether as this is a serious loss.
- Between 500 and 600 sexual offences, on average, are processed by the ODPP every year: indecent treatment of a girl, rape and indecent assault are the most common offences (about 70% of all cases).
- Overall, about half of the defendants between 1994 and 1997 pleaded guilty. Similar levels of guilty pleas were found for identifiable childhood sexual offences (55.8%) and other sexual offences (54.1%), but significantly fewer offenders accused of rape pleaded guilty (28.3%).
- About 66 per cent of all cases resulted in a conviction. Similar rates of conviction were noted for identifiable child sexual offences and other sexual offences (70.0% and 69.3% respectively), but significantly fewer convictions were recorded for rape (49.6%).
- Just under half of those who pleaded not guilty (43.6% on average) were found guilty.
- Slightly more persons accused of offences against children were found guilty (68.8%) than those accused of offences against adults (60.0%).
- Most accused who were convicted were imprisoned or received a suspended prison/detention sentence.

Part 5: Summary and recommendations

5.1 Implications of the data

Data quality

On the one hand, data collection procedures *are* in place to collect important information on sexual offences reported to the police, on the actions of the courts in processing offenders accused of these crimes, and by the ODPP who conduct these cases (although this database has been discontinued). Without these data, there would be no story to tell — we are grateful that such data exist and that they were readily provided to us by the organisations that collect and control them. On the other hand, the analyses undertaken for this report have clearly uncovered some inadequacies or weaknesses in the quality of the data, which limit their integrity (although this will come as no surprise to the organisations themselves).

Unfortunately, a lack of recognition of the potential usefulness of such data has traditionally restricted resourcing, and this has had a very direct impact on the quality of the systems in place. An important shift in recognition is required — after all it is this kind of information that identifies *who* is using *what*, *where* and *when* and for *how long*. Accurate and comprehensive data should be used to guide the development of interventions (of both a preventive and secondary nature) and the provision of services. Such data can also be enormously helpful for guiding the future directions of the organisations involved and how these organisations interact. For example, at the moment, it is not possible to track the progress of crimes, victims, offenders or their outcomes across organisations; while tracking may be possible on a case-by-case basis, it is far too time consuming and expensive to be worthwhile on a routine basis.

Analytical findings

Historically, sexual assault (like domestic violence) has been a hidden crime, rarely reported by the victims to family and friends, let alone to the police. Yet a shift in societal attitudes over the past decade seems to have encouraged victims to come forward to seek justice. This is evidenced by the dramatic rise between 1994 and 1996 in the number of victims reporting these offences. The data also suggest that:

- the majority of complainants of sexual abuse are female, although more male complainants are coming forward to report abuse
- the majority of complainants of sexual abuse were children at the time of the abuse
- most victims delay reporting their abuse (sometimes for many years), particularly if the offender is known to them and/or the abuse has been severe
- more victims are reporting abuse that happened to them a long time ago; particularly complainants who were children at the time of the abuse
- while most offenders of sexual abuse are committed for trial or sentencing by the Magistrates Courts to the higher courts, less than a half of these appearances result in a conviction. Sexual abuse cases have a significantly lower conviction rate than most other types of offences (particularly for rape) — a factor that may well discourage victims from pursuing their complaint through the legal system.

5.2 Where do we go from here?

Data quality and data linkage

Clearly, there is a need for increased recognition of the importance of data quality, and for funding to be allocated to ensure that quality systems are in place.

At a recent conference on Children and Crime (AIC 1999), Julie Harcourt of the Queensland Children's Commission identified the paucity of data-tracking mechanisms across agencies (such as the police, the ODPP and the court systems). These deficiencies, she pointed out, place severe limitations on our ability to provide accurate empirical measures of the state of crime, the operation or effectiveness of the systems and the impact of policies or policy change. They also make local, state and regional comparisons difficult. For example, as discussed earlier, it is not possible to quantify attrition rates at any stage of the legal process, or to identify when or how changes in pleas or charges occur, or to suggest reasons for the vulnerability of certain cases that lead to their withdrawal.

Harcourt developed a clear argument for the establishment of a central collection agency, which receives and stores on a single system, identified unit record data from the police, courts and ODPP. This system should uniquely identify the child and the incident and/or the offender numerically so that the matter can be tracked across agencies. Harcourt also suggests that other information, such as indicators of social well-being, may also be collected at varying intervals along with the mandatory data to facilitate detailed cross sectional and longitudinal research on child victims' involvement with the criminal justice system in Queensland. Such a database could provide important correlates of the individual, situational and social factors impacting on children within the criminal justice system locally, and be in line with national and international expectations for the monitoring of children's issues.

Similar systems could be introduced for all victims of crime. It is very important that cases can be tracked from their first contact to their final outcome to establish:

- what happens to each case
- what affects the outcome of each case
- what can be done to improve rates of conviction
- the overall impact of the criminal justice system on the victims and/or offenders, both in the short and long term.

Analytical findings

Those victims of sexual assault who report to the police are still in the minority. According to crime-victims surveys, as few as 30 to 50 per cent of victims of any offence will report it. For the case of sexual assault, this is likely to be significantly less. Unless victims report the offence, it is impossible to have a true understanding of the extent of the problem and the resources that will be required to cope with it.

The extent to which the processes and consequences of reporting (such as police procedures, court delays, the potential for the intimidation of witnesses) influence whether a victim will report an incident (and how long he or she will wait to do so) needs to be established. Recent media coverage and political activism has begun to highlight some of the inadequacies in the system. This line of inquiry should continue and changes pursued vigorously.

Other issues highlighted by the data also need to be addressed. Current conviction rates, particularly for rape, appear to be lower than for other types of offences. While the reason for this needs to be

investigated thoroughly, higher conviction rates would clearly impart a different message to victims and would probably encourage higher reporting rates.

The consistency in the proportion of convictions and acquittals by the Magistrates and higher courts each year also warrants further investigation: *Do prosecutors explicitly aim to reach specific rates of carrying cases forward and obtaining convictions?* (Cross, Whitcomb & De Vos 1995 p. 1440). In addition, the decisions made by prosecutors to prosecute (that is, the processes that occur between reporting to the police and proceeding into the court system) deserve more study than has yet been received: *More information is needed on what happens to children and families when cases are declined for prosecution or plea bargaining* (Cross, Whitcomb & De Vos 1995, p. 1441). We also need to know what happens at the next stage before the trial begins. What are the reasons for the high rates of ‘nolle prosequi’ and ‘no true bill’? How does this procedure affect the complainant?

It was the intention of this report to:

- document and interpret the current status of sexual assault data within the Queensland criminal justice system; and
- critically review this data in the light of *who* reports sexual offences, *when and how* the system responds, and *what* the long-term effects of this response might be.

We look forward to the next step.

Appendix: QPS definitions of sexual offences

<p>Sexual assaults. Sexual assault is the physical assault of a sexual nature directed against another person where that person: does not give consent; or gives consent as a result of intimidation or fraud; or is legally deemed incapable of giving consent because of youth or temporary/permanent incapacity. Generally includes: rape/sexual assault/sodomy where penetration applies to either the vagina or anus by any part of the human body or by any object; incest; sexual assault consent proscribed (e.g. carnal knowledge; unlawful sexual intercourse); indecent assault; assault with intent to commit rape or commit unnatural offence. ‘Carnal knowledge’ is defined as sexual intercourse. Attempts, aid and abet, conspiracy to, or accessory before the fact to an offence are classified to the relevant offence group, with the exception of attempted rape. These groups are ordered hierarchically, with sexual assaults taking precedence over other sexual offences.</p>		
Crime Class	Title	Explanation
1361	Rape*	Any person who has carnal knowledge of a female without her consent or with her consent if obtained by force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false or fraudulent representations as to the nature of the act, or, in the case of a married woman, by impersonating her husband, is guilty of a crime called rape. Penetration of the vagina by the penis must have occurred; therefore a man cannot be raped.
1362	Attempted rape*	The attempt to rape a woman without succeeding, whether through any act or omission. Does not include assault with intent to commit rape (see 1365).
1363	Indecent assault of adults	‘Adult’ means a person of or over the age of 17 years. ‘Indecent assault’ is an assault accompanied with indecency. The word ‘indecency’ has no legal definition but in general means anything that is unbecoming or offensive to common propriety; includes defile by threat, fraud, drugs (including alcohol).
1364	Indecent assault on children	In cases of children under the age of 16, if there is touching which is in itself indecent, it is indecent assault, however willing the child may be. Includes: carnal knowledge by anal intercourse of any person not an adult; permit a male person not an adult to have carnal knowledge of him or her by anal intercourse; defile by threats, fraud, drugs (including alcohol); without legitimate reason, wilfully expose a child under the age of 16 to any indecent object or indecent film, videotape, audiotape, picture, photograph or printed or written matter; wilfully expose a child to pornography; without legitimate reason, take any indecent photograph or record, by any means of any device, any indecent visual image of a child; indecent treatment of children under 16.
1365	Assault with intent to commit rape	An assault committed on a woman with the intention of committing rape. Does not include attempted rape (see 1362).
1366	Indecent assaults (other)	For example, to take away by force or fraud, or to detain, against his will, any male for the purpose of sexual intercourse.

* Changes in the *Criminal Law Amendment Act, 1997* reclassified these offences to include males as possible rape and attempted rape victims.

<p>Sexual offences (Other). Includes any sexual act that: does not constitute a physical assault involving bodily contact against another person (e.g. lewdness; wilful/indecent exposure; gross indecency); does not constitute an assault because it is consensual (e.g. consensual intercourse with an underage female) unless consent is proscribed; is not committed against a human being (e.g. bestiality). A person engages in a sexual act if the person:(a) allows a sexual act to be done to a persons body; or (b) does a sexual act to the person's own body or the body of another person; or (c) otherwise engages in an act of an indecent nature with another person. Applies equally to males and females; and is not limited to sexual intercourse or acts involving physical contact. Attempts, aid and abet, conspiracy to, or accessory before the fact to an offence are classified to the relevant offence group.</p>		
Crime class	Title	Explanation
1371	Unlawful carnal knowledge	Carnal knowledge is the penetration of the slightest degree of the vagina by the penis. It is unlawful to have carnal knowledge with a girl under the age of 16. The difference between rape and carnal knowledge is that rape must include a lack of consent from the underage female. Includes carnal knowledge contrary to nature, by false pretences, under specified age.
1372	Incest	Sexual intercourse of a man with a woman known to be his grand-daughter, daughter, sister, half-sister or mother. It is an offence for a woman of the age of 16 or over to permit a man whom she knows to be her grandfather, father, brother, half-brother or son to have sexual intercourse with her consent. This holds true whether or not the relationship is through lawful wedlock.
1373	Sexual offences - consent proscribed (other)	Includes: permit carnal knowledge contrary to nature; defilement of an idiot; abuse of intellectually impaired persons; permit defilement of a young girl; defilement by guardian.
1391	Bestiality	Sexual intercourse by any means with an animal. The term 'animal' includes any living creature other than humankind.
1392	Indecent practices between males/gross indecency	Includes: consensual homosexual acts between male adults n.e.c. The term 'adult' means a person of or above the age of 17 years.
1393	Wilful obscene behaviour	Includes: exposing genitals, if with the intent to insult or offend; masturbating in public; 'flashing'; wilful indecent exposure.
1394	Sexual offences (other)	Any sexual offence involving children who cannot be identified (Child Exploitation Investigation or Sexual Offenders Unit); unlawful or attempted sodomy; owner etc. permitting abuse of children on premises; procuring young person etc. for carnal knowledge; procuring sexual acts by coercion; taking a child for immoral purposes; conspiracy to defile; maintaining a sexual relationship with a child; all other sexual offences n.e.c.

Source: Expert Support Unit, QPS, CRISP Manual Appendices

References

Australian Bureau of Statistics (ABS) 1999, *Crime and Safety Australia*, Canberra.

ABS, *National Crime Statistics Manual*.

Crime Prevention Committee 1995, *Combatting child sexual assault: An integrated approach*, Inquiry into sexual offences against children and adults, First Report, L.V. North Government Printer, Melbourne.

Cross, T.P., Whitcomb, D. & De Vos, E. 1995, 'Criminal justice outcomes of prosecution of child sexual abuse: A case flow analysis', *Child Abuse and Neglect*, vol. 19, no. 12, pp. 1431–1442.

Harcourt, J. 1999, 'From changes to finalisations: The need for tracking data across the legal process for cases involving child complaints', *Children and Crime Conference*, Australian Institute of Criminology (AIC), Brisbane.

Petrakis, V. & O'Connor, C. 1999, *Rockspider: The danger of paedophiles — untold stories*, Hybrid Publishers, Melbourne, Victoria.

Queensland Crime Commission (in press), Project Axis Discussion Paper.

Queensland Police Service, *Statistical Review 1997–1998*, Brisbane.