Investigating and detecting recorded offences of rape

Andy Feist
Jane Ashe
Jane Lawrence
Duncan McPhee
Rachel Wilson

Home Office Online Report 18/07

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

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Executive summary

Background and method

- This report summarises the findings of a study of attrition in reported offences of rape of a female in England and Wales in 2003/04. It was designed to explore several aspects around the detection and conviction of rape cases: the reasons behind the decline in recorded detection rates for rape since 1997; why marked variations in detection rates exist in different forces; and what factors best predict whether a recorded offence gets to court and results in a conviction.

- The study was conducted in eight forces in England and Wales. Forces were selected to reflect the range of reported detection rate performance: three forces were selected on the grounds of having high detection rates for rape; two forces were selected for generally low detection rates. Three forces were selected because they featured in a previous comparable study of rape attrition. The intention was to collect a random sample of 100 initially crimed rapes of females (all ages) recorded by the police in 2003/04 in each force area. For each case, the police and Crown Prosecution Service case file was retrieved and coded. In total, data on 676 cases were collected.

The nature of the sample

- Amongst crimed offences, victims aged between 16 and 25 accounted for the largest single group (42%) and the single most common age at which victims were assaulted was 16. In total, 40 per cent of victims aged 16 and over were unemployed at the time of the offence; 17 per cent of all victims were considered 'vulnerable' as defined by the Youth Justice and Criminal Evidence Act 1999. Eight per cent of all crimed offences involved an offender who had sexually assaulted another victim and that offence was currently (or had been) subject to a police investigation (11% of offences where an offender was known). Seven per cent of offences involved more than one offender.

- In terms of victim-offender relationship, stranger rapes accounted for 14 per cent of all crimed cases. Just over one-quarter of offences had been committed by acquaintances of the victim, while just over one-fifth involved assaults by partners or ex-partners. Parental figures or relatives accounted for 15 per cent of offences.

- Over two-thirds of offences took place in the victim's home, the suspect's home or the victim/suspect shared home. More than half of crimed offences took place between Friday and Sunday, although Tuesday was the most common day of report. Just under three in ten offences took place between midnight and 00.59. Amongst victims aged 16 and over, just fewer than four in ten had drunk some alcohol prior to the offence.

- According to information held in the case files, three in ten victims were subject to specific physical or emotional threat during or prior to the assault. One-third of victims were described as being physically injured as a result of the assault.

Reporting and investigating

- Just under half of all crimed offences were reported to the police by someone other than the victim; the victim's parents reported the rape in 14 per cent of offences. Just under one-third of offences were reported more than one week after they took place; less than half were reported on the same day.

- A victim undertook a forensic medical examination in just over half of all crimed offences. Where the case indicated why an examination had not taken place, the most common reason given was the length of time between offence and report (60% of cases with no examination) while in a quarter of such cases the victim did not want to be examined. Details of the victim's medical history were obtained by the police or prosecution in one in ten offences.

- In terms of what factors initially linked a suspect to the offence, by far the most important was naming of the suspect by the victim (two-thirds of offences). Suspects were arrested in two-thirds of all offences. Apart from a failure to identify a suspect (11% of the full sample) and eight cases where a known suspect could not be located, the reasons for no arrest were a combination of the victim withdrawing before an arrest could be made (6% of the full sample) or the victim not wishing to make a formal complaint.

Attrition of cases through the criminal justice system

- Of the original sample of 676 cases, 15 per cent were no crimed. Once adjusted for inappropriate no crimes, eight per cent of the original sample was identified by the police as false allegations (the majority through the victim's admission that this was the case).

- Around seven in ten cases were lost from the system between an offence being crimed and charges being brought. Amongst crimed cases that did not result in a charge, withdrawal of the complaint by the victim and insufficient evidence were the most common reasons identified for not charging (35% and 40% respectively).

- The sanction detection rate for the sample as a whole was 30 per cent. In total, 72 offences resulted in a conviction, which equates to a conviction rate of 13 per cent. This is higher than the figure that tends to be cited as the rape conviction rate (6%) because it includes convictions for lesser offences such as indecent assault. Convictions for lesser offences accounted for just over half of all convictions.

- Not guilty pleas were offered in two-thirds of cases that got to Crown Court. Of those cases where the defendant initially pleaded not guilty to all charges, two-fifths ultimately resulted in a conviction.

- Some of the variation in sanction detection rates between forces was due to different degrees of adherence to Home Office Counting Rules (two forces in relation to no criming and one in relation to the counting of charges). Once adjustments were made for all Counting Rules issues, two forces were found to have statistically significantly higher adjusted conviction rates than three low conviction rate forces.

Victim withdrawal

- The victim withdrew support for the criminal justice process in 39 per cent of crimed cases. Most of these took place in the police investigation stage; only ten per cent of withdrawals took place post-charge. The two most frequently cited reasons for victim withdrawal were not wishing to go through the investigative or court process and the victim 'wanting to move on'; each of these reasons accounted for 20 per cent of withdrawals in cases where the reason for withdrawal could be ascertained from the case files.

- The data were analysed to establish which factors best predicted whether or not a victim would withdraw or not. Characteristics which predicted significantly whether or not a victim would withdraw included: time between offence and report (victims

reporting on the same day more were likely to withdraw than those reporting later); whether the offence was linked to another investigation of a sexual offence (linked offence victims less likely to withdraw); whether the victim was injured (injured victims were less likely to withdraw); victim-offender relationship; and, the police force area in which the offence took place.

- For victim-offender relationship, victims assaulted by parents/relatives, acquaintances, or strangers were significantly less likely to withdraw than victims assaulted by partners or ex-partners.

- The range of significant predictors of victim withdrawal suggests that both the individual's own wishes *and* the influence of police and prosecutors can influence the decision of the victim to withdraw. Since police force area was found to be a significant predictor of victim withdrawal, the implication is that some forces are more successful than others at reducing the likelihood of a victim withdrawing, once controlling for other factors.

Factors associated with a case progressing through the criminal justice system

- To establish which case or victim characteristics best predicted whether an offence would get to court or result in a conviction, logistic regression was used. The approach was applied using different outcomes (getting a case to court or getting a conviction) and different victim groups. For the main analyses, five variables were identified as significant predictors of getting a case to court and for conviction (for all victims and adult victims only). These were: that the assault was linked to sexual offence against a separate victim; the victim's medical history was obtained; the offender threatened the victim; forensic evidence was recovered; and, where witnesses were present. The presence of any of these variables increased the odds of an offence resulting in getting to court and resulting in a conviction.

- If an offence which was linked to investigations of sexual assault against a different victim, this significantly increased the odds of a conviction for all victims and victims aged 16 and over. Although only seven per cent of crimed offences were linked to a sexual offence against a different individual, these offences were present in one-third of successful convictions.

- Obtaining the victim's medical history as part of the investigation was found to be a significant predictor of conviction for all victims and for victims aged 16 and over. The medical history of the victim was obtained in less than ten per cent of the crimed sample, but was present in 38 per cent of successful convictions.

- Police force area was found to be a significant predictor of getting a case to court (all victim and adult victim offences), and for convictions in adult victim cases. Although this finding might be expected given the way in which forces were selected, it does suggest that, for some of the forces covered in the study, differences in case outcomes were likely to reflect variations in the way forces are dealing with their rape cases.

- Time between offence and report was a significant predictor of getting a case to court *for adult victims only*. Victims aged 16 and over who reported the same day as the offence had significantly higher odds of their case getting to court than those reporting a day or more after the offence. This finding suggest that while outcome is sensitive to swift reporting by adult victims, case outcome for younger victims is less influenced by time between offence and report.

Change over time

- The data for two of the sample forces which featured in a previous study (Harris and Grace, 1999) were subject to more detailed examination to identify the extent of change in detection and conviction rates, once adjustments were made for the impact of the introduction of Counting Rules guidance on detections in 1999 and the National Crime Recording Standard (NCRS) in 2002.

- Although the small sample size means that the findings need to be treated with caution, once adjustments were made for the impact of NCRS on no criming and the effect of tightening of the rules for claiming of non-sanction detections, neither of the two sample forces was found to have significant reductions in their sanction detections between 1997 and 2003/04. No significant differences were detected between the proportion of adjusted offences resulting in a case getting to court or a conviction (including convictions for lesser offences).

Issues for practitioners

- *The police response to rape and victim withdrawals*

  For some forces in the sample, variations in the likelihood of getting a conviction were not simply a reflection of the type of cases a force deals with, or differences in recording practice. These differences were likely to reflect how rapes were being dealt with in different force areas.

  Furthermore, within the eight forces, withdrawal rates were found to be negatively correlated with adjusted conviction rates. Although the relationship was not perfect, forces with low odds of withdrawal generally had adjusted high conviction rates. A general premise might be that minimising victim withdrawal through appropriate victim care, aside from being an important objective in its own right, may be one of a number of factors that influence case outcomes at a local level. Mechanisms to minimise victim withdrawal (through improved victim care, communication, tackling victim concerns over fear and reprisal, and so on), may well pay dividends in terms of increasing the number of victims getting to court and the number of subsequent convictions.

- *Time between offence and report*

  The general message to victims is still to report all and any offences, but particular encouragement should be given to adult victims to report as soon as possible after an offence to increase the likelihood of a positive outcome. If victims feel unable to report an offence to the police, rapid self referral to a Sexual Assault Referral Centre (or a GP) may help to secure evidence which can be used to corroborate the victim's account should she decide to report it formally at a later stage (see below in relation to victim's medical history).

  At the same time, even if an offence took place a long time ago, victims should be encouraged to report to the police. This is particularly the case for victims assaulted whilst under 16 years of age, for whom there was no significant reduction in the odds of getting an offence to court compared with offences reported more recently.

- *Victim's medical history*

  The statistical importance of this variable suggests that, in that minority of cases where the specific context of the crime means that the medical history contains important corroborative material, this type of evidence offers powerful testimony to prosecutors and jurors, either in terms of demonstrating a victim's vulnerability or, more particularly, providing corroborative evidence of the extent and timing of a victim's injuries.

- *Offence linked*

  The statistical importance of the 'offence linked' variable in predicting successful outcomes suggests that putting more effort into building up a full and detailed picture of the offending profile of offenders may yield benefits. Both the legislation around the use of bad character evidence and the introduction of cross-border intelligence systems (such as IMPACT) are likely to assist in this respect.

- *Other issues*

  There is some tentative evidence that use of Specially Trained Officers and more extensive use of case file reviews may contribute to improved outcomes.

1. Introduction and methodology

Concern about various aspects of the investigation and prosecution of rape cases continues to be an important theme within debates about law and order. After homicide, rape is widely considered to be the most serious of offences. In recent years, these concerns have intensified as a result of both an increase in the number of offences recorded by the police and a reduction in the recorded detection rate for rape.

Attrition in rape cases through the criminal justice system and the investigation of rape offences has already been the subject of extensive study both in the UK and overseas. Two Home Office studies were undertaken on attrition in reported rape cases during the 1990s (Grace, Lloyd and Smith, 1992, Harris and Grace, 1999). Lees and Gregory (1996) undertook a study based on recorded rapes, attempted rapes and indecent assaults reported to three London police stations between 1988 and 1990. There have been more recent studies by Lea, Lanvers and Shaw (2003) and Kelly, Lovett and Regan (2005). While the two Home Office studies and Lees and Gregory both used police case files as the main source of their data, Lea *et al.* (2003) and Kelly *et al*. (2005) adopted slightly different approaches. Lea *et al.* (2003) was based around reported offences in a single constabulary required investigating officers to fill out a *pro forma* relating to rapes they had investigated, having first identified relevant cases on the force intelligence system. Kelly *et al*. (2005) analysed the progress of cases held on the St Mary's Sexual Assault Referral Centre database and also undertook prospective case tracking exercises of reported cases. In addition, a joint inspection by Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSi) covered rape investigation (2002); this has been followed up by a reinspection (HMIC, 2007): both included some case file data and analysis. As well as 'classic' studies of attrition, other researchers have taken different analytical approaches to the process of investigation and detection. Chambers and Millar (1983) undertook a detailed descriptive study of the nature of rape investigations in Scotland. The prosecution of rape cases has also generated a substantial amount of research in North America and Australia and these studies are drawn upon in later sections. For a comprehensive review of the US research literature up to the mid-1990s, see Bryden and Lengnick (1997).

The original impetus for this study was a particular concern about the reduction in recorded detection rates for all sexual offences in England and Wales since 1997. Between 1997 and 2003/04, detection rates[1] for sexual offences fell from 76 per cent to 39 per cent. Sanction detection[2] rates for this offence category fell from 56 per cent in 1997 compared to 32 per cent in 2003/04 (the last strictly comparable year in terms of the definition of sexual offences – in May 2004, the Sexual Offences Act changed the categorisation of sexual offences). This trend has been mirrored by a reduction in the detection rate for rape of a female. Overall detection rates (i.e. sanction and non-sanction) for rape fell from 78 per cent in 1997 to 31 per cent in 2003/04. These declines in detection rates have, inevitably, caused considerable public and policy concern. Alongside the reduction in detection rates there has been by a marked increase in recorded rapes (of a female), up from 6,281 in 1997 to 12,354 in 2003/04 (an increase of 97 per cent) (figures taken from Harris and Grace (1999) and Thomas and Feist, (2004)).

A second prompt for the research has been the increasing policy focus on measuring police performance. Since 2004 the Police Performance Assessment Framework (PPAF) has been

[1] In England and Wales an offence is detected if it meets the following criteria: a notifiable offence has been committed and recorded; a suspect has been identified; there is sufficient evidence to charge the suspect; and, the victim has been informed that the offence has been cleared up. Detections divide into sanction and non-sanction detections. The detailed definition of a sanction detection is given in footnote 2. A non-sanction detection can be claimed when an offence is cleared up but no further action is taken. This can occur if: the offender, victim or essential witness is dead or too ill; the victim refuses or is unable to give evidence; the offender is under the age of criminal responsibility; and police or the CPS decide no useful purpose will be served by proceeding.

[2] Offences that result in a charge/summons, a caution, a fixed penalty notice or a formal warning for cannabis possession.

introduced as a standardised template to assess police performance (mainly across different force areas). Although the key indicator for the 'investigating crime domain' within PPAF is *overall* sanction detection rates, the increasing focus on comparative force performance has brought with it greater scrutiny of force variations in detection rate at the individual offence level (and particularly so for serious offences). Within rape, and sexual offences more generally, the pattern of detection rates across forces has been found to be far from uniform. A handful of forces appear to achieve high sanction detection rates from year to year; other forces repeatedly achieve low detection rates. For example, in 2003/04, excluding the City of London and British Transport Police, sexual offence detection rates ranged from 26 per cent to 80 per cent (Thomas and Feist, 2004). And although some of these differences in detection rates become less exaggerated when non-sanction detections are excluded, the differences are, nonetheless, marked. The existence of these force level variations inevitably raises questions about the factors that underpin them. Do the variations reflect fundamental differences in the population of rape victims in different areas, continued differences in recording practices or genuine differences in the nature of investigative processes? In designing this project, it was, therefore, decided that the study should aim to explore why detection rates appeared to vary widely across different forces.

A third objective, closely related to understanding more about why detection rates vary by force area, was to improve understanding of those characteristics in offences and investigations which are central to an offence getting to court and resulting in a conviction. While previous attrition studies have generated a lot of descriptive information around establishing the key points in the attrition process, the nature of police investigations and the characteristics of lost and retained populations, only a handful of UK studies have successfully used logistic regression to identify the key factors in predicting case outcomes (although these approaches have been more common outside the UK: cf. McGregor, Du Mont and Myhr, 2002; Fitzgerald, 2006; Briody, 2002; Spohn and Holleran, 2001).

Aims and objectives

In sum, the study aimed to address the following main questions.

- What factors have contributed to the decline in recorded detection rates for rape of a female, 1997-2003/04?
- What factors explain variations in force detection (and conviction) rates in rape?
- What factors best predict whether an offence will get to court or result in a conviction?

It was decided at an early stage that rape of a female would be the focus of the research to allow closer comparison with previous attrition studies (principally, Harris and Grace, 1999).

Some issues around interpreting trends in rape detections

Providing meaningful interpretations of temporal changes or geographical variations in detection rates is generally difficult to undertake. Temporal changes in 'headline' detection rates are, for instance, influenced by the nature of the crimes that make up the 'population of offences'. This concept – commonly referred to as 'crime mix' – is well-established as a factor influencing changes in overall detection rates over time (see for instance, Thomas and Feist, 2004). For instance, a shift towards 'self-detecting crimes' such as drugs offences and away from low detection rate property crimes will influence the overall detection rate (the higher the proportion of self-detecting or easier-to-detect crimes, the higher the overall detection rate). The concept of 'crime mix' is also evident *within* crime types. This is particularly true of crime types which in effect are made up of many different subcategories of offence (such as rape and robbery). Smith (2003) found certain types of personal robbery were more frequently cleared up than others. Furthermore, crime mix issues may also be influential in determining the geographical (i.e. force-wide) variations in detection rates.

A second general problem over comparing detection rates is the extent to which changes to guidance and standards around the recording of crimes and detections can influence those

rates. As explored in Chapter 7, there have been important changes in the ways both crimes and detections have been recorded since 1997, which, in tandem with the introduction of National Crime Recording Standard (NCRS), appear to have influenced the headline detection rates. The extent to which forces comply with the rules for counting offences and detections may also play a part in explaining force area variations in detection rates.

General approach

The general approach used in this study has been to collect information from police case files for a sample of rape offences initially crimed by the police. The sample was selected retrospectively. This approach was adopted by Harris and Grace (1999) in their study of attrition in rape and has been applied successfully to less serious offences (Burrows *et al.* (2005) study of attrition in volume crime). Since it was important for the study to explore change over time, Harris and Grace's assessment of rape attrition in England and Wales (1999) provided an important source of comparative data. Consequently much of the overall approach 'borrowed' or enhanced elements of the original Harris and Grace study.

There is no national register of recorded rape offences. There would have been some benefits to constructing a national list by contacting all 43 English and Welsh forces and drawing from this a fully random national sample of cases. In doing so, it would have been possible to generate inferential statistics about the nature of rape offences and investigations nationally. To learn much about the factors that lead to variations in force practice, such an approach would necessitate a very large simple random (or stratified) sample of cases to be drawn (and this would have been extremely costly). Furthermore, a random sample would have incurred high data collection costs and potentially involved complicated data protection and data collection arrangements being put in place with all 43 forces in England and Wales.

To best meet the specific aims of the study, a cluster sampling approach was finally adopted. Eight forces were selected to provide case files. Two forces were selected because they had lower than average rape of a female detection rates in 2002/03 and 2003/04; two forces were selected because they had higher than average rape of a female detection rates over the same period. Three forces were selected on the grounds that they were covered in the original Harris and Grace (1999) study. Originally, it had been hoped to add a fourth force from Harris and Grace's five but in the end this did not prove to be possible; a final urban force, with average to high detection rates, was selected for inclusion in the study. Together these eight forces accounted for just over two-fifths (42 per cent) of all rapes offences in England and Wales in 2003/04.

Sample selection

Each force was asked to provide a full list of all rapes of a female, irrespective of victim age, initially recorded as crimes in 2003/04. The concept of 'initially recorded' rapes needs some amplification. The list covered all rapes *recorded as a crime under Home Office Counting Rules* between 1 April 2003 and 31 March 2004. The offence could have taken place at any point in the past, so long as it was reported and subsequently recorded as a crime during this time period. 'Initially recorded crimes' also include offences that were subsequently no crimed. Under NCRS guidance, offences can be no crimed for one of four reasons: where, following the report of an incident, additional verifiable information becomes available that indicates that no offence took place; the crime is recorded in error; the offence took place in another force area; and if the crime, as alleged, constitutes part of a crime already recorded. The issue of no criming an offence is dealt with extensively in Chapter 4 (much of the analysis in Chapters 2 and 3 excludes no crimes from the sample and deals simply with crimed cases).

Female victims only were selected to make the study more closely comparable with attrition studies undertaken in the 1990s. The choice of 2003/04 as the reference year was made on the grounds that most rapes recorded in this year would have concluded their progression through the criminal justice system by the time data collection began in the summer of 2005. Selecting from this period did, however, mean that offences would not reflect changes in the definition of rape arising from the Sexual Offences Act 2003 (introduced in May 2004), more

recent advances in policy and practice (for instance the widespread introduction of Sexual Assault Referral Centres [SARCs]), or the move towards statutory charging. The process of moving towards statutory charging (whereby the Crown Prosecution Service (CPS) are responsible for taking the decision to charge an offender, rather than the police) had only been rolled out in *some* basic command units (BCUs) within *some* forces in the sample during 2003/04. Overall, only 21 per cent of cases were in areas which at the time of the offence being recorded were subject to these pilot arrangements for statutory charging (known more commonly as 'shadow charging' pilots). This characteristic was not significantly associated with whether or not an offence resulted in a 'sanction detection'.[3]

Using the statistical package SPSS v12.0.1, a series of 100 randomly generated case numbers were selected and the corresponding case files requested from each force. When a police case file could not be located (or the selected case did not actually meet the criteria of an initially 'crimed' rape), replacement cases were drawn at random (again using SPSS) from those cases remaining on the list. Since 100 initially recorded offences were drawn from each of the eight forces (regardless of how many rapes were recorded by the force), this meant that small forces were being oversampled, and larger forces were being undersampled. In total, the dataset consisted of 676 cases (593 crimed cases and 83 no crimed cases).

Information from the case files was transferred on to a data collection tool in the force (and the information stored electronically on an Access database). The data collection tool drew heavily on the *pro forma* developed by Harris and Grace (1999) but was extended to include more detailed information on the timing of the crime and the investigation and the nature of the investigation. The data collection tool consisted of mixture of closed and open questions about all aspects of the offence and investigation. Researchers were also required to complete a case narrative section describing the offence, the police response and the outcome.

To check that the sample drawn was representative of actual force detection rates (that is, calculated using administrative data for the whole population of crimes in 2003/04), confidence intervals were calculated around the sample-derived detection rate values for each force and compared against the population values. All of the 'population-based' detection rates were located within each force's relevant confidence intervals suggesting that there were no obvious problems with the method of random sampling applied in forces.

Data collection

For security reasons, cases were examined on force premises. In several forces, separate arrangements were made for collecting CPS files to supplement information collected from the original case files. Due to the existence of 'joint' files (which combined CPS and police papers), it was not necessary to undertake this in all force areas.

Originally it had been intended to look at the progress of initial *allegations* of rape through to recorded crimes. This would have enabled a clear understanding of the relationship between allegations of rape reported to the police, those incidents/initial allegations that were deemed *not a crime* (i.e. never crimed), those that were initially crimed and those that were no crimed. This would have necessitated starting off with a sample of rape *incidents* which could then be followed through to criming. Unfortunately, in practice, most forces were not able to link incidents to crimes within a specific crime type level; most had incident 'codes' that were broader than the offence of 'rape' (e.g. incidents of rape would be recorded under a broad heading of 'sexual offence'). By no means all rapes reported to the police are reported as incidents (since a high proportion are reported some time after the offence). Nor do all incidents that end up as crimed rapes start out as sexual offence incidents. By the same token, not all crimes that are reported as rape incidents – should a force have this level of

[3] Given the limited time that shadow charging had had to bed in it is perhaps wise not to read too much into this finding.

detail of incident recording – end up being crimed as rapes.[4] Only one force was able with ease to manipulate its systems in a way that could have identified rape incidents that were ultimately deemed *not a crime*; others could 'link' offences but would have had to have devoted substantial resources to achieve this. It was therefore decided to simply begin the attrition process at initially crimed rapes (that is, including offences which were later no crimed).[5]

Methodological issues, data quality and data limitations

Case files present a unique means to 'reconstruct' criminal cases, their investigations and their progress through the criminal justice system. At its most comprehensive, a case file is likely to include the following pieces of documentation: the initial incident report and incident log (detailing the timing and nature of the police response); a crime report detailing the actual offence, its circumstances and the victim characteristics; the victim's statement; the results of any forensic medical examinations and forensic tests; a log of investigative actions undertaken; witness interviews; suspect details from the Police National Computer (PNC); details of the interview with the suspect (where applicable) and the reason for withdrawal (where applicable); a case file review; copies of communication with relevant third parties (particularly correspondence with the CPS); and documentation about the court process.

There are, however, drawbacks with studies which employ case file analysis as a central method and these need to be acknowledged. First, the content of files is highly variable, both within and across forces. The presence or absence of key documents within a file can determine the breadth of information that can be retrieved on any individual case. Nor can the presence or absence of key documents be interpreted as meaning that such documents were *never* present in the file; they may have been part of the file in the past but removed or misplaced at a later stage. The results of relying solely on case files as the primary source of data is that there are often quite high rates of 'item' missing data (in other words, particular variables within a case for which no information is available, due to the absence of key documents). No attempt has been made to impute for missing data and for most variables, an 'information missing/not known from case file' category was used. The *general* assumption has been that the missing data have been 'missing at random' (reflecting the absence or presence of sources of information in the case file) although there are several exceptions to this general rule (e.g. victim ethnicity).

Although a case file generally contains much 'observable' information about the characteristics of a victim and suspect, the nature of interaction between offender and victim, the way in which an investigation is progressed and so on, there are important aspects of the investigation which are likely to be 'unobservable' from the information in the file. Issues around the *quality* of the investigative actions (as opposed to simply identifying whether or not action A did or did not take place) or the way in which an investigator related to a victim, are not things that can be readily identified from a case file and coded systematically. Furthermore, the study was not, of course, designed to explicitly assess the quality of investigations. That would have required the case file data collection process to be undertaken by researchers (or police officers) with a deep understanding of rape investigations and is in any case more the task of inspections rather than social research. 'Unobservable' elements relating generally to the case or specifically to the quality of the investigation may, nonetheless, constitute important influences on whether or not an offence reaches a successful criminal justice outcome. Some of these 'unobservable' characteristics can be examined through ethnographic research. This issue is discussed in more detail in Chapters 5 and 6. Finally, it is important to highlight that the creation of a case file reflects a mixture of the police/prosecution's organisational requirements and involves some element of their interpretation of events as described by the victim – this may or may not equate to a factual account of what happened. Given the nature of the study, it was not possible to

[4] For instance, an incident recorded as 'rape' might actually end up being legitimately crimed as a common assault after an initial response to the call.

[5] The introduction of robust national guidance on 'no criming' more generally was the result of the introduction of the NCRS in 2002. Comparability between the data collected by Harris and Grace (1999) and this study are explored in detail in Chapter 7.

undertake any triangulation of the case file details against other sources (police officer accounts, victim accounts and so on).

A third methodological issue related to the team-based approach applied in the collection of case file data. In total, six researchers were involved in the data collection process. A potential danger is that, the larger the research team, the less consistent the coding of elements of the *pro forma*. To address this, in the initial force visits, the team worked *en masse* so as to ensure that judgements on the interpretation and coding of files could be agreed corporately and inform coding decisions for subsequent cases. Subsequent visits more frequently involved researchers working independently of each other and these were assisted by the development standard reference document for particularly contentious fields. An extensive period of data checking was undertaken after work in the field had been completed. The coding of individual cases was checked independently by a second team member and discrepancies identified and resolved. The internal validity of the dataset was additionally tested through cross-tabulation of relevant fields. The detailed free text case narrative was referred to in the event of discrepancies thrown up in the process of cross-tabulating coded entries, and a resolution achieved. Coding of items that continued to cause concern were subject to 'conference' meetings of the research team.

In general, the outcome of a case (in terms of whether or not it was detected) was usually clearly identified in the case file. In the handful of cases where this was not the case, the researchers made an informed judgement about the likely outcome of the case according to counting rules. The most common problem was the failure of files to include information that clearly indicated that an investigation of a crimed offence had been concluded as 'no further action'. In those cases where the researcher's assessment of a case outcome diverged with that presented by the force (i.e. where compliance of a case to Home Office (HO) Counting Rules was in doubt), this was subsequently passed to the head of NCRS compliance within the Home Office for final adjudication.

The presence of some cases which were *not* classified correctly according to HO Counting Rules resulted in two versions of the dataset being created: one which related to the force's assessment of crimes (versus no crimes) and case outcomes, and one which was adjusted for any misinterpretation of the HO Counting Rules that provided a more accurate and consistent assessment of outcomes. The impact of these changes is examined in Chapter 4.

To improve the overall quality of the dataset in terms of outcome variables (and in particular whether or not an offence resulted in a conviction), information on the date of birth, Criminal Record Number and full name of the suspect were collected and entered into the Home Office's duplicate copy of PNC data. This enabled cases to be checked to establish with greater certainty whether or not a case had resulted in a conviction. This was particularly important in the handful of cases where it was clear that a case had gone to court, but the file did not indicate the outcome and it was not possible to link the offence to the corresponding CPS file.

Tests for significance

At various points in the report, reference is made to relationships being 'statistically significant'. In Chapters 2, 3, 5 and 6, the statistical significance of any relationship has been tested by running Pearson chi-square tests (or, where appropriate, Fisher's Exact Test) to assess whether paired observations on two variables are independent of each other. For example, to what extent do victims in different types of victim-offender relationship differ in the frequency with which they withdraw? [6]

A chi-square probability of .05 or less (reported in this report as $p<0.05$) is usually interpreted as justifying the rejection of the 'null' hypothesis, i.e. that variable X is randomly related to variable Y. Occasionally values of $p<0.1$ have been reported on in this study although these

[6] The test is generally not recommended for use if any cell in the table has an expected count of less than one, or if 20 per cent of the cells have an expected count that is greater than five. In such instances the categories within individual variables have been collapsed into fewer categories and the data reanalysed.

tend to indicate that any relationship between two variables is generally weak.

Variability across forces

A general point is worth making about the analyses that follow. Because the sampling frame was designed in a way that was not intended to yield a nationally representative sample of offences (but rather to compare across forces), it is not possible to assert that these findings are representative of recorded rape across England and Wales.

Preliminary analysis was, however, undertaken to examine how consistent or varied victim, offence and investigation profiles were *across the eight different areas*. If the *victim population* was generally found to be similar across the eight areas, then the estimate would be more accurate as these would effectively be providing replications. Significant differences in the presence (or absence) of investigation characteristics might, however, be expected given that four areas were selected on the basis of having relatively high or low detection rates. Twenty-seven variables were examined in this way. Twenty variables were not significant ($p<0.05$), including most of the key victim variables.[7] Eight variables were found to vary significantly ($p<0.05$) across the eight force areas: victim withdrawal; use of a Specially Trained Officer (STO) in the investigation; victim ethnicity; victim vulnerability; prior social contact; rank of lead investigator; did forensic medical examiner examine the victim; and review of case file.

Structure of the report

Chapter 2 describes the nature of the sample in more detail. Chapter 3 focuses on the process of the nature of the reporting and investigation of offences. Chapter 4 summarises the attrition process from the recording of an initially crimed offence through to conviction. Chapter 5 focuses on one element of the attrition process, the nature of victim withdrawal. Chapter 6 explores the factors that lead to the detection and conviction of rape offences and also examines the reasons behind variation in rape detection rates by force. Chapter 7 considers the factors leading to a change in detection rates between 1997 and 2003/04. The final chapter summarises the main findings and identifies some recommendations for future action.

[7] Victim alcohol consumption; victim previous allegations; period under coercion; victim-offender relationship; use of violence; extent of injuries; victim employment status; victim age category (16 and over/under 16); victim age bands; who reports; number of suspects; offence linked to sexual assault on other victim; any threats during the offence; victim drug use; factor linking suspect to offence; forensic evidence available; location of offence; medical history of victim obtained; time between offence and report; time between report and arrest.

2. The nature of the sample

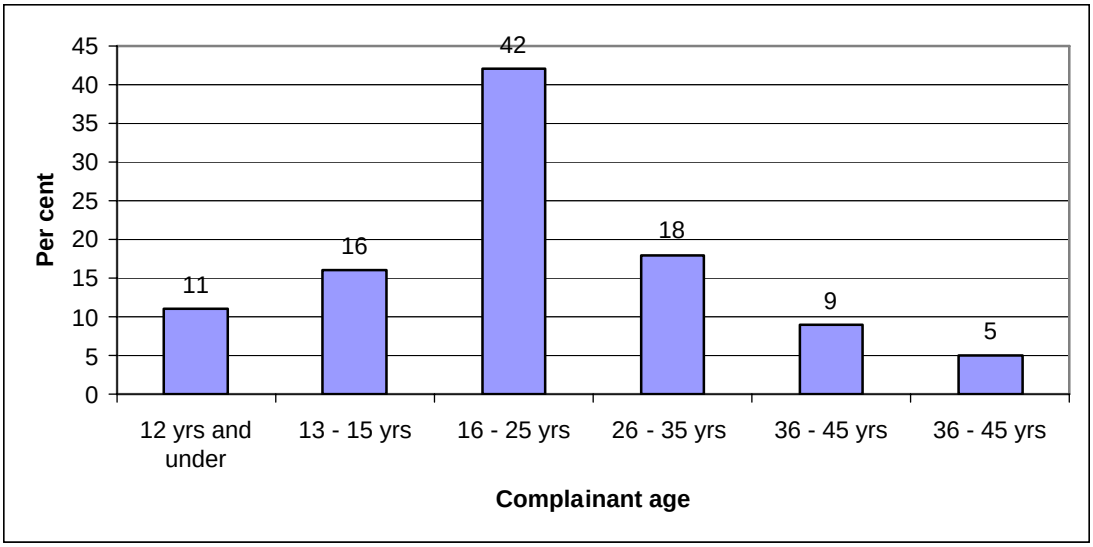
The purpose of this chapter is to provide summary information on the characteristics of the victim and the nature of rape offences covered within the sample. No weights have been assigned to the sample to compensate for the different sampling fractions used in different forces. Compared to the national picture of reported rape offences, the sample reported on here understates the characteristics of rapes recorded in urban areas (and overstates the characteristics of rapes in rural areas). The chapter selectively includes comparisons against findings from previous studies. Unless otherwise specified, the analyses given are based on those cases which were crimed by the police plus cases that were classified as 'no crimed', but should have been crimed according to HO Counting Rules. In total, 593 cases met these criteria.

Victim age, occupation and residence

The information gathered on the victim characteristics was taken mainly from the personal information given on the victim statement or the crime report. However, information regarding vulnerability and previous allegations was sometimes additionally taken from a witness statement by a friend, relative, doctor/social services representative, counsellor or other, or from other police or CPS documents.

Where the age of the victim was known, nearly three-quarters of the victims were aged 16 and over (74%) at the time the offence took place, with the remaining quarter (26%) under 16 years old.[8,9] Victims aged between 16 and 25 accounted for the single largest group (42%), followed by 26- to 35-year-olds (18%) and 13- to 15-year-olds (16%). In common with most other studies, it is young adult women who are found to be at most at risk of rape (see, for instance, Harris and Grace, 1999); the single most common age at which victims were assaulted was 16 years old.[10]

Figure 2.1: Victim age



Notes:

(a) N= 554 of 593 crimed cases for which age of victim is known.

(b) Age at the time of the offence (first offence for victims assaulted over an extended period of time). Age was calculated precisely by measuring the time between date of birth and the date on which an offence took place.

[8] In this and many subsequent examples, reference is made to the number of offences where information on a particular variable is 'known'. This means that information was present in the case file to clarify the status of the victim, offence and so on.

[9] In offences that occurred over an extended period of time, the date of the onset of offending has been used to fix the victim's age at the time of the offence.

[10] This (the mode) is effectively the age of greatest risk. The median age was 19.6 and the mean age was 22.9.

Victims' employment and employment status were classified according to an amended version[11] of the Office of National Statistics (ONS) Standard Occupational Classification. The three largest categories were unemployed (30%), followed by school pupil (26%) and student (13%). Table 2.1 summarises the employment profiles of victims. If the analysis is limited to those victims aged 16 and over, unemployed victims account for four in ten victims. Other recent English and Welsh studies have identified the preponderance of unemployed and student victims within the overall population of rape victims (Kelly *et al*., 2005).

Table 2.1: Victim occupation and employment status (based upon the ONS Standard Occupational Classification 2000), by age of victim at time of offence

Occupation/employment status	Per cent: All victims (a)	Per cent: Victims aged 16 and over	n (all victims)
Unemployed	30	40	139
School pupil	26	-	124
Student	13	18	60
Elementary public and service	4	5	17
Sales occupations	4	5	17
Administration/secretarial	3	5	16
Prostitute	3	4	16
Caring, health & social welfare	3	4	15
Housewife/mother	3	5	15
Customer service	2	2	8
Retired	2	2	8
Other	2	2	8
Elementary trades, plants & storage	<1	1	4
Leisure & other personal service	<1	1	4
Managers and proprietors in agriculture & service	<1	1	4
Teaching & research	<1	1	4
Business & public service	<1	1	3
Protective service	<1	1	3
Culture, media & sport	<1	1	3
Total (N)	**100**	100	**469**

Notes:

(a) N= 469 of 593 crimed cases for which victim occupation or employment status is known.

(b) Percentages do not always total 100 due to rounding.

The vast majority of victims were assaulted within the same force area in which they resided.

[11] A separate category was included for prostitute victims.

For the sample as a whole, only four per cent of victims resided outside the force in which the offence took place (N= 591 victims where victim residence known). One force, however, accounted for just under one-third of all non-resident victims and 13 per cent of its victims resided outside the force area.

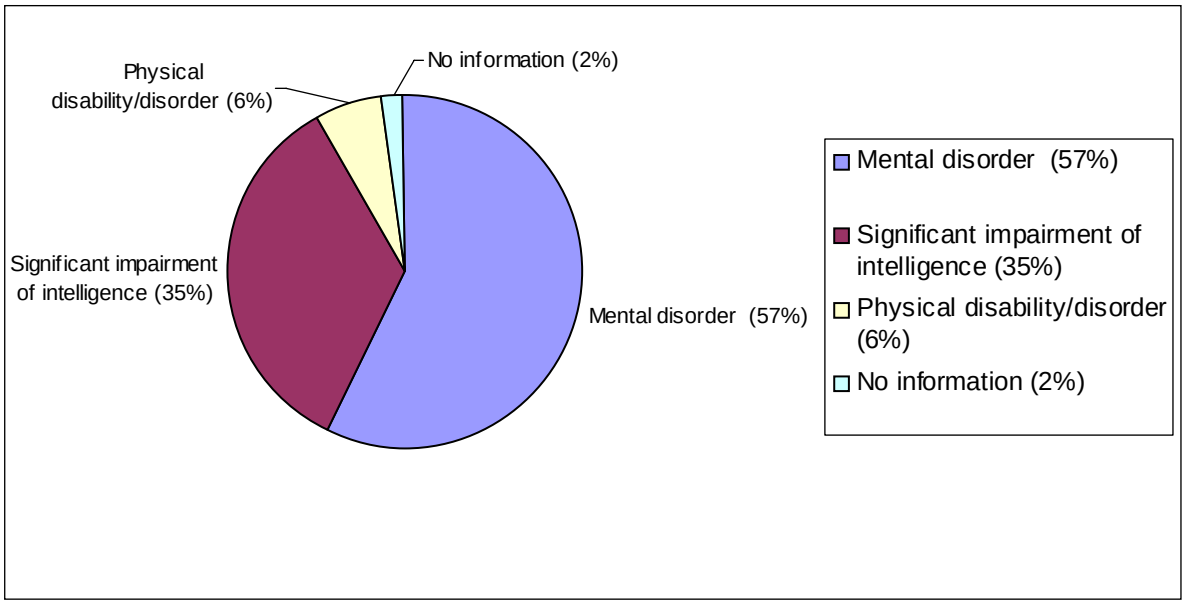
Previous allegations and vulnerable victims

Wherever possible, information was collected on previous allegations of sexual assault made by the victim. The nature of this information within case files was often limited in its detail. In some instances it was not clear whether previous allegations had been made; even when it was clear that a victim had made a previous allegation, it was not clear whether they had actually been reported and recorded by the police or not. In 14 per cent of crimed cases (n= 78), victims had made previous allegations, either referring to the same suspect in the sample case or another suspect. In 48 cases (9% of the crimed sample) it was known that these offences were formal allegations of some kind of sexual offence that had been previously reported to the police. There were no significant variations by age or by victim-offender relationship.

Information was also collected on whether the victim was known to be vulnerable or not. The definition of vulnerability applied was that included in the Youth Justice and Criminal Evidence Act 1999 (which covers mental disorder, educational impairment or significant physical impairment). Victims were not classified as vulnerable unless there was evidence that they had one or more of these conditions.[12] In total, 17 per cent of victims met this definition of

types of vulnerability suffered by vulnerable victims.

Figure 2.2: Type of vulnerability (percentages of all vulnerable victims in crimed cases)



Over half of vulnerable victims suffered from a mental disorder (57%) with the second most common type of vulnerability being a significant impairment of intelligence (35%). Six per cent of vulnerable victims had a physical disability. Victims who were vulnerable were significantly more likely to have made previous allegations than non-vulnerable victims ($p<0.01$): one-fifth of vulnerable victims had made formal allegations compared to only six per cent of those victims who were not.

[12] For the purposes of the analysis, those aged under 16 were not considered vulnerable unless they also had one of the listed conditions.

Linked offences and multiple offender crimes

In 46 crimed offences the victim was raped by someone who had previously sexually assaulted another victim,[13] and that offence was currently (or had been) subject to a police investigation (8% of 567 cases where it was known whether or not a second offence was linked to another victim). This equates to 11 per cent of offences where an offender was identified (see below). In a small minority of cases, the second offence ended up being selected as a separate offence within the dataset. Linked offences were significantly more likely to involve victims aged under 16 ($p<0.01$) (18% of victims aged under 16 involved in linked offences compared to only 5% of offences involving those aged 16 or over), and, involve parents and other relatives ($p<0.01$) (27% of victims in this victim-offender relationship group involved offenders who had committed a sexual assault against another victim).

While the vast majority of rape cases involved only one suspect, a small proportion of cases (7%, n=39) were committed by multiple suspects. In the majority of the multiple offender cases there were two offenders who were involved in the rape (63%), with a quarter being committed by three offenders (25%) and only five offences involving four offenders (13%). Of the small number of cases that involved more than one offender, over half (53%, n=21) were acquaintance rapes, where the victim was acquainted with at least one offender. Two-fifths of the cases (20%, n= 8) were stranger rapes, while four were intimate rapes where at least one offender was a current or ex-partner. In total, there were 640 different offender involved in the 593 crimed offences.

Victim and offender age

Table 2.2 shows the proportion of rapes within each victim age group committed by the different suspect age groups.

Table 2.2: Proportion of rapes committed by each offender age group

Column percentages

Offender age	Victim age					
	12 yrs and under	13 – 15 yrs	16 – 25 yrs	26 – 35 yrs	36 – 45 yrs	Over 45 yrs
12 yrs and under	7	0	0	0	0	0
13- 15 yrs	16	14	1	0	0	5
16- 25 yrs	21	42	51	21	12	0
26- 35 yrs	20	23	30	47	26	16
36- 45 yrs	29	20	10	28	41	47
Over 45 yrs	7	2	7	4	21	31
Total (N) (a) (b)	100 (56)	100 (65)	100 (164)	100 (71)	100 (42)	100 (19)

Notes:

(a) N= 417 of 593 crimed cases for which victim and suspect age are known.

(b) Percentages do not always total 100 due to rounding.

In common with other studies of reported rape (Lea *et al*., 2003), victim and suspect ages at the time of the offence were found to be positively correlated, so that as the victim's age increased so too did the age of the offender.[14] Victims aged from 26 to 35 and from 36 to 45

[13] In one case, there was more than one offender involved in a single incident and the second offender subjected a second victim to a sexual assault.

[14] Spearman's rho = 0.355, $p<0.01$, n = 419. A similar correlation was found in Lea *et al* (2003) (0.364) although the nature of their sample differed from this study in that it included male victims but excluded victims aged under 16. Given the fact that victims aged 16 and under were more likely to be assaulted by older offenders, the inclusion of

tended to be assaulted by suspects who were in the same age group. Nearly half of all rapes (47%) that involved victims aged between 26 and 35 and two-fifths of all rapes (41%) that involved victims aged from 36 to 45 year were committed by suspects of the same age group. The largest proportion of cases involving victims aged under 12 involved suspects aged from 36 to 45: this age group accounted for 29% (n=16) of these cases. The vast majority (86%) of rapes committed against victims aged between 13 and 15 were committed by suspects who were older than them, while almost all (99%) rapes involving victims aged between 16 and 25 were committed by suspects of the same age group or older.

Victim-offender relationship

Previous studies of rape have applied a variety of different classifications of victim-offender relationship. Although this study used a broadly similar approach to that used by Harris and Grace (1999) to classify detailed victim-offender relationship, a different approach has been adopted in relation to the broader groupings of relationship (principally to separate out the rather different characteristics of 'partner/ex-partner' offences from those involving 'parental figure/other relatives'). As will be seen, the two constituent groups of the broad 'intimate' category have different profiles in respect of the likelihood of a detection.

Table 2.3: Victim-offender relationship

Relationship	Per cent	n=
Stranger	**14**	**80**
Acquaintance	**27**	**157**
Met within 24 hours	9	53
Met prior to 24 hours	7	42
Known vaguely	8	44
Prostitute and client	2	14
Met via the internet	1	4
Partner/ex-partner	**22**	**124**
Parental figure/other relative	**15**	**87**
Friend	**10**	**56**
Other	**13**	**72**
Family friend	2	9
Friend of friend	5	27
Flatmate/neighbour	3	15
Pupils at the same school	1	3
Teacher/instructor	1	3
Work colleague	3	15
Total (N) (a) (b)	**100**	**576**

Notes:

(a) N= 576 of 593 crimed cases for which relationship is known.

(b) Percentages do not always total 100 due to rounding.

In total, 14 per cent of cases were categorised as stranger rapes (no prior contact whatsoever). In just over a quarter of offences the victim-offender relationship was classified

victims aged under 16 in this study might have been expected to have yielded a lower correlation than that recorded by Lea *et al.*

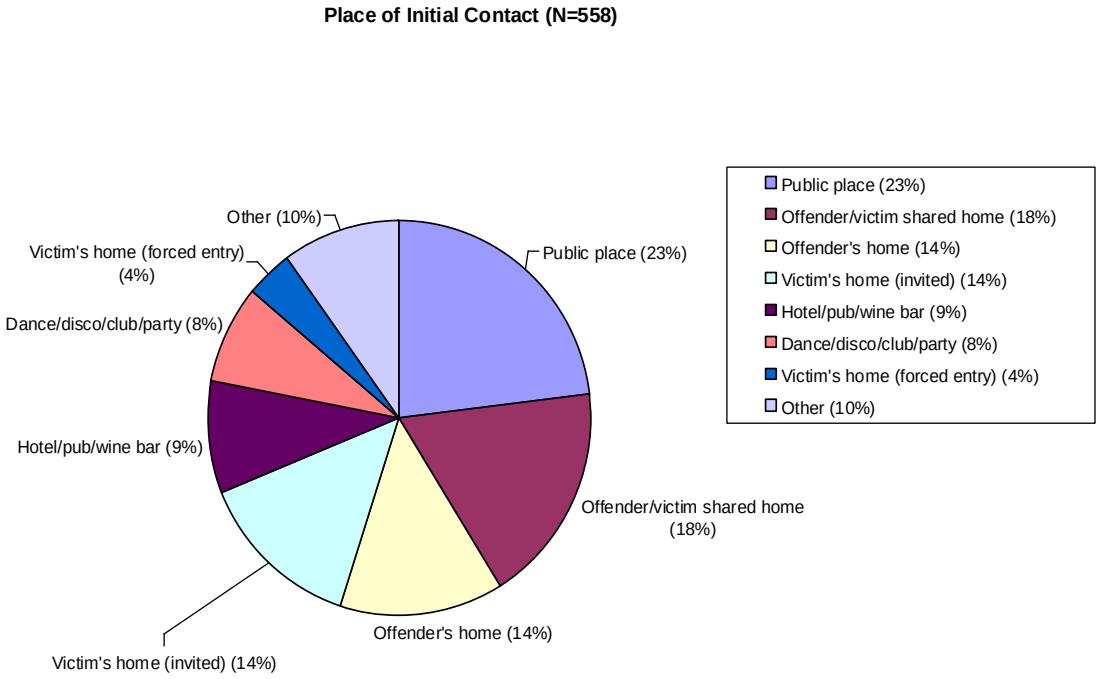
as ‘acquaintance’ while offences involving partners or ex-partners accounted for just over one-fifth of the total (22%). Some 15 per cent of offences involved a parental figure or other relative. The smallest category was that of friend of the victim (10%). Appendix Table A.1 includes cross-tabulations of victim age by victim-offender relationship.

Place of initial contact

The place where the offender initially met the victim on the day of the offence was known in 558 crimed cases (see Figure 2.3). Between them, the victim’s or the offender’s home (including shared home) accounted for just under half of places of initial contact (49%). Only four per cent of all offences were the result of forced entry into the victim’s home. Entertainment venues (dances, clubs, parties, pubs and wine bars) accounted for just under two-fifths of the total (18%) while other public places made up a further 21 per cent. Significant differences were found between both age of victim and relationship and place of initial contact ($p<0.01$).

In cases involving victims aged under 12, the place of initial contact tended to be either the victim’s or suspect’s home (or their shared home), with these categories accounting for 88 per cent of victims in this age group. The pattern changes for the 13-15 year age group. The victim’s or suspect’s home (or shared home) only account for 38 per cent of these cases; for two-fifths, however, initial contact with the suspect took place in a public place. Some 30 per cent of victims aged from 16 to 25 made initial contact with the suspect at a social or entertainment venue. The victim’s home or the suspect’s and victim’s shared home became increasingly common locations for initial contact for older victims (for 26- to 35- year-old victims (38%), 36- to 45- year-olds (47%) and aged over 45 (61%)). Within the 36 to 45 age group, forced entry into the victim’s home accounted for 18 per cent of all cases.

Figure 2.3 Place of initial contact



Notes:

(a) N= 558 of 593 crimed cases for which place of initial contact and relationship is known.

(b) Percentages do not always total 100 due to rounding.

Location of offence

The home of the suspect (26%) was the most common location where an offence occurred, followed by the victim's home (24%) and then the victim/suspect's shared home (17%). Seven in ten of all offences took place in a private environment. Only a small proportion of offences occurred in a public place (7%) or other outdoor location (waste ground, field, etc., a further 7%) (Table 2.4).

Table 2.4: Location of offence

Location	All (%)
Home of suspect	26
Home of victim	24
Victim/suspect shared home	17
Other	11
Public area	7
Park/field/open space/waste ground	7
Suspect's car	4
Other private indoor area	3
Total (N)	100 (563)

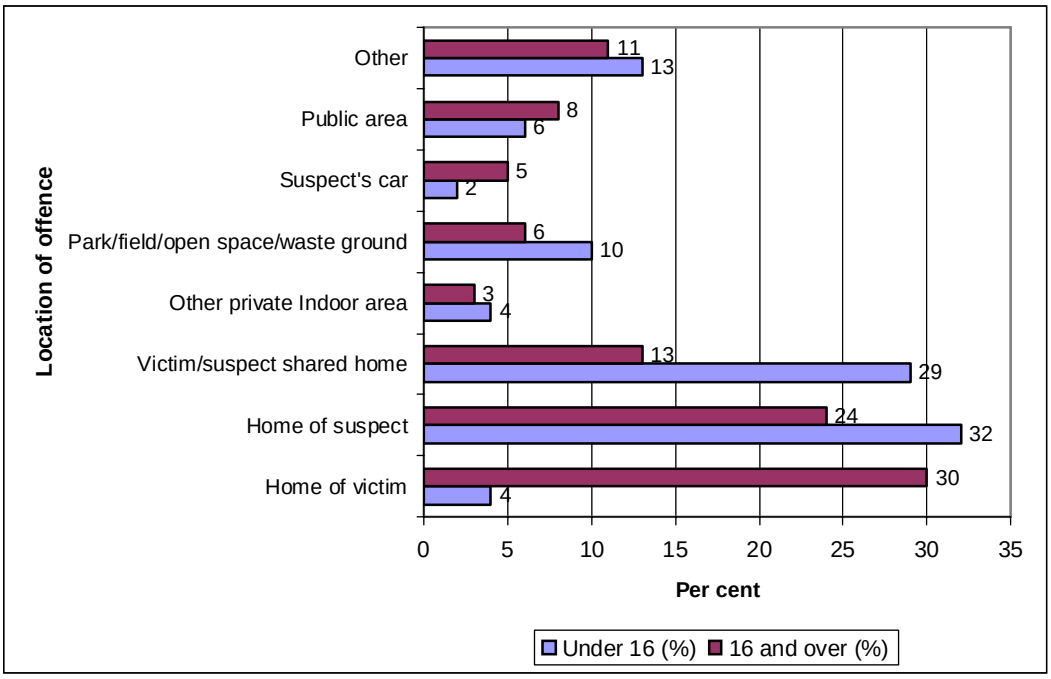
Notes:

(a) N= 563 of 593 crimed cases for which location of offence is known.

(b) Percentages do not always total 100 due to rounding.

There was a significant association ($p<0.01$) between the location of the offence and the age of the victim, with a larger proportion of rape cases involving victims under the age of 16 reporting the location of the offence as victim/suspect shared home or the home of the suspect. By contrast, a much larger proportion of rapes involving victims aged 16 and over occurred at their own home (three in ten) (Figure 2.4).

Figure 2.4 Victim age and the location of the offence (a)



Note:

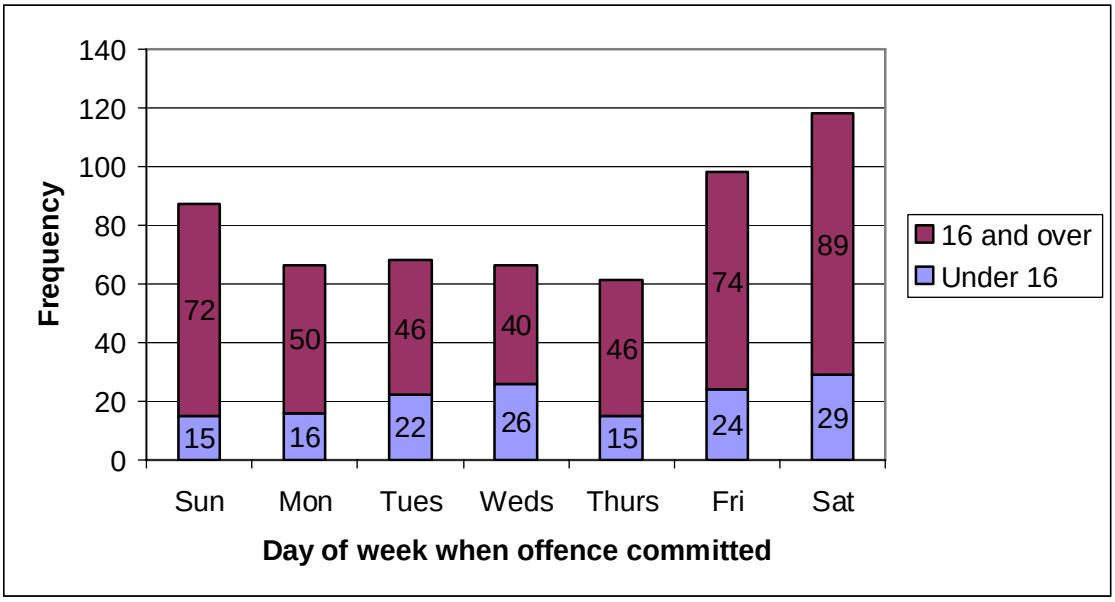
(a) N= 547 of 593 crimed cases for which age of victim and location of offence are known.

When are offences committed

Lea *et al*. (2003) found a marked pattern in the day of the week when offences take place, with few offences taking place on a Monday, a gradual increase in offences during the working week, rising to a peak on Saturdays (and the second highest daily total on a Sunday).[15] A broadly similar pattern was found in this sample. The most common day for a rape offence to take place was on a Saturday, followed by a Friday and then a Sunday (Figure 2.5). In all, 54 per cent of crimed offences were committed on one of these three days. Because of the delay that can take place between an offence being committed and it being reported to the police, a different pattern exists for the day of report, with the most common day of *report* being a Tuesday (see Chapter 3).

In terms of the time of day when the offence began, the majority of assaults were found to start in the early hours of the morning. In fact, just under three in ten of all assaults began between midnight and 00:59.

Figure 2.5: When offence committed, by day of week and victim age at time of offence



Note:

(a) N= 564 of 593 crimed cases for which day of offence is known.

Contact prior to the offence

Information on the lead-up to the offence was usually collected from the victim's statement. In nearly one-fifth of cases the victim reported that there was no prior contact immediately before the offence. Nearly two-fifths of victims in this study reported that they were voluntarily socialising with the suspect before the assault, while almost a quarter were classified as cases that involved child or adult abuse over an extended period of time (Table 2.5). The nature of voluntary socialising prior to the offence can be explored in more detail. Within this category (n=207), the place of initial contact between victim and offender was dominated by four locations: victim's home and public place (both accounting for around one-fifth of the total), offender's home and hotel/pub/wine bar (both accounting for around 16 per cent). In terms of victim-offender relationship, 36 per cent of the voluntary socialising group were classified as 'acquaintances', with friends, partners/ex-partners and other each accounting for around 18 per cent of the total.

[15] Lea *et al* (2003) excluded victims under the age of 16 but included assaults against male victims so the findings are not strictly comparable.

Table 2.5: Nature of contact immediately before the rape

	Per cent	n=
Voluntary socialising but no sexual or intimate contact prior to the offence	39	206
No contact	19	102
Extended child abuse	18	95
Intimate non-sexual contact prior to the offence	8	40
Extended adult/partner abuse	6	34
Sexual contact prior to the offence	4	22
Prostitute and client	3	15
Accepted lift from suspect	3	14
Formal or professional contact, e.g. visit to doctor, time with work colleague	1	1
Total (N)	100	529

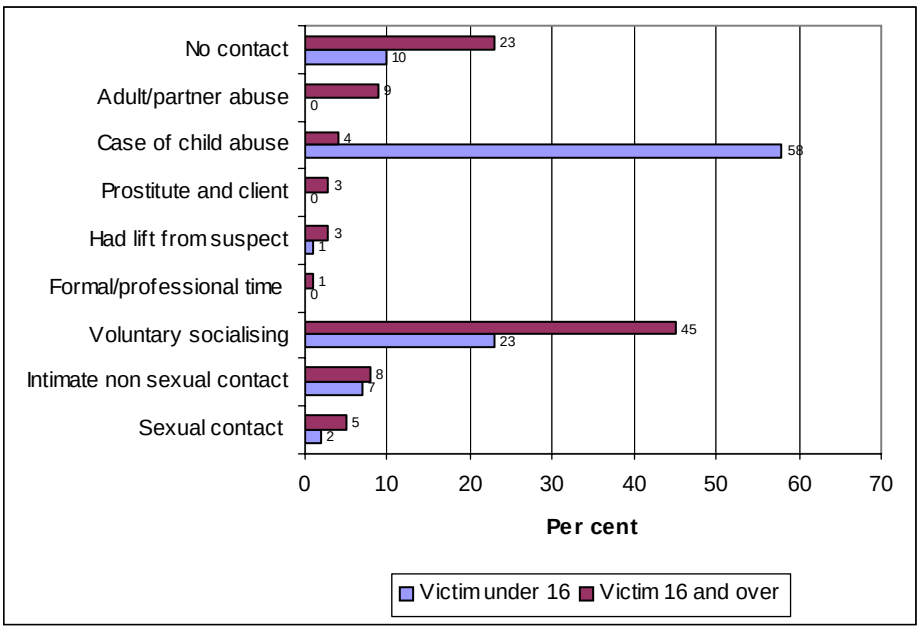
Notes:

(a) N= 529 of 593 crimed cases for which consensual contact is known.

(b) Percentages do not always total 100 due to rounding.

A significant relationship ($p<0.01$) was found between the type of prior contact and victim's age. Higher proportions of cases involving victims aged 16 and over were involved in voluntarily socialising with the suspect (45% of those aged 16 and over in comparison to 23% of those aged under 16). A greater proportion of cases involving the older age group also reported no contact with the suspect (23% compared to 10%) but over half of the cases involving victims under the age of 16 could be categorised as cases where a child had been subjected to an extended period of sexual abuse (57%).

Figure 2.6: Contact immediately prior to the rape



Notes:

(a) N= 514 of 593 rapes for which consensual contact and age of the victim is known.

(b) Percentages do not always total 100 due to rounding.

Consumption of alcohol and drugs

Much has been written about the role of alcohol and drugs in the offence of rape, both in relation to victim incapacitation and the influence that intoxication might have on the attitudes of juries and others involved in the criminal justice system (see for instance Hovarth and Brown, 2006; Kelly *et al*., 2005; and Scott-Ham and Burton, 2005 and 2006). Although this study was not explicitly designed to measure the extent of alcohol and drug consumption prior to the offence, information on victim consumption was, where possible, collected from case files. This is not the ideal way to collect information on victim/suspect alcohol or drug consumption. By and large, more consistent and precise information on levels of consumption can be taken if the victim has provided urine and blood for analysis and the results are present in the case file. Information of this type was available in some case files (but only for a proportion). Overall, there was some evidence of alcoholic consumption by the victim prior to the offence (although not necessarily intoxication) in 31 per cent of cases. Of the 427 victims aged 16 or over at the time of the offence, just under two-fifths (38%) had drunk some alcohol at the time of the offence. The comparable figure for those aged under 16 was 13 per cent (n=147).

Table 2.6 combines the more general information on whether or not the victim drank alcohol with the more specific data on level of intoxication. Of the 159 cases where it was clear from the case files that the (adult) victim had consumed alcohol prior to the offence, estimates of the level of alcohol consumption could be made in 87 cases. The estimates were generated in two ways. First, the effect of alcohol on the victim at the time of the assault was, where possible, estimated using established techniques for calculating blood alcohol content on the basis of urine sample data collected after the offence had been reported. Where this information was absent from the case files (or the offence had been reported some considerable time after it had taken place) victim statements that gave details of self-assessed levels of alcohol consumption prior to the assault were drawn upon. 'Low to moderate' levels of intoxication were classified as those having estimated blood alcohol content below 180mg/100ml (blood) (a blood alcohol level of 80mg/100ml is deemed to be over the UK legal limit for driving. Where blood alcohol estimates at the time of the offence were above 180g/100ml these have been classed as having a high level of intoxication. Using this approach, and excluding victims who were aged under 16 at the time of the offence, 12 per cent of victims had 'low to moderate' levels of intoxication compared to nine per cent who were highly intoxicated (Table 2.6). A further 14 per cent had drunk an unspecified amount of alcohol prior to the assault (for these victims, it was not possible to estimate with greater accuracy the level of intoxication at the time of the assault). The association between victim-offender relationship and levels of intoxication was found to be significant ($p<0.01$), even amongst adult victims, with partner/ex-partner victims less likely to have consumed any alcohol than victims assaulted by friends, acquaintances, strangers or those in the 'other' category. By contrast, victims of stranger assaults had the highest proportion who had been highly intoxicated at the time of the offence.

As with alcohol consumption, information on victim drugs consumption[16] prior to the assault came from a mixture of blood and urine analysis contained within the case file and, where this information was absent, from more general details included in victims' statements. The best estimate of the proportion of victims who had consumed drugs (either voluntary consumption or otherwise) is 13 per cent of the crimed sample (77 offences) (21% of victims aged 16 and over and 10% of those age under 16). Where the type of drug could be identified from the case files (47 cases), Class A drugs were present in 21 cases (45% of all drug use cases where type of drug was known) and Class C drugs were present in 18 cases. Class B drugs were found in only two victims and there was evidence of the use of sedative drugs (such as GHB) in two victims[17]. Prescription drugs were identified as present in five victims.[18] In the

[16] Includes the consumption, voluntary or otherwise, of controlled drugs (including drugs such as GHB and Rohypnol) and prescribed drugs. Victims who were described as habitual drug users with an addiction have also been included.

[17] These findings tend to support those found from other recent studies (Scott-Ham and Burton, 2005), in terms of low levels of *detected* sedative drugs (such as GHB) found present in victims of suspected drug facilitated sexual assault.

majority of cases, consumption was voluntary (56% of all offences where a drug was consumed); in 16 per cent of these cases (n=13), it was administered by the offender and without the victim's consent (equivalent to two per cent of the entire sample). In the remainder of offences, it was not known who had administered the drug.

Table 2.6: Estimated alcohol consumption levels by victim-offender relationship: adult victims

Column percentages

	Partners/ex-partners	Parent/ other relative	Friend	Acquain-tance	Stranger	Other	Total
Low - moderate intoxication	3	4	22	19	25	20	12
High intoxication	4	4	13	10	13	9	9
Had drunk alcohol (amount not known)	13	8	11	17	13	17	14
No alcohol	79	84	54	54	49	54	62
Total (n)	100 (112)	100 (25)	100 (46)	100 (124)	100 (63)	100 (46)	100 (416)

Note:

(a) N=416 victims where victim-offender relationship known.

On the basis of the victim's account of the incident, deliberate incapacitation of victims through forced consumption of drugs or the spiking of drinks (Table 2.7) was a strong likelihood in six per cent of the sample and a possibility in a further four per cent (58 crimed offences in total). In half of these cases the victim claimed that her drink(s) had been spiked. *Forced* consumption of alcohol (or drugs) was evident in less than one per cent of all cases. Overall, cases of alleged deliberate incapacitation were dominated by acquaintance and stranger offences (together, these two victim-offender relationship categories accounted for six in ten of 'victim incapacitation' offences). It has not been possible to develop this analysis to reflect a more complex assessment of the role of alcohol in sexual assaults. Several recent studies have developed typologies that more clearly identify the offender's behaviour in these cases. Hovarth and Brown (2006) differentiated between cases where the victim's alcohol consumption has been entirely due to their own volition with no intervention by the offender and those where the victim was intoxicated through a mixture of voluntary consumption and offender-induced consumption.

[18] This analysis is based on the highest classification of drug consumed in cases where the victim took more than one drug (in other words, a victim consuming heroin (Class A) *and* cannabis (Class C) would be classified as taking Class A drugs). Seven of the drug-consuming victims had taken a mixture of drugs at the time of the offence, mainly Class A and Class C drugs.

Table 2.7: Proportion of cases involving believed deliberate victim incapacitation through drugs or alcohol (a) (b)

Column percentages

Type of incapacitation	Under 16s	16 and over	Total
Yes through forced consumption of alcohol	<1	<1	1
Yes through forced consumption of drugs	0	<1	<1
Yes through spiking of drinks	<1	6	5
Unknown	3	2	2
Possibly, victim unsure	2	2	2
No	93	89	90
Total (n) (c)	100 (147)	100 (427)	100 (574)

Notes:

(a) N= 574 of 593 cases for which age of victim and whether or not deliberately incapacitated are known.

(b) These proportions are largely based on victims' accounts of the offence rather than those that have been independently supported by medical evidence.

(c) Percentages do not always total 100 due to rounding.

Threats, violence, victim resistance and injury

Details of threats of harm or violence towards the victim during the course of the offence were recorded from the victim's statement.[19] In the majority of crimed cases there was no *explicit* threat against the victim; however, some form of specific threat against the victim was evident in 29 per cent of cases where information on threats made by the suspect was known (N= 441).[20] These ranged from some kind of emotional threat to the victim (19% of all cases), through to the production of a weapon (4% of cases). In a small proportion of cases (2% in each case) an emotional threat was made to the victim against her family or friends or a verbal threat was made against the victim's family. There was no significant difference in the use of threats by offenders between victims under the age of 16 and those aged 16 and over. A statistically significant ($p<0.01$) difference was, however, found in the use of threats by victim-offender relationship. The use of threats was over-represented amongst assaults by both partners/ex-partners and parents and other relatives, and under-represented amongst assaults carried out by 'friends'.

Rape is an inherently violent offence, although the amount of force used to control the victim (or which was otherwise a feature of the assault) was found to vary in the sample. In 68 per cent of cases where information was available, the victim statement suggested that some element of physical force was used.[21] In a small proportion of cases (9%), the victim was actually beaten by the offender. A weapon was used in only four per cent of cases.

A statistically significant relationship was found between victim-offender relationship and use of violence ($p<0.01$). Partner/ex-partner and stranger relationships were significantly more likely to involve some form of violence (77% and 83% respectively of offences in these categories involved the use violence). Victims aged 16 and over were significantly ($p<0.01$) more likely than younger victims to be involved in offences where violence was a characteristic of the offence.

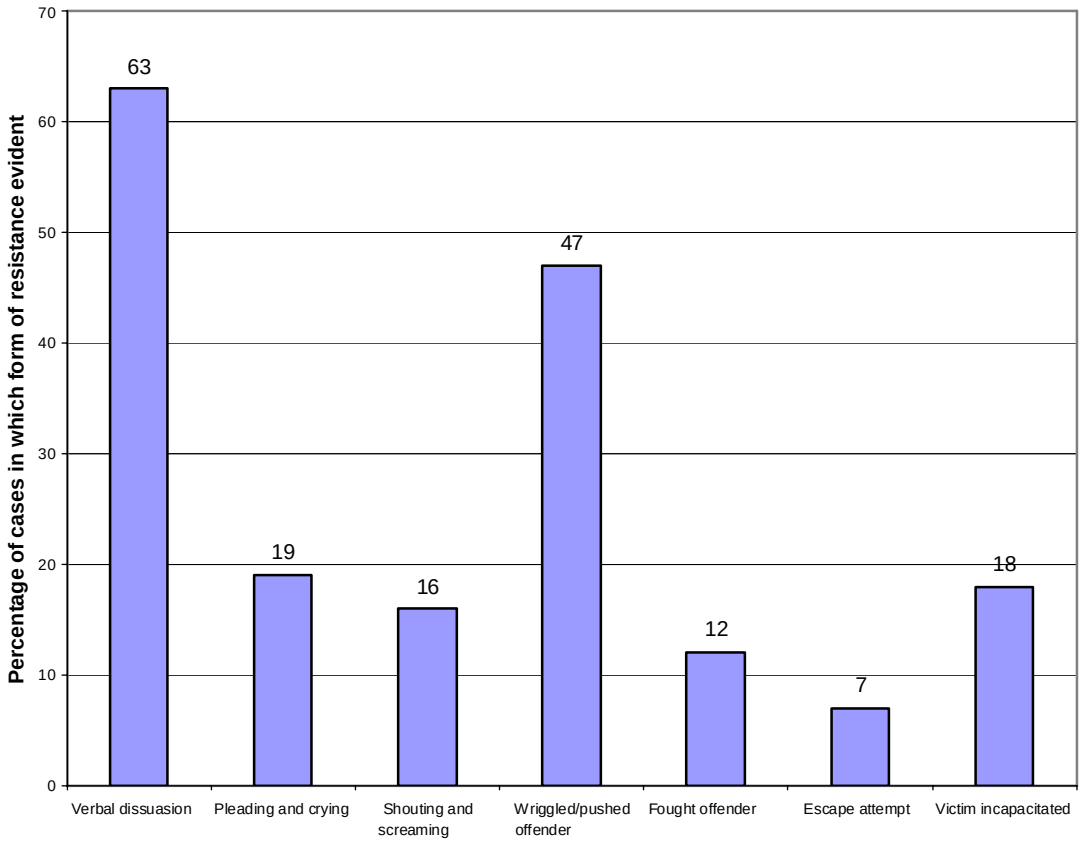
[19] Information on threats, violence and victim resistance were collected in a way which allowed multiple threats, violence or forms of resistance to be identified.

[20] Threats were coded under the following headings: threat of weapon (produced); threat of weapon (not produced); verbal threat of death; verbal threat of manual violence; verbal threat to victim's family; emotional threat to victim; and emotional threat to third party.

[21] Violence was coded under the following headings: use of life threatening weapon; use of other weapon; beating; roughness; and violence against a third party.

Information on victim resistance[22] was available in 440 cases. In 72 per cent of cases the victim statement detailed ways in which the victim attempted to resist the assault. There were 121 cases where no resistance was evident, although the victim was incapacitated in some way in just under half of these cases (45%). Figure 2.7 gives details of the ways in which victims attempted to resist their attackers. By far the most common form of resistance was verbal dissuasion by the victim to the offender to get him to stop (63% of cases), followed by actions to physically distance herself from the proximity of the offender (47%). Within the sample as a whole, in 18 per cent of cases the victim was in some way incapacitated by the assailant(s). No significant differences were found by age. Examining resistance by victim-offender relationship did reveal significant differences ($p<0.05$), with partners and ex-partners more likely to put up some form of physical resistance (some resistance being evident in 83 per cent of cases). Finally in this section, Table 2.11 gives details of the extent of injury recorded. Two-thirds of victims were not physically injured (i.e. did not require some form of medical treatment) according to the case file details. In one per cent of cases, victims required treatment in hospital for their injuries and in a further four per cent, their injuries required treatment but did not necessitate a visit to the hospital. In 27 per cent of offences the victim was injured but no reference to the type of treatment was evident from the case files.

Figure 2.7: Victim resistance, by type



Notes:

(a) n= 440 cases where victim resistance is known.

(b) In some rapes more than one form of victim resistance was used.

[22] The various types of resistance identified were as follows: verbal dissuasion; pleading and crying; shouting and screaming; trying to get out of the physical grasp of the offender; fought offender; and, attempted to escape.

Table 2.8: Extent of injuries

Extent of injuries	Per cent	n=
Injured hospitalised	1	7
Injured not hospitalised but needed treatment	4	21
Injured no reference to treatment	27	134
Not injured	66	321
Other	1	6
Total (n) (a) (b)	100	489

Notes: (a) N= 489 of 593 crimed cases for which extent of injuries is known.

(b) Percentages do not always total 100 due to rounding.

Chapter summary

This chapter has simply outlined the nature of the sample, focusing largely on victim and offence characteristics. The main points can be summarised as follows. Just over one quarter of victims in crimed offences were assaulted when they were under 16 years old, while victims aged from 16 to 25 accounted for more than two-fifths of victims. Using the Youth Justice and Criminal Evidence Act (1999) definition of vulnerability, almost one in five victims in the sample were defined as 'vulnerable'. In terms of employment status, forty per cent of victims aged 16 and over were unemployed.

Some eight per cent of offences involved suspects who had been (or were currently being) investigated for a sexual offence against a separate victim. In terms of victim-offender relationship, stranger offences accounted for 14 per cent of the total, while partners/ex-partners accounted for 22 per cent of the sample; the largest single group was acquaintances (27 per cent). More than two-thirds of offences took place in the home of the victim, the suspect's home or the victim and suspect's shared home. Just fewer than four in ten adult victims had drunk some alcohol prior to the offence. Some form of threat to the victim during the course of the offence was evident in just under three in ten offences and a similar proportion of offences involved some physical injury to the victim.

3. Reporting and investigating

The reporting of rape offences and the process of investigating rape offences are explored within this chapter. Information regarding the initial reporting of the offence *to the police* (how, by whom, and when) was mainly taken from the incident log or the crime report contained in the case file. The reason for any delay in the report may have been taken from a number of sources within the file including documents such as the victim statement.

In total, just over one half of crimed offences (54%) in the sample were reported to the police directly by the victim. A significantly different pattern of who reported the offence emerged when comparing victims aged under 16 and victims aged 16 and over at the time of the offence ($p<0.01$). Victim self-report and reporting by friends and neighbours were significantly more common among adult victims. Among victims under 16 years of age, reports by counsellors/social services, teachers and parental figures were all significantly more common means of reporting.[23]

Table 3.1: Individual who reported the offence

Column percentages

Who reported the rape	Victim under 16 (a)	Victim 16 and over (a)	Total
Victim	30	61	54
Parental figure	37	7	14
Friend/neighbour	1	10	8
Counsellor/social services	13	3	5
Other relative	7	5	5
Nurse/doctor/paramedic	1	3	3
Partner	1	4	3
Stranger	2	2	2
Teacher	4	-	1
Other	6	6	6
Total (n) (b) (c)	100 (126)	100 (409)	100 (535)

Notes:
(a) At time of offence.

(b) N= 535 of 593 crimed cases for which victim age and who reported the rape are known.

(c) Percentages do not always total 100 due to rounding.

When a collapsed grouping of 'means of report'[24] was analysed by victim-offender relationship, significant differences ($p<0.01$) were found between those victims who reported directly and those whose offence was reported by a third party. The main differences were amongst victims assaulted by parents and relatives and victims of stranger assaults (who were both more likely to have their offence reported by a third party), and those assaulted by

[23] It was often not possible to ascertain from the files whether reporting by a third party had been with the consent of the victim. Some victims did cite the fact that someone else had reported the offence as their reason for withdrawal. See Chapter 5.

[24] The variable was recoded into victim and other person.

partners and ex-partners who were more likely to report directly to the police. Only 44 per cent of victims of stranger rapes were reported by the victim compared to 74 per cent of partner/ex-partner offences. Details are given in Appendix Table A3.

In terms of the means by which an offence was reported, by far the largest proportion of offences were reported by phone (either 999 or non-emergency numbers), with more than two-thirds being reported in this way. One-fifth (19%) of offences were reported by an initial visit to a police station and eight per cent came to light during the investigation of another offence.

Table 3.2: How the offence was reported

Column percentages

How the offence was reported:	Victim under 16 (a)	Victim 16 and over (a)	Total
Phone call to police (999/other)	57	69	67
Visit to the police station	16	20	19
During investigation of another offence	7	8	8
Health service/social service referral	14	1	4
Other	5	2	3
Total (n) (b)	100 (110)	100 (376)	100 (486)

Notes:

(a) N= 486 of 593 crimed cases for which method of report is known.

(b) Percentages do not always total 100 due to rounding.

Significant differences were found when method of report was analysed by victim age ($p<0.01$). In particular, 16 victims aged under 16 were far more likely to have offences reported via health or social service referrals than adult victims (three-quarters of health/social referrals were from those who were aged under 16 at the time of the offence). Victims aged 16 and over were, by contrast, significantly more likely to report by phone.

Time between offence and report

Other studies of police investigations have highlighted the important role that rapid reporting and responding can play in the detection of offences (see for instance Burrows *et al*. (2005) in relation to volume crime). Considerable effort was made to collect accurate information on when the offence took place and the time/date it was reported to the police. The time between offence and report has been calculated using the date when an offence (or series of offences) were deemed to have concluded (rather than the start of the assault) and the date of report to the police. Overall 46 per cent of all crimed rapes were reported on the same day on which they occurred, although 14 per cent were reported more than six months after they took place. When analysed by victim age (Table 3.3), significant differences ($p<0.01$) were found between victims aged under 16 and those aged 16 and over. The greatest differences were evident in the 'same day' and 'more than six months' groups: 52 per cent of victims aged 16 and over reported on the same day as the offence (compared to only 28% of victims aged under 16). By contrast, almost one-third of victims aged under 16 reported the offence (or had the offence reported by a third party) more than six months after it had taken place.

Table 3.3: Time between the offence (a) and report, by age

Column percentages

	Age at time of offence:		
	Under 16	**16 and over**	**Total**
Same day	28	52	46
1 day	7	11	10
2 days to 1 week	12	14	13
1 week to 6 months	23	15	17
More than 6 months	30	8	14
Total (n) (b) (c)	100 (138)	100 (399)	100 (537)

Notes:

(a) The time of the offence is the point at which the offence (or series of offences) concluded.

(b) N= 537 of 593 crimed cases for which age of victim and time between offence and report are known.

(c) Percentages do not always total 100 due to rounding.

Significant variations ($p<0.01$) were found for time to report by victim-offender relationship. Those who were victims of stranger assaults were most likely to report on the same day as the offence (although 13 per cent nevertheless reported more than seven days after the offence). Almost seven in ten victims assaulted by parents or other relatives reported the offence more than seven days after the offence (or the final offence in cases of extended abuse) (69%). Finally, 35 per cent of victims in partner/ex-partner assaults reported their assault between one and seven days after the offence, more than any other category of victim-offender relationship.

Table 3.4: Time between the offence (a) and report, by victim-offender relationship

Column percentages

	Partners/ex partners	**Parent/other relative**	**Friend**	**Acquaintance**	**Stranger**	**Other**	**Total**
Same day	35	21	50	60	72	42	47
1 day	16	3	4	8	12	7	9
2 days to 1 week	19	8	13	14	11	10	13
1 week to 6 months	19	26	21	13	4	19	17
More than 6 months	11	43	12	5	1	21	14
Total (n) (b)	100	100	100	100	100	100	100
	(114)	(80)	(52)	(146)	(74)	(67)	(533)

Notes:

(a) The time of the offence is the point at which the offence (or series of offences) concluded.

(b) N= 533 of 593 crimed cases for which relationship and time to report are known.

The influence of particular variables on case outcomes is dealt with more extensively in Chapters 5 and 6. For the time being, it is helpful simply to describe the relationship between time from offence to report, victim age and outcome (Table 3.5). For victims under the age of 16, around half of offences reported on the same day as the offence resulted in a sanction

detection. As the time between offence and report increases (beyond seven days), there is a decrease in the proportion of detected offences (the fall is not, however, statistically significant). Nevertheless, a comparatively high proportion of cases are detected after seven days between offence and report (41%). For adult victims, the picture is rather different. One-quarter of offences reported on the same day as the offence took place are detected. There is, however, a statistically significant ($p<0.05$) drop in detection rates for offences reported one day or more after the offence (down to a detection rate of 14%).

Table 3.5: Case outcome by age and time between offence and report (a)

Row percentages

	Sanction detection	All other outcomes
Under 16s		
Same day	50	50
1 to 7 days	44	56
More than 7 days	41	59
Total	44	56
(n)	(61)	(77)
Over 16s		
Same day	26	74
1 to 7 days	14	86
More than 7 days	14	86
Total	20	80
(n)	(81)	(318)

Note:

(a) N= 537 cases where the age of victim and time between offence and report are known.

Because of the delay that often takes place between offence and report, the increase in offences taking place over Fridays, Saturdays and Sundays does not translate into increased *reporting* on these days. Indeed the day of week variation in report is remarkably flat ranging from 12 per cent (Wednesdays) to 18 per cent on Tuesdays (the most common day of report). No significant differences were found to exist by age of victim.

Police officers involved in the rape investigation

In over half of the cases (57%) (n= 428 of 593 crimed cases where liaison officer was known), the officer who first liaised with the victim after the initial response was a police constable (PC). In one-third of offences the liaison officer was a detective constable (DC), while in a small proportion of cases the liaison officer was a detective sergeant (DS) or a police sergeant (PS) (in 4% and 6% of cases respectively). Increasing emphasis is being placed on the use of Specially Trained Officers (STOs) in dealing with sexual offences including rapes. These were known to be used in one-third of rape cases in the sample (this could be ascertained because the file actually documented that the officer was specially trained for this role, or it contained a specific booklet which was completed by the trained sexual offence officer involved in the case). However, the precision of this figure for the sample is open to question; in six in ten cases there was no evidence in the file to indicate whether or not the officers involved in the case were in fact STOs or not. In terms of the lead investigator, this was most commonly a DC (70%, n= 355). In a small proportion of cases, a PC was identified as the lead officer (13%, n= 66).

Forensic medical examinations

Forensic medical examinations play an important part in many rape investigations although there will be circumstances when an examination is not undertaken, and for appropriate reasons. Overall, a forensic medical examiner examined the victim in 52 per cent of all crimed rape offences in the sample. There was no significant difference between the proportion of examinations conducted by Forensic Medical Examiners (FMEs) for victims aged under 16 and those aged 16 and over; significant differences were, however, found by victim-offender relationship ($p<0.01$). Victims in acquaintance and stranger offences were significantly more likely to be examined by an FME whereas victims assaulted by partners, ex-partners and parental figures/relatives were all significantly less likely to be examined (see Appendix table A.4).

Table 3.6 highlights the reasons that were given for no forensic medical examination taking place. For all victims, the most common reason identified for no FME taking place was the length of time elapsed between offence and report (58%), while in just under a quarter of cases it was because the victim did not wish to be examined (24%).

Table 3.6: Reason for no FME examination, by age of victim

Column percentages

	Age at time of offence:		
	Under 16	**16 and over**	**Total**
Length of time elapsed	76	51	58
Complainant did not wish to be examined	17	26	24
Complaint withdrawn	2	13	10
Victim did not wish to support investigation	3	5	4
No formal complaint	2	1	1
Other	2	4	3
Total (n) (a) (b)	100 (66)	100 (176)	100 (242)

Notes:

(a) N= 242 of 273 crimed cases where no FME took place and for which this reason is known.

(b) Percentages do not always total 100 due to rounding.

There was a significant relationship ($p<0.01$) between the two different age categories and the reason given for no FME taking place. In over three-quarters of cases involving victims aged under 16 (76%) the contents of the file indicated that it was the length of time that had elapsed between the offence and the report that was the main reason for no examination taking place; this compared to just over half of all victims aged 16 and over. A larger proportion of victims aged 16 and over was not examined because they withdrew their complaint (13%) (only 2% of those aged under 16 were not examined due to the victim withdrawing the complaint). There were only two cases where, according to information located in the case files, the victim *explicitly* refused to be examined because the FME was male.

The importance of the relationship between time between offence and report and an FME examination taking place is illustrated in Table 3.7. There was a significantly ($p<0.01$) greater likelihood of a victim being examined if they reported more quickly after the offence. Almost four in five victims (77%) reporting on the same day were examined compared to only a

quarter of victims reporting five days after the offence. Although it might be expected that opportunities for evidential recovery from an FME would decline with the passage of time, the generally accepted view is that an examination should be mandatory for all victims reporting within seven days of an offence being committed. In this respect the rather gradual tail off in the proportion of examinations between three to five days is somewhat surprising. Moreover, if the stated reason for no FME examination is considered in relation to time between offence and report, eight per cent of the cases where the reason given for no FME examination was 'length of time elapsed' actually took place on the same day or less than five days after the offence.

Table 3.7: Whether an examination took place, by time between offence and report (a)

Numbers and column percentages

	Same day	1 day	2 days	3 days	4 days	5 days	6 days or more	Total
Yes:								
%	77	69	68	57	44	25	18	54
n	189	35	13	8	8	2	44	286
No:								
%	23	31	32	43	56	75	82	46
n	56	16	6	6	10	6	145	245

Note:

(a) N= 531 crimed cases for which information on FME and duration between offence completion and report to the police were known.

Information on the sex of the forensic medical examiner was collected where available. In all, the sex of the FME was known in only 57 per cent of cases where an examination took place. For the 171 cases in which the sex of the FME was known, 60 per cent of examinations were undertaken by a female FME. Significantly more examinations were undertaken by female FMEs for victims who were under 16 at the time of the offence than for victims aged 16 and over (75% of all FME examinations of those aged under 16 were undertaken by female examiners, $p<0.05$).

Information was collected on both the time of report and the time at which an FME examination was undertaken. Some information on the time between offence report and FME examination was available in 285 of the 299 crimed cases which involved an examination. Overall, in 91 per cent of cases involving an FME examination, the examination took place on the same or the day after the offence was reported. The nine per cent of cases which fell outside this category were dominated by offences which had been reported more than seven days after the offence had taken place. The majority of these cases involved victims aged under16 at the time of the offence and were cases of historical child abuse (85% and two-thirds respectively).

Those cases where the victim received an FME examination on the same day or the day after report were subject to additional analysis. Only four in ten victims in this group were seen within four hours after the initial report (the average duration between report and offence for this group was 6 hours 42 minutes). Even within this group there was some evidence of more urgency being given to examining victims who reported offences to the police quickly. Offences reported on the same day as the offence received an examination on average 5 hours 54 minutes after report. This compared to average times of 8 hours 54 minutes and 9 hours 18 minutes for offences reported between one and seven days and more than seven days after the offence, respectively. It is not possible to judge whether the time between the offence being reported and an FME examination taking place is 'acceptable', although it is worth pointing out that in the cases reviewed by the HMIC, 'unnecessary delays' were found in one-fifth of examinations they studied (HMIC, 2007).

The collection of evidence: physical evidence, medical evidence and witnesses

Details of the type of evidence collected to support the investigation were also recorded from the case files. It was rarely possible to assess whether evidential opportunities had been missed or lines of enquiry not pursued. The aim was simply to assess whether certain types of evidence had been recovered on the basis of material included in the case file.

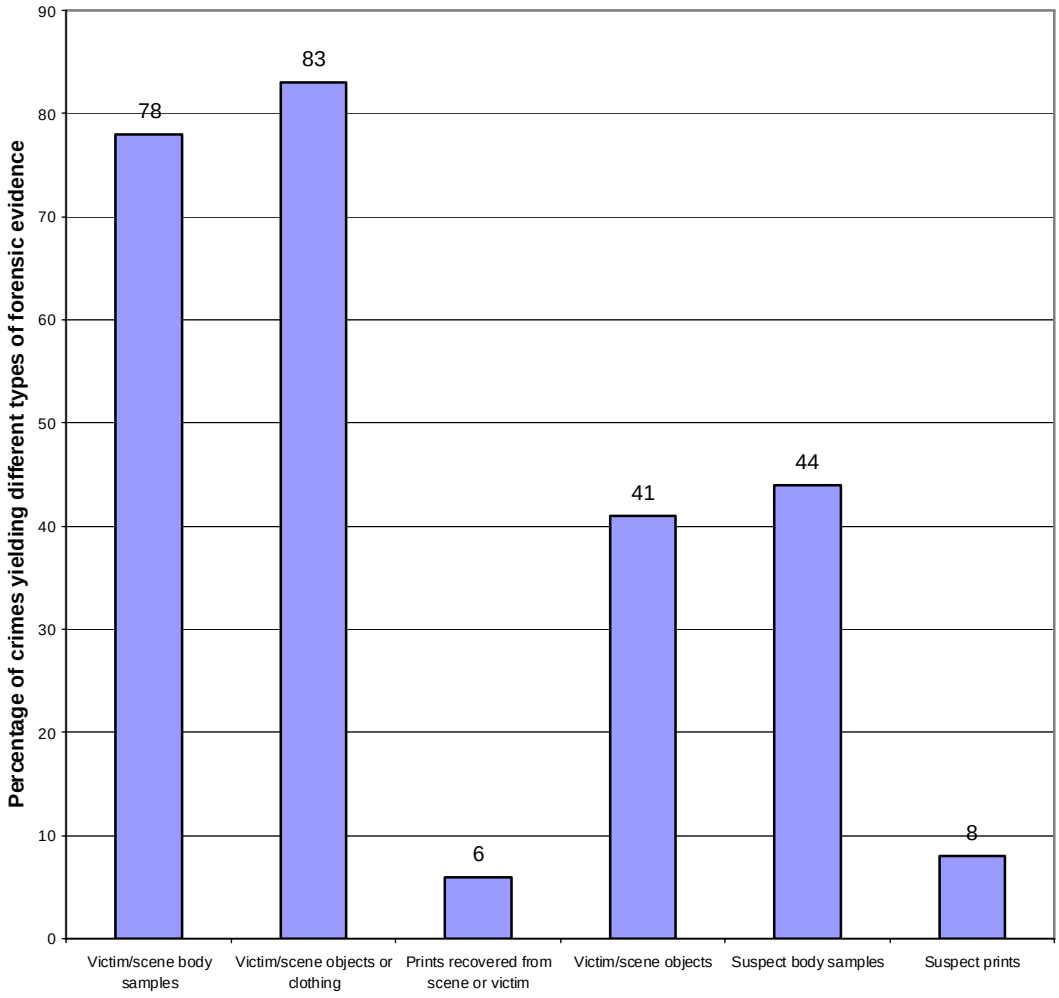
There are two initial elements to the process of utilising physical evidence: the recovery of material from an offence and the decision to submit it for analysis. Data were only collected on the former of these.[25] Forensic or physical evidence was recovered in just over half of cases (52% of 573 cases where information on the recovery of forensic evidence was known). Recovered material could be taken from a victim, scene or suspect. Figure 3.1 indicates the proportion of crimes that yielded different types of evidential material. Samples, objects and clothing from either the scene or the victim were most often collected from offences yielding physical evidence.

As research into the investigation of less serious offences have indicated (Burrows *et al*., 2005), physical evidence is much more likely to be collected in crimes where the time between offence and report is short. In this sample, time between offence and report was significantly associated with the collection of physical evidence ($p<0.01$). More than three-quarters of offences reported on the same day as they were committed involved the recovery of physical evidence. This compared to only 19 per cent of offences reported more than six days after they took place. Victim age and offender-victim relationship were also significantly associated with the recovery of forensic evidence. Some 60 per cent of partner/ex-partner offences and 70 per cent of parent/other relative offences did not result in the recovery of forensic evidence. While the issue of consent may in part help explain lower rates of forensic recovery for the former, the latter is more likely explained by the longer average times between offence and report. Offences involving acquaintances, strangers and 'other' relationships all recorded significantly higher levels of forensic recovery than partner/ex-partner and parent/other relative assaults (see Appendix Table A.5).[26]

[25] While 'forensic evidence recovered' is a useful indicator of initial forensic potential, forensic material submitted is likely to be a more sensitive test of the utility of that recovered material. Where forensic evidence has been collected from an FME exam, for instance, this is often likely to take place *before* a suspect has been interviewed. If the suspect claims consent, the evidential value of some of that forensic material is likely to be low and consequently it may not be submitted for analysis. It was, however, less obvious from the case files to ascertain whether or not material had been submitted.

[26] Limited information was gathered on the use of early evidence kits (EEKs). It was clearly the case that EEKs were used in 12 per cent of cases, but in many instances, it was simply unclear if an EEK had been used or not. For offences reported on the same day as the offence, known EEK use took place in 29 per cent of cases.

Figure 3.1: Crimes yielding forensic material: type of material collected



Note:

(a) Base= all offences yielding any forensic evidence.

The data extraction tool sought to identify whether any medical evidence (*apart* from details of the victim's injuries) were collected by the investigating team. The sort of medical information identified included the victim's psychiatric history, general medical history or any specific information around sexually transmitted diseases that might be associated with the offence. Overall, medical evidence of this kind was gathered in 14 per cent of cases. Medical evidence was significantly ($p<0.01$) more common within investigations involving victims aged under 16 (a quarter of cases). It was also significantly associated with those victims assaulted by parents/relatives (three in ten cases) compared to those in other categories of victim-offender relationship.

The victim's medical history was obtained in 55 cases (9% of 542 cases where it was known whether or not the medical history was obtained). Chapter 6 looks in more detail at the contribution that 'medical history obtained' makes to case outcomes. At this point it is just worth pointing out some of the significant associations between this and other victim-related variables (Table 3.8). Victim age, victim vulnerability, relationship and injury were all found to be significantly associated with whether or not the victim's medical history was obtained.

Table 3.8: Victim's medical history obtained

Variable	Significance	Comment
Victim age	***	19% of victims aged under16 had their medical history obtained compared to 7% of those aged 16 and over
Victim vulnerable	***	24% of vulnerable victims had their medical history obtained compared to 7% of non-vulnerable victims
Victim injured	***	17% of injured victims had the medical history obtained compared to 7% of non-injured victims
Relationship	***	Victims assaulted by parents/other relatives are over represented – 22% of victims in this type of relationship had their medical history obtained compared to 10 per cent of all victims
Time between offence and report	*	Offences reported after day of offence more likely to have medical history obtained

***= p<0.01

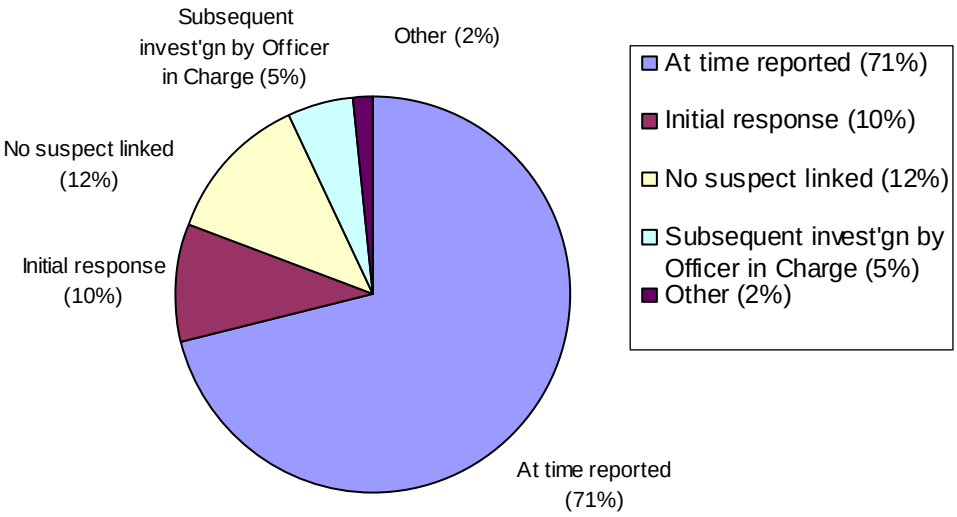
* = p<0.1

A limited amount of information was collected on the presence of witnesses to the crime. In all, information on the presence of witnesses was available in 491 crimed cases. For those offences where the presence of witnesses could be established, witnesses were present to observe the 'interaction' between the offender and victim immediately prior to, during, or just after the offence, in 40 per cent of offences. Offences involving victims under the age of 16 were significantly more likely to have witnesses present (p<0.01) (53% of offences involved a witness). Victim-offender relationship was not found to be significant in relation to the availability of possible witnesses.

Linking suspects to offences

Previous studies of crime investigation have made a distinction between that information that initially links a suspect to an offence, and that which is subsequently used to build up a case against the offender to support a charge (see for instance Burrows, Tarling, Mackie, Poole and Hodgson, 2005). Information was sought from the case files which indicated what, initially, linked the offender to the offence in question, and when in the investigation linking took place (figure 3.2). The majority of suspects were linked to the offence at the time it was reported (71%, n= 397), with another ten per cent (n= 54) of cases linked when the police initially responded to the incident. A further five per cent (n= 29) of cases linked the suspect through subsequent investigation by the officer in charge. In 12 per cent (n= 68) of cases no suspect was linked. The factors that actually linked particular suspects to the rape offence are highlighted in Table 3.9. This illustrates that in a large proportion of these cases (67%) the suspects are linked because the victim names her attacker.

Figure 3.2: Point in investigation when suspect linked



Note:

(a) Based on 558 cases where the point at which suspect linked known.

When analysed by age of victim, significant differences were found in terms of how the offence was first linked to the suspect ($p<0.01$). Victims aged 16 and over were significantly less likely to have an offender identified than younger victims. Only five per cent of offences involving victims aged under 16 were not linked compared to 12 per cent of victims aged 16 and over. The different nature of offences involving those aged under 16 and those aged 16 and over also meant that younger victims were more likely to name their attacker than older victims (77% compared to 64%). Offenders in cases involving victims aged 16 and over were, however, significantly more likely to be apprehended at the scene than offences involving younger victims (4% of offences involving victims aged 16 and over were linked in this way but there were no instances involving younger victims).

Table 3.9: Factor linking the suspect to the offence

Factor linking suspect to offence:	Per cent	n=
Named by victim	67	395
No suspect linked	12	68
Victim description	6	32
Named by associate	4	25
Caught at/close to scene	3	19
Other	3	17
Forensic match	2	11
Suspect admission	<1	4
Similarity to other offences	<1	2
Total (N) (a) (b)	100	(573)

Notes:

(a) N = 573 of 593 for which factor linking suspect is known.

(b) Percentages do not always total 100 due to rounding.

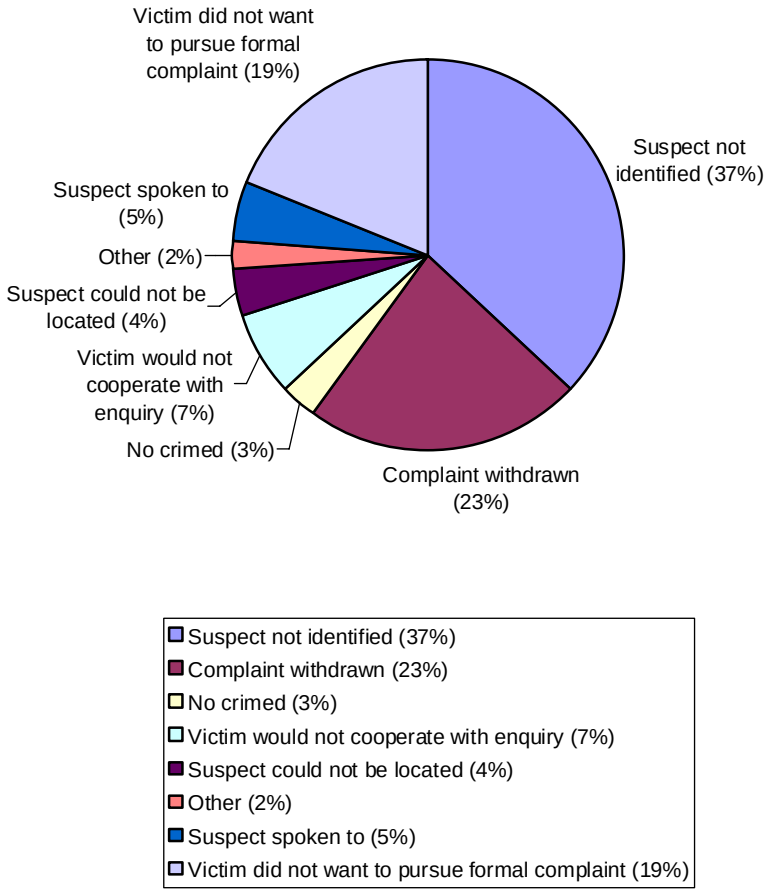
The arrest of suspects

Suspects were arrested in just under two-thirds of crimed offences (65%, 560 cases where information on whether a suspect was arrested or not was known). Arrests were significantly more likely to occur in offences involving victims aged under 16, and those victims assaulted by parents or relatives ($p<0.01$ in both instances).

A wide range of reasons were identified around why an offender was *not* arrested; by no means were all due to a failure to identify or locate a suspect. In total, there were 67 cases where no suspect was identified, equivalent to 11 per cent of the full sample and 37 per cent of cases where no suspect was arrested. In a further eight cases the suspect was not arrested because he could not be located. In just under a quarter of 'no arrest' cases (24%, equivalent to 7% of the total sample), the victim had withdrawn the complaint prior to any arrest being made. In a further 34 cases (19% of no arrest cases, 6% of the full sample), the victim did not want to pursue a formal complaint. The issue of victim withdrawals is dealt with more extensively in Chapter 4. In a small proportion of offences (just under 5% of all no arrest cases), the suspect was identified and interviewed but not formally arrested. A summary of the reasons for not arresting a suspect is given in Figure 3.3.

Information on the time between initial report to the police and the arrest of a suspect was available in a total of 336 cases. In more than one-half of cases where an arrest was made (55%), the suspect was arrested within one day of the offence being reported. Just under one-third of cases involving the arrest of a suspect took place between seven days and six months after report (31%). A significant correlation was found between time between offence and report and time between report and arrest (Spearman rho, 1 tailed 0.501, $p<0.01$). More than six in ten of offences which involved an extended gap between offence and arrest (more than seven days) involved offences which had been reported more than seven days after the offence occurred. The suggestion is that, as a result of the evidential loss as time between offence and report increase, more time is required to build up a case against the suspect pre-arrest, resulting in extended offence to arrest times.

Figure 3.3: Reason for not arresting the suspect



Notes:

(a) Based on data for 183 offences where the reason for not arresting a suspect was known.

(b) The inclusion of no crimes in this analysis (five offences) reflects the fact that some offences were no crimed inappropriately.

Some brief analysis on the nature of police interviews with suspects is given in Appendix B.

Reviewing cases

A review of the investigation by a senior officer was conducted in 58 per cent (n= 258) of rape cases. Reviews tend to be more frequently carried out in those cases that are undetected and this was reflected in the sample (64% of undetected cases were reviewed by a senior officer, compared to only one third of detected cases). In terms of the rank of the reviewing officer, 92 per cent of cases were reviewed by either a Detective Sergeant (32%), Detective Inspector (34%) or a Detective Chief Inspector (25%) (n= 211 of 258 cases that were reviewed and the rank of reviewing officer known). Table 3.10 lists the main points highlighted in the review documents. The majority of reviews were signed off with no comment (37%), acknowledged that the investigation was complete and was filed (29%), or simply endorsed the recommended course of action (11%). In only one case was there evidence of a reviewing officer recommending that further enquiries should be undertaken.

Table 3.10: Main comments of review document

Main comments of review	Per cent	n=
No comments	37	95
File/investigation complete/no further action	29	40
Agreed with/authorised decision	11	29
Reclassified offence/detection	4	10
Follow CPS advice	3	8
Victim unwilling to co-operate	2	6
File pending further information/evidence	2	5
Insufficient evidence to proceed	2	5
Submit to CPS	2	4
Evidence that no offence occurred	1	2
Conduct further enquiries	<1	1
Other	7	17
Total (N) (a) (b)	100	(258)

Notes:

(a) N=258 offences where review documents present.

(b) Percentages do not always total 100 due to rounding.

Summary of chapter

This chapter has focused on the reporting and investigation of rape offences. Just over half of all offences were reported by the victim herself; in more than four in ten offences someone else made the initial report. Around 90 per cent of offences were reported to the police through a phone call or visit to the police station but eight per cent of offences came to light during the investigation of another offence and four per cent were other agency referrals. Although just under half of offences were reported on the same day as it occurred, almost one-third of offences involving victims aged under 16 and 14 per cent of offences overall were reported more than six months after the offence had taken place. In terms of the investigation of the offence, forensic medical examinations took place in half of all offences. The reason for an examination *not* taking place was mainly due to the elapse of time between offence and report (limiting the value of an examination); in a quarter of 'no examination' cases the failure to examine was due to the victim not wishing to be examined. Forensic evidence was gathered in around a half of all offences, while the victim's medical history was obtained in only nine per cent of offences. Suspects were usually identified early in the investigative process (seven in ten at the time of report) and by the victim herself. Only 12 per cent of cases had no suspect linked to the offence.

4. The overall attrition profile

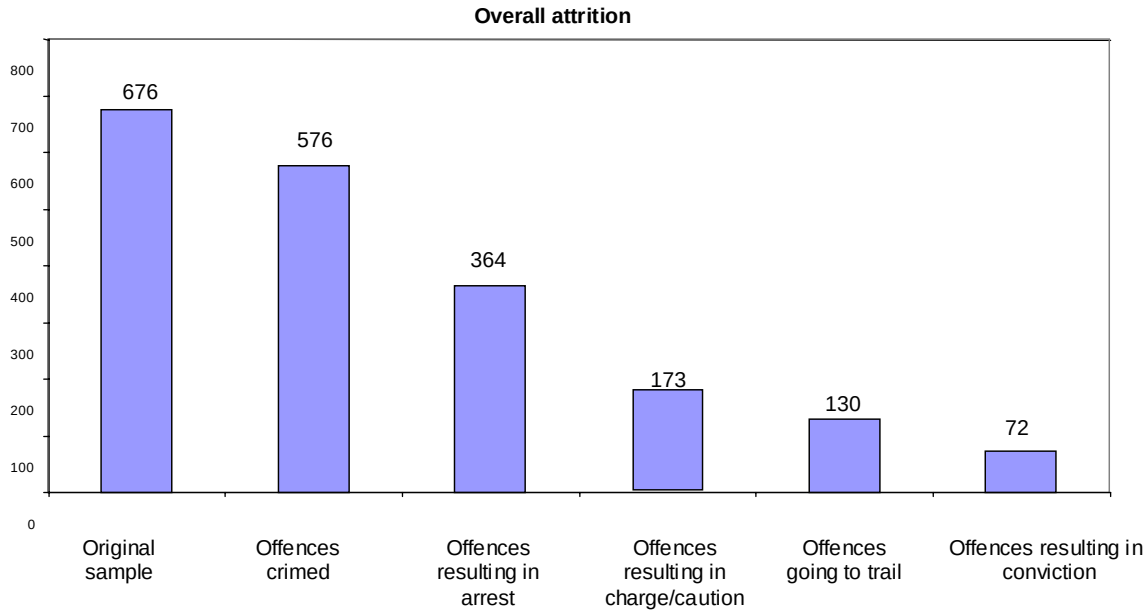
Before looking in detail at one aspect of loss of cases (victim withdrawal) and what factors best predict successful case outcomes, this chapter looks more broadly at the process of attrition in rape offences. In particular, it attempts to address two key questions.

- What is the overall nature of the attrition process – at what stages are cases lost from the system?
- How do attrition profiles vary by force area?

The points of attrition

Previous studies have identified four main components to the process of attrition: at the point of criming an offence (cases lost due to no criming); between criming an offence and charging (or other sanction); between charge and the start of a trial; and those lost during (and at the conclusion) of the trial stage (see Lees and Gregory, 1996; Harris and Grace, 1999; Kelly *et al*., 2005). Before examining all these stages in detail, the overall profile of attrition is summarised graphically in Figure 4.1. Information on case outcomes was often stated explicitly in files although in some instances case outcome had to be inferred on the basis of information contained within the file.[27] In those cases where the research team identified possible inconsistencies against HO Counting Rules, these were submitted to the Home Office lead on National Crime Recording Standards for clarification. With the exception of the final section on force variations in attrition, the data presented in this chapter examine the actual process of attrition identified on the basis of information held in the case files (i.e. it does not allow for any inconsistencies that forces applied to the classification of case outcomes through, for instance, inappropriate no criming).

Figure 4.1: Overall attrition within the sample



[27] For some cases, information on the final outcome at court was missing and for these, information was obtained from the HO PNC database. This process reduced the number of cases with missing information at the court stage.

Of the original sample of offences (N=676), 85 per cent were actually crimed and 15 per cent were no crimed. Of the 576 cases crimed by forces, a total of 32 per cent were classified as detected[28]: 166 of these offences resulted in an offender (or offenders) being charged; seven cases resulted in a caution;[29] and nine cases resulted in a non-sanction detection. This corresponds to a sanction detection rate (that is, the number of charges plus cautions divided by crimed offences) of 30 per cent. Of those offences that resulted in a charge, 130 went for trial and 72 offences ended up with the offender being convicted.[30] In 32 offences a suspect was convicted for rape and in a further 40 the suspect was convicted for a lesser principal offence. The proportion of crimed offences resulting in a rape conviction (alone) was six per cent; the proportion of crimed offences resulting in a conviction for rape *or* another lesser offence was 13 per cent; in five cases, the lesser offence was not a sex offence. In total there were 39 offences where offenders were also convicted of *additional* lesser offences. Finally, to give a figure that corresponds to a measure of 'offences brought to justice', the seven cautions can be added to the 72 offences resulting in conviction (13 per cent).

A conviction rate of 13 per cent[31] is considerably higher than the frequently quoted statistics on the conviction rate for rape. These are calculated using administrative data and give a conviction rate of around six per cent.[32] The main reason for the difference between the two figures is that the 'administrative' method only uses figures for convictions for rape (in other words, the figure excludes any convictions for lesser offences where the original offence was a rape).[33] Suspects who are charged with rape can plead guilty to a lesser offence (such as indecent assault) through a process of plea bargaining with prosecutors, by which putting a victim through the trial process is foregone for an admission of guilt for a lesser offence (see Harris and Grace, 1999, p32).[34] In this study, convictions for lesser offences represent a sizable proportion of total outcomes and accounted for 56 per cent of all convictions.

Where are cases getting lost from the system?

No crime and crime

The concept of no criming an offence was introduced in Chapter 1. In total, 100 offences were no crimed by the police (15 per cent of the total sample). How this no crime rate compares with previous studies is examined in more detail in Chapter 7; here the focus is the reason for no criming. Under the present NCRS guidance, offences can be no crimed for one of four reasons: where, following the report of an incident, additional verifiable information becomes available that indicates that no offence took place; the crime is recorded in error; the offence took place in another force area; and, if the crime, as alleged, constitutes part of a crime already recorded. Figure 4.2 gives the breakdown of reasons for no criming as identified within the case files.

[28] See Footnote 1.

[29] The seven offences resulting in a caution can be described as follows: five offences against those aged under 16 (four aged between 12 and 15), and two against victim aged 16 and over. One suspect was 14 years old and the remaining suspects' aged ranged from 19 to 32 years. In all of these cases, there were circumstances where the investigating officer and the CPS concluded that a caution was the most appropriate course of action. This was either because the precise circumstances of the offence meant that there was very little prospect of a conviction (e.g. some evidence to suggest that the victim consented but was nonetheless aged under 16, an admission from the offender but a victim not willing to pursue a formal complaint) *and* because it was generally seen to be desirable to get the suspect on the sex offender's register (which cautioning allows).

[30] As an indictable only offence, rape cases can only be tried in the Crown Court.

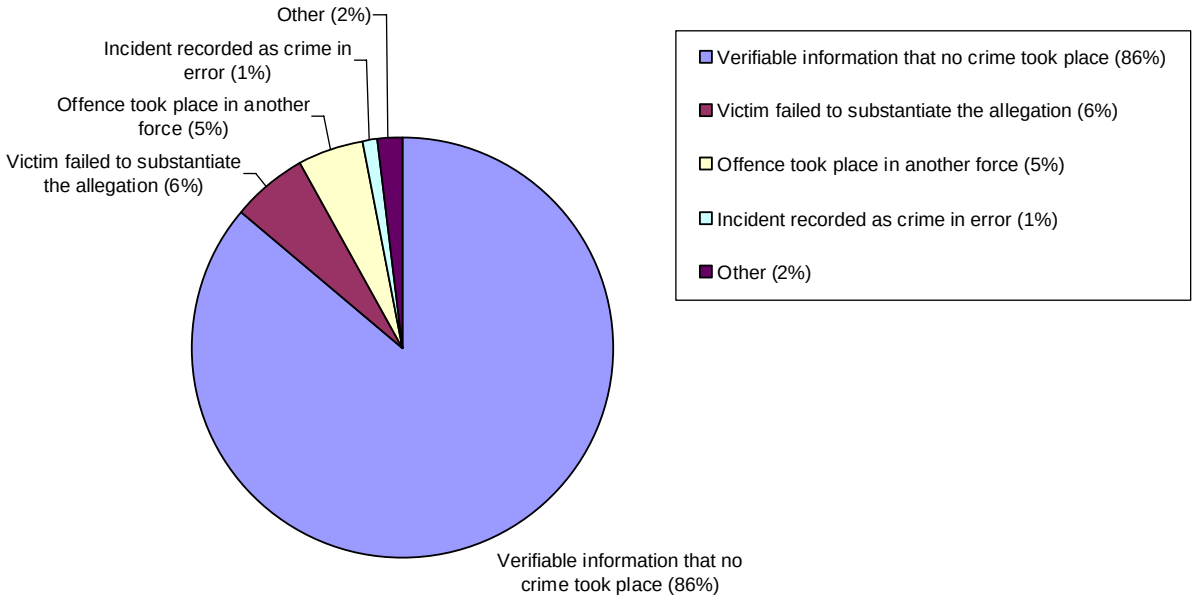
[31] Or alternatively, a conviction rate of 12 per cent (if convictions are rebased against an adjusted total of crimes, to take account of inappropriate no criming).

[32] These are calculated by dividing the number of crimed offences in a given year by the number offenders convicted.

[33] Furthermore, in calculating the 'administrative rate', figures for the number of convictions relate to the number of offenders convicted not the number of offences resulting in a conviction; nor are the data based on a true cohort of cases. Instead they are calculated from the number of offences in period x and the number of rape convictions in period x.

[34] The suspect does not need to have been initially charged with this lesser offence.

Figure 4.2: No crimes, by reason for crime



Note:

(a) Based on 97 of 100 no crimes for which the reason for 'no criming' could be identified.

In total, 86 per cent of offences that were no crimed were done so on the grounds that there was verifiable information that no crime took place. In five per cent of no crimes, the stated reason for no criming was the failure of the victim to substantiate the allegation; four of the five offences in this group should actually have been crimed under NCRS rules. Those offences that were no crimed due to 'verifiable information that no crime took place' were examined in more detail to examine the reason for no criming (Table 4.1). Of the 83 offences that met these criteria, thirteen were identified as having been inappropriately no crimed. In total, therefore, 17 offences were inappropriately classified as no crimes and should have been crimed (equivalent to 3% of the sample and 17% of police recorded no crimes). If other legitimate no crimes are included (offences recorded in error and offence took place in another force) the corrected number of no crimes was 83 (12% of the full sample).

In the recent HMIC/HMCPSi reinspection on rape (2007) attention was drawn to generally high levels of non-compliance with no criming rules. For the areas examined in the HMIC/HMCPSi report, correcting for the effect of inappropriate no criming was, overall, found to inflate recorded crime levels by ten per cent (ranging from no increase to 38 per cent increase across the sample sites). For this study, inappropriate no criming rates varied from zero to 11 per cent. Two factors might explain the apparent divergence between this study's more modest levels for inappropriate no criming and that found by the HMIC/HMCPSi. First, both studies have selected sample sites (forces in this study and a combination of forces and divisions in the HMIC/HMCPSi) and the general pattern is one of variation in adherence to Home Office counting rules. Some of the divergence might simply reflect random variation in the selected forces' adherence to these rules in respect of no criming. Secondly, some of the

divergence is likely to reflect the fact that the figures in this study are based on samples (and therefore subject to sampling variation within a force) and HMIC/HMCPSi figures are based on audits of no crime reports within discrete six-month time periods.

Table 4.1 gives further information on the sources of information used to support decision making around 'verifiable information' cases, both before and after adjusting for inappropriate no criming. Kelly *et al*. (2005) have advised against grouping together different types of no crime into a single undifferentiated group. In particular, they differentiate between cases where there is a genuine, initial concern that a rape has been committed but ultimately 'no evidence of an assault' is found,[35] and those cases which are false allegations. The category 'Doctor/FME assessment that no offence took place' corresponds broadly to Kelly *et al*.'s 'no evidence of assault' category.

In just over half of these cases (51%, n=42), the decision to no crime was due to the victim admitting that no crime took place, while in a further ten offences evidence came to light which contested the victim's account of events. Adjusting for offences which were inappropriately classified, offences which might be considered to be false allegations of some kind or another accounted for eight per cent of the entire sample (n=52) .

Table 4.1: Reasons for stating 'verifiable information that no crime took place'

	Main reason for stating 'verifiable information that no crime took place'							
	Circumst-ances reported do not constitute rape	**Doctor/ FME assess-ment that no offence took place**	**Lack of support-ing evidence**	**Evidence/ information that no offence took place**	**Victim admiss-ion that no offence took place**	**Mental state of the victim (a)**	**Other**	**Total**
Originally classified as no crime	5	12	8	10	42	4	2	83
No crime (revised)	5	11	0	8	42	2	2	70

Note:
(a) In the two cases where the mental state of the victim was an issue but the offence was nonetheless considered a legitimate no crime as there was additional credible information available to the investigating officer that indicated that no offence had taken place.

The characteristics of offences designated as false allegations

Given the rather diverse nature of offences covered under the label of no crimes (from administrative error through to false allegation), there is little value in examining this as a single category. It may however be more fruitful to examine whether false allegation cases have particular characteristics that distinguish them from crimed cases. Cross-tabulations were run comparing the characteristics of adjusted crimed offences against those 52 offences involving false or malicious allegations.[36] A total of 22 victim and offence variables

[35] Either because the victim has the appearance to a third party or an attending officer of having been subject to a sexual assault, and/or, because the victim is incapacitated to the extent that she does not remember what has happened to her and is seeking reassurance that she has *not* been the subject of sexual assault.
[36] The analysis took account of the reassignment of cases according to NCRS. It also excluded all no crimes which were *not* due to false allegations.

were considered (Table 4.2 lists the variables used).[37] Six variables were found to be significant. Generally, variables associated with stranger offences and public place initial contact points/offence locations were more common amongst false allegations. There was no evidence to suggest that, in the cases examined, offences involving vulnerable victims or those who had made previous allegations were significantly over- or under-represented compared to crimed offences. It is important not to misinterpret this table in terms of what it can reveal about the identification of false allegation cases. The table simply identifies those offence characteristics which are more commonly found in false allegation cases compared to all other offences. The overwhelming majority of reported offences featuring any of these characteristics will still be crimed offences.

Table 4.2 Offences designated as false allegations compared to crimed offences: significant and non-significant characteristics

Significant variables	Significance (a)	Comment (b)
Relationship	***	Stranger relationships over-represented in false allegation cases (37% of false allegations but 14% of all crimed offences)
Place of initial contact	**	Initial contact a 'public place' over-represented amongst false allegation cases (47% of false allegations compared to 23% of all crimed cases)
Location of first offence	***	'Park/open area' (16% compared to 7%) and 'public places' (23% compared to 7%) both over-represented in false allegation cases
How offence reported	***	Calls to the police as opposed to other methods of contact over-represented in false allegation (87% compared to 67% for all crimed offences)
Extent of injuries	**	Uninjured victims over-represented in false allegation cases (85% compared to 66% in all crimed cases)
Employment status	**	Students over-represented amongst false allegation cases (23% compared to 10% of all other crimed cases)
Police force	***	False allegations over-represented in force F and under- represented in Forces D and G.

Variables found not to be significant:

Victim age (under 16/16 and over); victim ethnicity; victim vulnerable; number of victims; period under coercion; victim had made previous sexual allegations; time between offence and report; who reported; threats made against victim; use of violence; victim resistance; consensual contact; victim's use of drugs; victim's consumption of alcohol; witness present; multiple suspects; suspect age (under16/16 and over)

Notes:
(a) *** p<0.01; ** p<0.05 * p<0.1
(b) For variables with three or more categories, the principal differences highlighted are those with a standardised adjusted residual in excess of plus/minus 2.

The loss of cases between crime and charge

The point between the criming of an offence and a failure to achieve a charge, caution or non-sanction detection represents the greatest overall loss of offences. Only 32 per cent of crimed cases end up being detected through any means (in other words, 68 per cent of crimed offences are 'lost' at this stage), although it is important to consider the threshold

[37] Where necessary, variables were compressed to reduce the number of cells with expected frequencies of less than five to below 20 per cent of all cells.

required for a case to be detected (see Footnote 1). In assessing the case files, the researchers attempted to reflect, wherever possible, what the police (or CPS) identified as being the *principal* reason for the offence not being detected. In many instances, it was self-evident that there was a single primary reason for a case being lost at this stage. Elsewhere, however, it was difficult to identify a *single* reason why a case failed to result in a charge; there is often a complex interplay of factors at work that prevent an offence being detected.

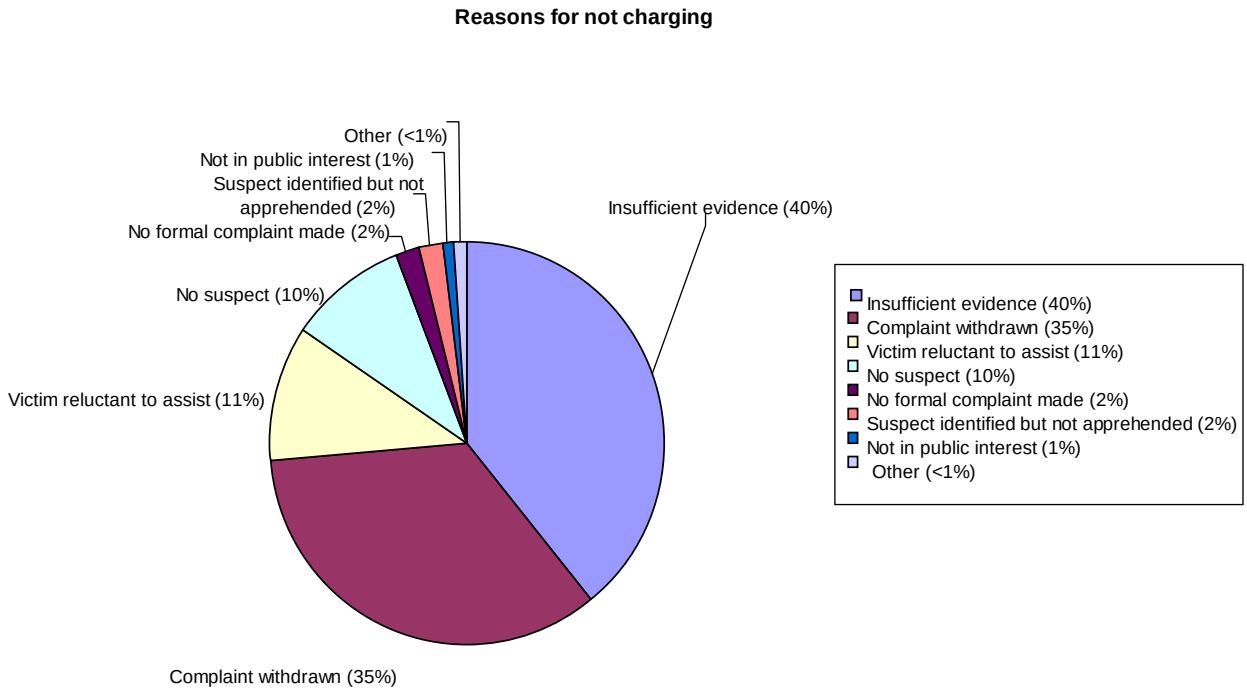
As Figure 4.3 shows, just under three-quarters of the crimed offences that failed to result in a charge were due to two reasons: withdrawal of the complaint by the vicitm and insufficient evidence (35% and 40% respectively).[38] The characteristics of victim withdrawal offences are explored in more detail in Chapter 6. It cannot, of course, be assumed that all of these withdrawn offences *would have resulted in a charge had the victim not withdrawn the complaint*. Rather, it is the case that the progression of the investigation in these offences was halted as a result of victim withdrawal. In addition to victim withdrawal, a further two per cent of cases lost at this stage were because the victim did not wish to make a formal complaint.

A common misconception is that the low detection rate for rapes reflects a large number of 'at large' offenders. In only ten per cent of no charge cases was the main reason for not charging specified as the failure to identify a suspect (in a further 2% of cases a suspect was identified but failed to be apprehended). Victim reluctance to assist in some element of the investigation was identified as the main factor in failing to charge in one in ten crimed offences (11%) that did not result in a charge (n=42). Exactly how a victim's reluctance to assist the investigation manifested itself varied from case to case. In just under one-third of 'victim reluctant to assist' cases there were difficulties in making follow-up contact with the victim. Additionally, in eight in ten 'victim reluctant to assist' cases the victim was not examined by a forensic medical examiner (although for a quarter of cases this was due to the length of time that had elapsed since the offence rather than for any other reason).

Significant differences ($p<0.01$) were found in the relationship between reason for not charging and offender-victim relationship. In cases involving partners or ex-partners, the reason for not charging was significantly more likely to be due to victim withdrawal than any other reason. The opposite was true of victims assaulted by parents or relatives, where in seven in ten offences the reason for not charging was insufficient evidence (see Appendix Table A.6).

[38] Excluding offences that resulted in a caution or a non-sanction detection.

Figure 4.3: Reason for not charging: all crimed cases not resulting in a charge



Note:

(a) Based on 383 crimed cases which did not result in a charge (excludes cases resulting in a caution or non-sanction detection). Also excludes 11 cases where information on the reason for not charging was not available.

In offences that resulted in a charge or caution, on the basis of information held in the case file, an assessment was made of the principal evidence that enabled the offence to be detected. Overall, victim statements were most commonly identified as the factor supporting the decision to charge (present in 73% of charged/cautioned offences). The contribution of a statement provided by a forensic medical examiner or doctor is also identified as commonly having evidential value, being the second most commonly cited piece of information (in 26% of charged offences) (Table 4.3).

Table 4.3: Principal evidence enabling an offence to be charged

Numbers and percentages

	Number of cases where this source of evidence cited	Proportion of charged cases where this source of evidence cited (percentages)(a)
Victim statement	115	73
FME/doctor statement	41	26
Witness statement	32	20
Forensic evidence	23	15
Offender admission	13	17
Other	26	17

Note:

(a) Figures based on 157 cases resulting in a charge or caution where indication of evidence to charge available. Percentages do not add up to 100 because more than one source of evidence could be cited per offence.

The loss of cases post-charge

As Figure 4.1 illustrates, the attrition profile becomes less steep post charge. CPS decisions to terminate proceedings post-charge occurred in a modest number of charged cases (35 cases, or 22% of all charged cases).[39] The vast majority of CPS terminations took place on evidential grounds (91%, n=34). Only one case was terminated on public interest grounds; in two cases the decision was due solely to an inability to proceed[40] (in three cases, the reason for termination was unclear from the content of the case files). Overall, lack of supporting evidence (45%) was the most commonly identified reason for CPS termination; two-fifths of cases terminated on evidential grounds were, at least in part, due to witnesses refusing to give evidence (Table 4.4). A similar proportion of CPS terminations were due to a lack of supporting evidence, while witness credibility/reliability was cited in one-third of offences.

Table 4.4: Reasons for CPS termination post-charge: all evidential grounds cases (a)

	***Number* of cases where identified**	***Percentage* of cases where identified (c)**
Lack of supporting evidence	15	45
Witness refuses to give evidence	12(b)	39
Witness lacks credibility/unreliable	10	32
Forensic analysis	9	29
Lack of corroboration	4	13
Available evidence not admissible	3	10
Conflict between witnesses	2	7
Unreliable admission	2	7
No evidence in relation to a key element of the offence	2	7
Other	3	10

Notes:

(a) n= 31 cases where CPS terminated on evidential grounds where reason for termination known.

(b) The majority of these cases involved the victim withdrawing.

(c) More than one reason for termination (on grounds of evidence) could be provided for a single offence, hence percentage figure do not add up to 100.

Information on the stage at which the CPS terminated proceedings was available for 25 of the 35 terminated cases. Although it is difficult to come to unambiguous conclusions on the point at which the CPS terminated cases due to the small number of cases in the subsample, the general pattern can be described as follows.

- Thirteen cases were terminated before or at the first magistrate's hearing;
- Six cases were terminated before or at subsequent magistrate hearings.
- Six cases were terminated just before getting to the Crown Court. One force in particular accounts for a high proportion of all of the cases lost at this stage.

Of the 35 terminated cases in the sample, fourteen (40%) occurred within one force, where the termination rate equated to 50 per cent of all charged cases. At this time, CPS terminations were, therefore, far from evenly distributed across all forces.

[39] Excluding four charged cases for which it was not known whether or not the CPS terminated the case.

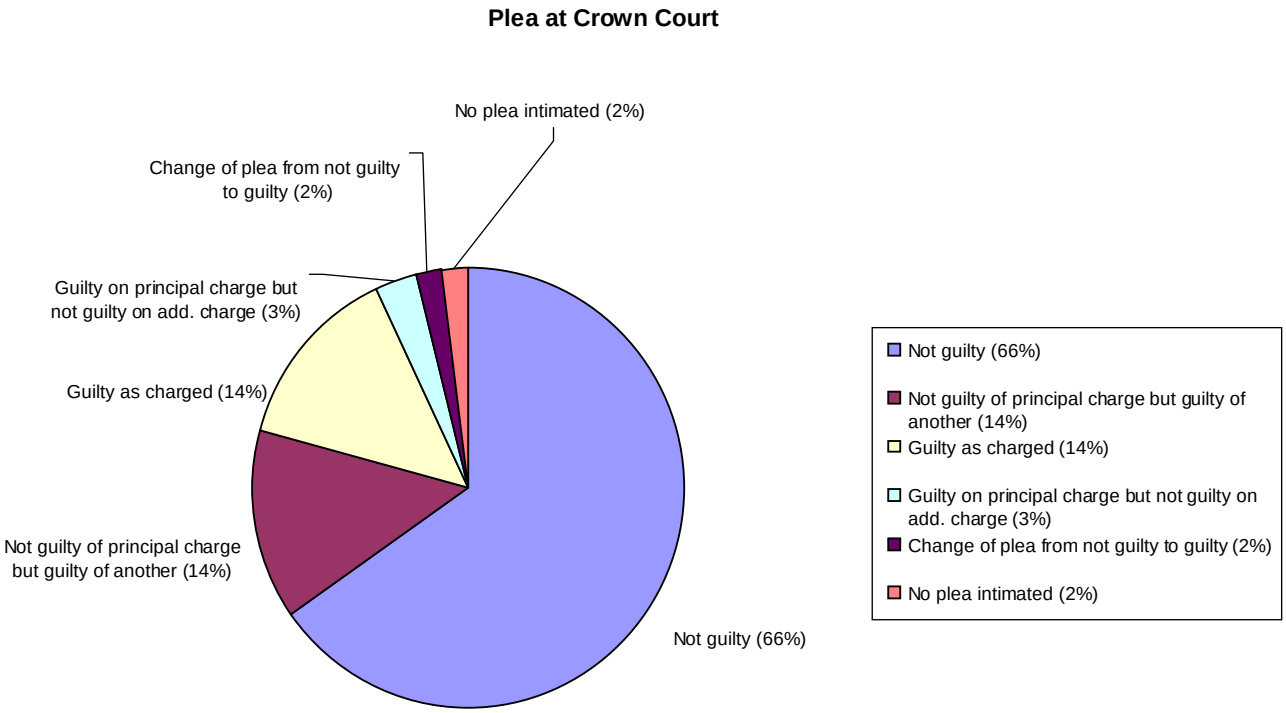
[40] Also cited in nine cases terminated on evidential grounds.

The court process

Pleas at Crown Court, final outcomes

In total, 130 cases reached Crown Court (23% of the original sample of crimed cases), and of these, information on the plea at court was known for 126 cases. In two-thirds of offences that reached Crown Court, defendants pleaded not guilty to the principal charge, while an additional 14 per cent pleaded not guilty to the principal charge but guilty to a lesser charge. In all, defendants in 18 per cent of Crown Court cases plead guilty. This group includes four cases where the defendant pleaded guilty to the more serious charge but not guilty to a lesser charge and two cases where the offender changed his initial plea at the Magistrates' Court from not guilty to guilty. The main defence offered in not guilty cases was either total denial of the offence (in more than 46 per cent of not guilty cases) or claiming consent (in 44%).

Figure 4.4: Plea at Crown Court



Note:

(a) Based on 126 cases that reached Crown Court. Excludes four cases for which the plea at Crown Court could not be determined.

Overall, just under six in ten offences that reached Crown Court ended up resulting in the defendant being convicted (58%, n=124). The majority of acquitted cases were acquitted by juries: there were, in total, six judge-directed acquittals and four judge-ordered acquittals (see Footnote (c), Table 4.5). Of those cases where the defendant initially pleaded not guilty to all charges at Crown Court, two-fifths (39%, n=80) ultimately resulted in a conviction (Table 4.5).

Table 4.5: Plea by outcome at Crown Court (a)

Row percentages

		Outcome at Crown Court							Total	n
		Convicted alternative/ lesser charge(s) only	Convicted both principal and alternative charge(s)	Convict-ed principal charge only	Dis-charge	Judge ordered acquittal (b)	Judge directed acquittal (c)	Jury found not guilty		
Plea	Change of plea from not guilty to guilty	-	-	100%	-	-	-	-	100%	2
	Guilty as charged	6%	59%	35%	-	-	-	-	100%	17
	Guilty of principal charge not guilty of additional charge	-	50%	50%	-	-	-	-	100%	4
	No plea intimated	-	-	-	-	-	100%	-	100%	2
	Not guilty	9%	16%	14%	4%	5%	4%	49%	100%	80
	Not guilty of principal charge but guilty of other charge	88%	6%	6%	-	-	-	-	100%	17
	No information	-	50%	-	-	-	50%	-	100%	2
		19%	22%	18%	2%	3%	5%	32%	100%	124

Notes:

(a) Excludes six cases for which the final outcome at court was not known.

(b) A judge-ordered acquittal takes place when the judge orders that the defendant is acquitted when the prosecution offers no evidence.

(c) A judge-directed acquittal occurs when the judge orders the jury to enter a not guilty verdict. This may be because the judge has ruled that a witness's evidence is deemed sufficiently unreliable that the case should not be left to the jury to decide, or where the prosecution has been unable to prove an element of an offence.

Table 4.6 illustrates the outcome of cases by victim-offender relationship. Offences involving parents or other relatives resulted in a conviction in 32 per cent of cases in the sample. This compares to 11 per cent of offences involving strangers and nine per cent involving partners or ex-partners. None of the offences where the assailant was categorised as a 'friend' of the victim resulted in a conviction.

Table 4.6: Convictions, by victim-offender relationship (a)

Column percentages

	Partners/ex-partners	Parent/other relative	Friend	Other	Acquaint-ance	Stranger	Total
% of crimed offences resulting in conviction	9	32	-	8	11	11	13
% of crimed cases with all other outcomes	91	68	100	92	89	89	88
Total	100	100	100	100	100	100	100
N	124	87	56	72	157	80	576

Note:

(a) Analysis based on offences crimed by force with no adjustment for inappropriate no criming.

Sentencing of offenders

In total, 72 offences resulted in a conviction and of these, details on the sentence type were known in all but two offences. Only nine cases did not result in imprisonment (or in one case, youth detention). All of those convicted of rape received a custodial sentence alongside the vast majority of those convicted of indecent assault (17 out of 19). All those convicted of attempted rape received custodial sentences (youth detention in one case). Four offenders received rehabilitation orders (two for USI [unlawful sexual intercourse] and two for indecent assault); three offenders received a conditional discharge (two for non-sexual offences and one for USI); and, one offender received a referral order. Details are given in Table 4.7.

Table 4.7: Sentence by type and offence (a)

	Principal charge at Crown Court					Total
	Attempted rape	Indecent assault	Non-sexual offence	Rape	USI	
Imprisonment	6	17	3	33	2	61
Community rehabilitation Order	-	2	-	-	2	4
Conditional discharge	-	-	2	-	1	3
Youth detention	1	-	-	-	-	1
Referral order	-	-	-	-	1	1
Total	7	19	5	33	6	70

Note:

(a) Based on 70 offences where sentence details and principal charge both known.

Table A.7 gives details of sentence length by offence type for offences receiving a custodial sentence.

The process of charging/convicting for lesser offences

The process by which original offences of rape were charged (or ultimately convicted) for 'lesser offences', was explored. Limited change was found between the offence charged initially by the police (or CPS) and the initial charge at Crown Court. Of the 130 offences which resulted in a suspect being charged *and* that case going to Crown Court, three-quarters of all charges were for rape. Fourteen were for attempted rape (11%), six were for indecent assault (5%), four were for USI (under the age of 16) and two were for non-sexual offences (3% and 2% respectively). Of this entire group, only five offences (4%) recorded a different initial charge at Crown Court, and all of these were in locations that were not operating shadow charging arrangements.

During the court process itself, 18 per cent of offences which resulted in an outcome of some kind did so for a lesser offence than that initially charged at Crown Court (Table 4.8). Of the 46 initial charges of rape *that resulted in a conviction of any kind*, just under three-quarters ultimately resulted in a conviction for rape, two in five ended up in a conviction for indecent assault and just under one in ten resulted in a conviction for USI. Four of the twelve attempted rape charges resulted in convictions for indecent assault.

Table 4.8: From initial charge at Crown Court to final conviction

			Conviction at Crown Court					
			Attempted rape	**Indecent assault on a female**	**Non-sexual offence**	**Rape**	**USI**	**Total**
Initial principal charge at Crown Court	Rape	Nos	-	8	2	33	3	46
		%	-	17%	4%	72%	7%	100%
	Attempted rape	Nos	7	4	1	-	-	12
		%	58%	33%	8%	-	-	100%
	Indecent assault on a female	Nos	-	7	-	-	-	7
		%	-	100%	-	-	-	100%
	USI under 16	Nos	-	-	-	-	3	3
		%	-	-	-	-	100%	100%
	Other non-sexual offence	Nos	-	-	1	-	-	1
		%	-	-	100%	-	-	100%
	No information	Nos	-	-	1	-	-	1
		%	-	-	100%	-	-	100%
Total		Nos	7	19	5	32	6	70
		%	10%	27%	7%	47%	9%	100%

Note:
(a) Excludes two cases for which the offence finally convicted could not be identified.

Attrition by force area

So far this chapter has examined the overall nature of attrition across the sample as a whole. What, however, can be said about variations in attrition by force area? Although attrition profiles by force area can be built up using administrative data from different stages, as was acknowledged earlier in this chapter, there are limitations to this approach, so it is useful first to explore the extent to which individual forces appeared to be complying with Counting Rules in the recording of no crimes and detections. The pre-selected low detection rate forces are denoted as Forces A and B; Forces E and G are the pre-selected high detection rate forces. Forces C, F and H formed part of Harris and Grace's (1999) study, while Force D was the final urban force.

Some variation was found in the extent to which forces were appropriately claiming no crimes and detections. Both issues are illustrated in Table 4.9. While Force H was found to have a particular issue around inappropriate no criming of offences (accounting for almost half of all no crimes that were reclassified to crimes - nine out of 20[41]), there were also a number of offences where sanction detections were claimed inappropriately (12 offences in all, of which half were from Force E). At the time, Force E appeared to have a tendency to charge offenders very early on in the investigative process, and, on occasion, where the evidential base for the decision to charge was limited. Under HO Counting Rules in force at that time the sample cases were selected, if an offender was charged with a rape *and* the case passed to the CPS but the prosecutor decided there was insufficient evidence with which to proceed, the original 'detection' had to be reviewed by an inspector. Under the rules, if an inspector concurred that there had indeed been insufficient evidence to charge, the detection status of the offence had to be changed to undetected. This process was not being adhered to routinely in Force E.

In addition, Force E accounted for a high proportion of all CPS terminations in the sample, post-charge. It is of course possible (although unlikely[42]) that the CPS in Force E was applying too high a threshold against which evidence was being considered. The full introduction of statutory charging (whereby the decision to charge is wholly made by the CPS) is likely to have reduced the degree of overcharging such as that found in Force E.[43]

Table 4.9: Criming and charging not in accordance with HO Counting Rules

	Selection (a)	Initial sample	No crimes to undetected	Undetected to no crime	Admin det'n to undetected	Charge to undetected
Force A	Low	97	7	1	1	-
Force B	Low	83	-	-	-	1
Force C	H&G	86	-	-		1
Force D	Urban	95	-	-		2
Force E	High	60	-	1	-	6
Force F	H&G	89	2	1	-	-
Force G	High	94	2		1	1
Force H	H&G	72	9	-	-	1

Note:

(a) Reason for selected: Low: low detection rate; High: high detection rate; H&G = Harris and Grace force. See text.

[41] The total (net) number of offences that were changed from no crime to undetected was 17 since three offences were reclassified from undetected crime to no crime.

[42] It is unlikely because other things being equal one would expect most forces/Crown Prosecutors to behave in the same way. Since Force E starts off as an outlier and becomes more closely aligned with the majority of forces in terms of the proportion of cases going to Crown Court, it would seem more likely that the CPS was *not* applying an overly high evidential threshold in Force E area.

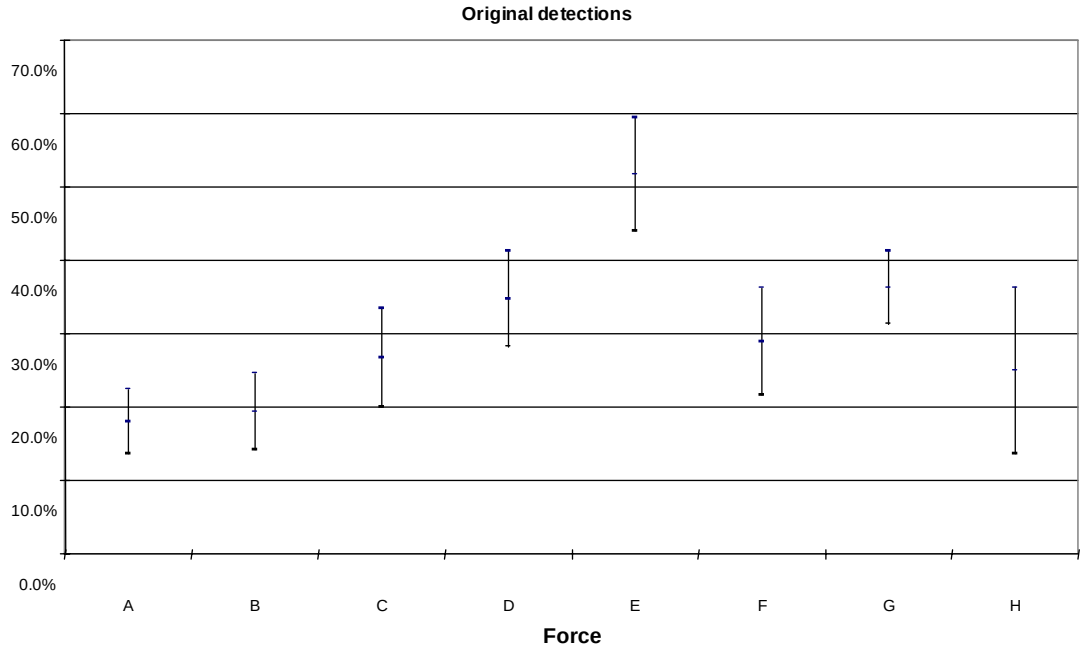
[43] When this study was being undertaken only one-fifth of cases took place in areas covered at the time by so-called shadow charging pilot schemes.

Figures 4.5 to 4.9 illustrate how forces' relative positions through the attrition process change. Four points in the process have been highlighted:

- the proportion of offences resulting in sanction detections according to the information in the cases files (4.5);
- the proportion of offences resulting in a sanction detection, adjusted according to HO Counting Rules (4.6);
- the proportion of correctly crimed offences reaching Crown Court (4.7); and
- the proportion of correctly crimed offences resulting in a conviction (4.8).

For Figure 4.5 (sanction detection rate as measured by the force), the base has been taken to be all those offences crimed *by the force* within the sample (in other words, not adjusted to reflect HO Counting Rules). All four graphs display confidence intervals (at 95%) around the point estimates for the sample to reflect the figure is taken from a random sample of the population of rapes within the force in that year.[44] To help interpret the graphs, the critical point to note is that *if* the confidence intervals do not overlap, there is a very high likelihood (99.5 times in 100) that a genuine difference will be found to exist within the corresponding populations of rape cases (see Payton *et al*., 2003).[45] Measured in this way, only one force (Force E, one of the pre-designated high detection rate forces, with a sample detection rate of 52%) has a significantly higher sanction detection rate than all other forces in the study. The second pre-designated high detection rate force (Force G) overlaps confidence intervals with all but Force E (at the upper end) and the two pre-designated low detection rate forces (A and B) at the bottom end.

Figure 4.5: Force sanction detection rate, based on force assessment of case outcomes, crimes and no crimes

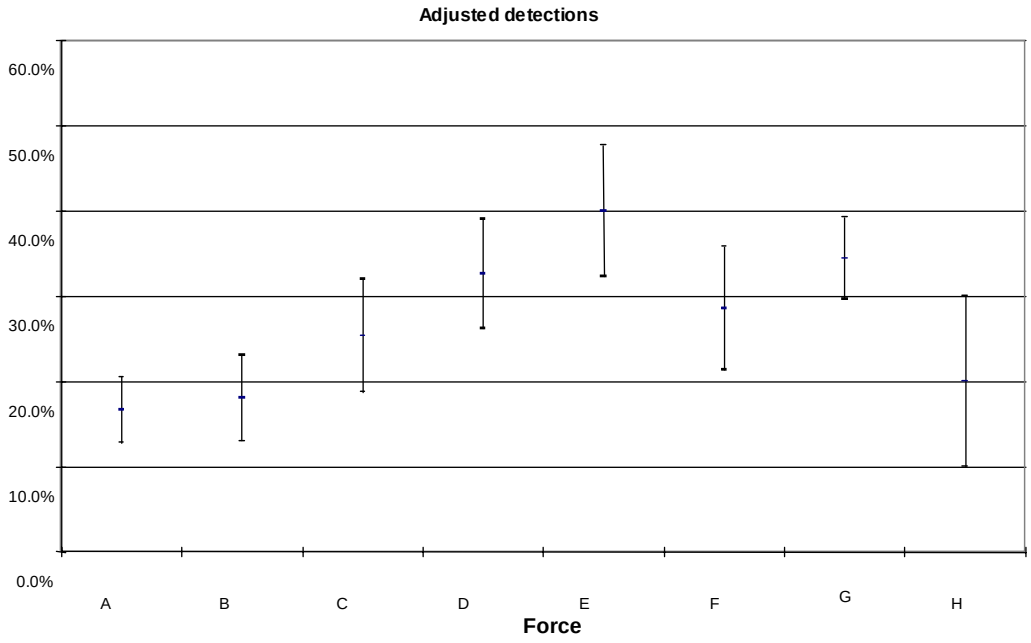


[44] For seven of the eight forces, the confidence intervals have been calculated using the finite population correction (FPC). For one force, the sample size is not large enough relative to the number of offences within the force to require the application of the FPC.

[45] Using confidence intervals in this way means that there may be some forces with overlapping confidence interval bars but which are nonetheless significantly different at $p<0.05$.

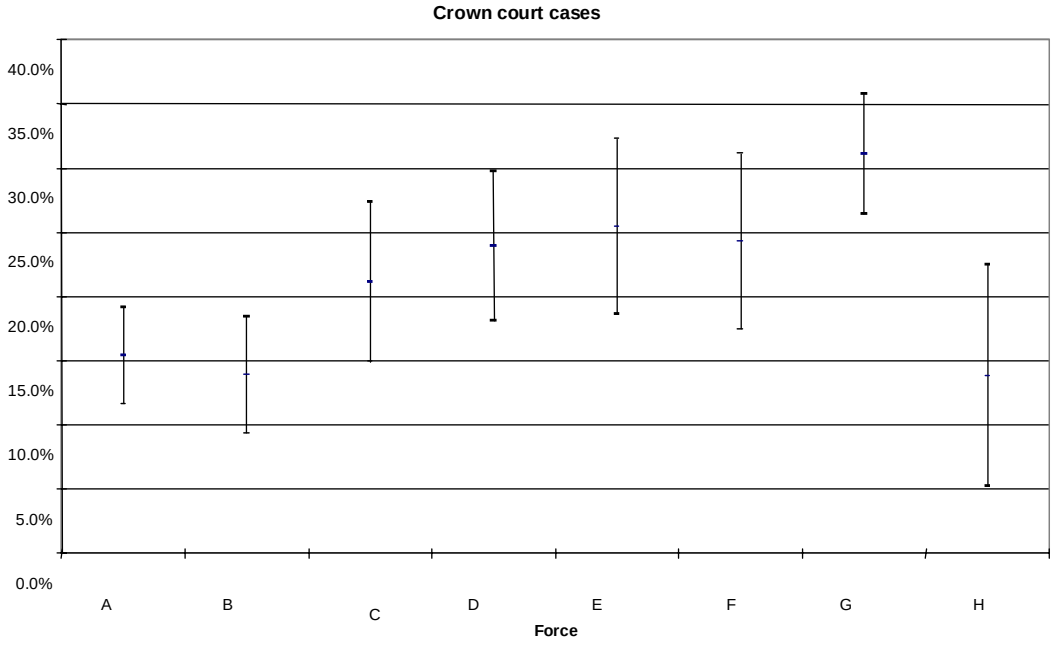
If adjustment is made to reflect fully HO Counting Rules for both crimes and detections, the pattern changes (Figure 4.6). The sanction detection rates are now based on accurately measured sanction detections as a proportion of correctly crimed offences. All forces retain their 'starting' rankings, and all but two (Forces E and H) record modest adjustments in their sanction detection rate. Force E records the greatest change, with a reduction in its point detection rate from 52 per cent to 40 per cent. This is largely as a result of the reclassification of cases which have been inappropriately classified as detected (see Table 4.6). In spite of this, Force E still has a significantly higher detection rate than four of the other seven forces.

Figure 4.6: 'Adjusted sanction detections', based on revised assessment of detections and crimes according to HO Counting Rules



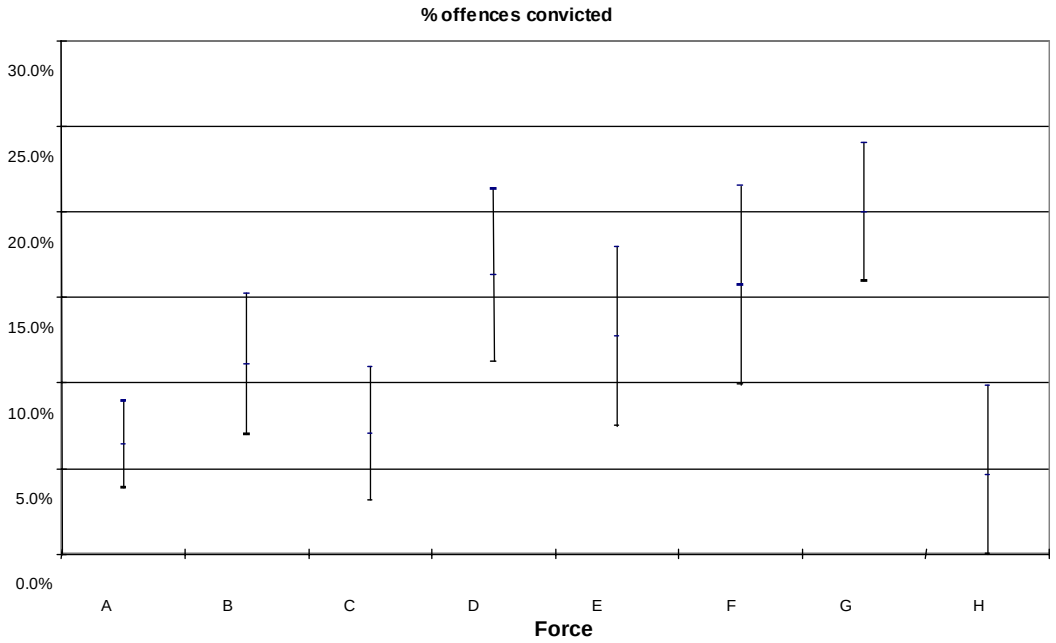
The point positions change markedly if measured in terms of the proportion of adjusted crimed cases that end up reaching Crown Court (Figure 4.7). Force E sees a further reduction in its outcome rate compared to 'adjusted sanction detections' (largely due to a high number of cases terminated by the CPS), and, measured by its point score, moves from 'pole' position to second. In terms of overlapping confidence intervals, Force E is the only force significantly different from one other force (Force D). Generally speaking, this stage represents a narrowing in the relative 'performance' across different forces in the sample. Force G has the highest point 'trial rate', but, because of the confidence intervals, it is only significantly higher than three other forces (A, B and H).

Figure 4.7: Cases reaching Crown Court as a proportion of crimed cases according to HO Counting Rules



In the final version of this analysis, forces are measured on the proportion of cases resulting in conviction (again, against the adjusted base of crimed offences to reflect HO Counting Rules) (Figure 4.8). The best performing force is now Force G which achieves a conviction rate of 20 per cent and one which is significantly higher than four forces (A, B, C and H). The force with the second highest point conviction rate is Force D, which has a point conviction rate of 16 per cent which is still significantly higher than three forces (A, C and H).

Figure 4.8 Convictions as a proportion of all crimed offences by force area according to HO Counting Rules



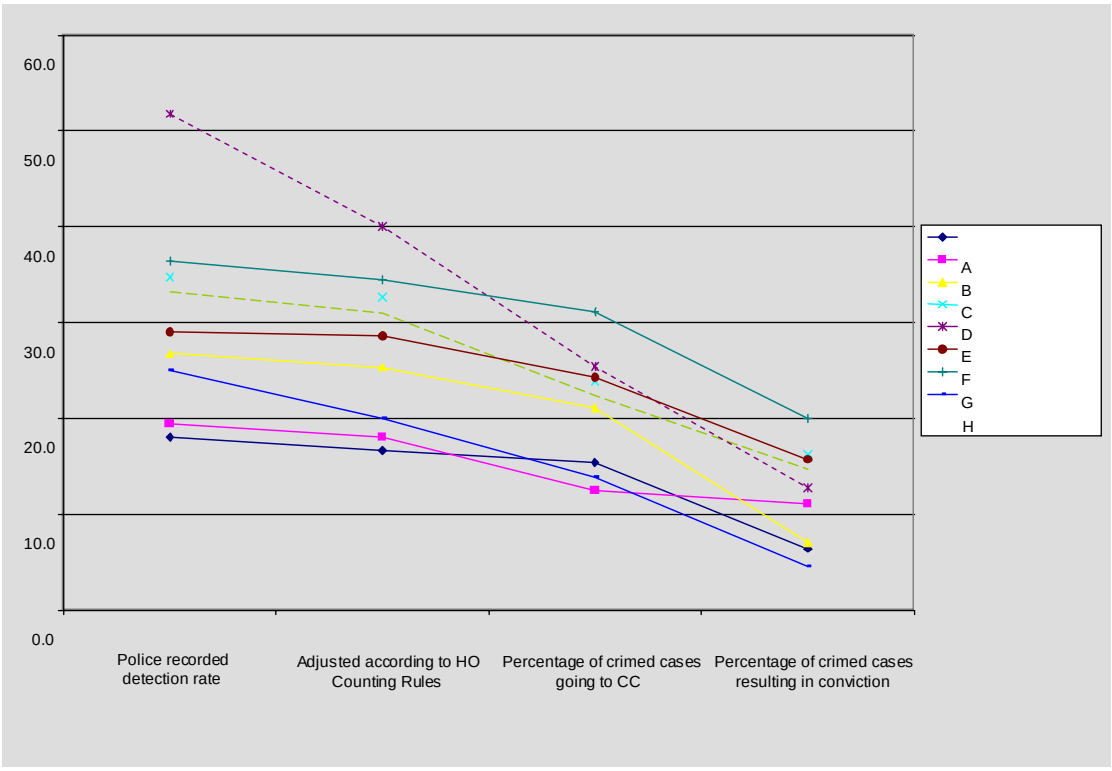
Note:

(a) Conviction rates relate to all convictions including those for lesser offences.

Figure 4.9 presents all the data used in Figures 4.5 to 4.8 and reconfigures them as a series of attrition lines for each force. Several points are worth making. First, in answer to the question of 'do high detection rate forces equate to high conviction rate forces?', the answer is 'not entirely'. One of our pre-designated high detection rate forces becomes little more than an average performer at the conviction stage. Second, the analysis reveals a narrowing in the range of performance from self-declared detection rate through to conviction rate. Some of the variation in force performance (as measured by sanction detection rates) is clearly due to the different degrees of adherence to HO Counting Rules. Allowing for the confidence intervals, the range (that is the difference between the highest and lowest confidence interval points) narrows from 46 percentage points, when using force derived sanction detection rate estimates, to 24 percentage points when using conviction rates. Much of this narrowing is due to the large percentage point reduction between force-derived sanction detection rate to conviction rate achieved by Force E. If this force is excluded from the analysis the range still narrows, although less spectacularly, from 28 per cent at the first sanction detection rate stage to 24 per cent at conviction rate. The third point of interest is that while the overall gradients of each force line are similar, Force B and Force C have exceptionally different trajectories between court and conviction. A high proportion of all cases going to Crown Court trial in Force B result in the suspect being convicted. By contrast, Force C appears to lose an exceptionally high proportion of cases at this stage. Because sample data are being used, only tentative assertions can be made about these particular force patterns, but they are certainly worthy of note.

More confident statements can be made on the different performance of forces within the sample at different stages. Two forces (D and G) achieve significantly higher conviction rates than three other forces in the study (A, C and H). On this basis it might be concluded that, once taking into account adjustments for inappropriate no criming, significant differences continue to exist in force investigative performance in rape as measured by conviction rates. This does not necessarily equate to the fact that what the forces are doing is necessarily different – some of these differences may be due to the nature of cases in a particular area, an issue which is explored in more detail in Chapter 6. It does, however, allow the next stage of enquiry to be more focused.

Figure 4.9: Progression through the criminal justice system by force area



Summary

This chapter has examined the process of attrition, both across the sample as a whole and by force area. Of the sample as a whole, six per cent of offences ended up with an offender being convicted for rape. An additional 40 cases resulted in an offender receiving a conviction for a lesser offence (such as indecent assault). The overall percentage of offences resulting in a conviction is 13 per cent (12% once adjusting for inappropriate no crimes). Including cautions to indicate the number of offences brought to justice adds a further percentage point to this figure. Of the original sample, eight per cent of initially crimed offences were identified by the police as false allegations.

Most offences were 'lost' from the criminal justice system between initially criming an offence and charging it (only 30% of crimed cases were charged). Where it could be ascertained why a case was not charged, the most common reasons were insufficient evidence and victim withdrawal (40% and 35% of no charge offences respectively). In only ten per cent of cases was the main reason for not charging due to the failure to identify a suspect. In terms of the types of evidence that were most frequently identified as supporting the decision to charge, victim statement and FME/doctor statement were the two most common (in just under three-quarters and a quarter of cases respectively). Just under one- quarter of offences reached Crown Court. Of these, just fewer than six in ten cases ended up in an offender being convicted. In offences where a suspect pleaded not guilty, two-fifths ultimately resulted in a conviction. Convictions were found to vary significantly by offender-victim relationship (more than one-third of offences involving 'parents/other relatives' resulted in a conviction compared to no cases involving offenders categorised as the victim's 'friend').

This chapter has also examined attrition profiles within the eight force areas. Some of the difference in force sanction detection rates appears to be due to different degrees of adherence to HO Counting Rules; three forces out of the eight stood out in this respect (two in relation to no criming and one in relation to charging). Statistically significant differences in the *adjusted* conviction rate (that is, allowing for inappropriate no criming) were found between two high conviction rate forces (D and G) and three low conviction forces (A, C and H).

5. The nature of withdrawn cases

In Chapter 4, attention was drawn to the contribution that victim withdrawals make to the attrition process in rape. This chapter examines in more detail the nature and extent of victim withdrawals, the reasons for withdrawal and the characteristics that best predict whether or not a victim is likely to withdraw or not.

The contribution that victim withdrawals make to the attrition process in rape has been highlighted in other English and Welsh studies (Harris and Grace, 1999, and Kelly *et al*., 2005). While it is possible in England and Wales for the CPS to continue with a prosecution where a victim has decided to withdraw (for instance the quality of other evidence is high[46]), it is quite rare that a successful outcome will follow. In the present study, only two victim withdrawn cases resulted in a conviction.

Comparing withdrawal rates over time is made complicated by the past tendency for a high proportion of withdrawn cases to be no crimed before the introduction of NCRS. Making adjustments for the different way in which offences were being no crimed when Harris and Grace (1999) undertook their study, victims withdrew in an estimated 29 per cent of crimed offences. Even after making these adjustments, this total figure cannot be accurately compared with the figures from this sample, since withdrawal rates vary widely by force.

Several US studies have examined the contribution that the victim's decision to prosecute makes to criminal justice outcomes in rape and sexual offences. LaFree's (1989) analysis of 905 sex offences reported to police in a US city in the 1970s led him to conclude that the "two best predictors of arrest...[were] the victim's ability to identify a suspect and her willingness to prosecute". Kerstetter's (1990) and Kerstetter and van Winkle's (1990) work on sexual assault cases reported to the Chicago Police Department in 1979 and 1981 also focused on the contribution of the victim's decision to prosecute in the decision making process. Kerstetter (1990) found that a complainant's willingness to prosecute was a significant factor in the decision to initiate criminal charges in sexual offence cases.

US studies have also explored the question of why victims withdraw in rape and sexual assault cases. While some have viewed victim withdrawal as an unproblematic 'extra-legal' issue focused largely around victim volition (see for instance Black (1970) and Gottfredson and Gottfredson (1980) cited in van and Winkle (1990)), other research has suggested it is a much more complicated issue, with some victims' decisions to withdraw influenced by the views or behaviour of police or prosecutors. Kerstetter and van Winkle (1990) used both quantitative analysis and interviews to explore this and found support for the second hypothesis. Using logistic regression, they found presence of witnesses, weapon use, victim destruction of evidence and age/marital status as significant predictors of a victim's decision prosecute. The presence of these largely evidential variables as significant predictors of the victim's willingness to prosecute (and the fact that the decision to prosecute was significantly influenced by the police investigative district the offence was dealt by) was argued by the authors as being inconsistent with the decision to prosecute based principally around victim volition. The existence of significant evidential and police force area variables suggested that the victim's decision to prosecute/withdraw was influenced by the views or attitudes of police or prosecutors on case solvability.[47] In a later US study, Horney and Spohn (1996) found that investigators may convey signals which might influence the victim's willingness to see a case through.

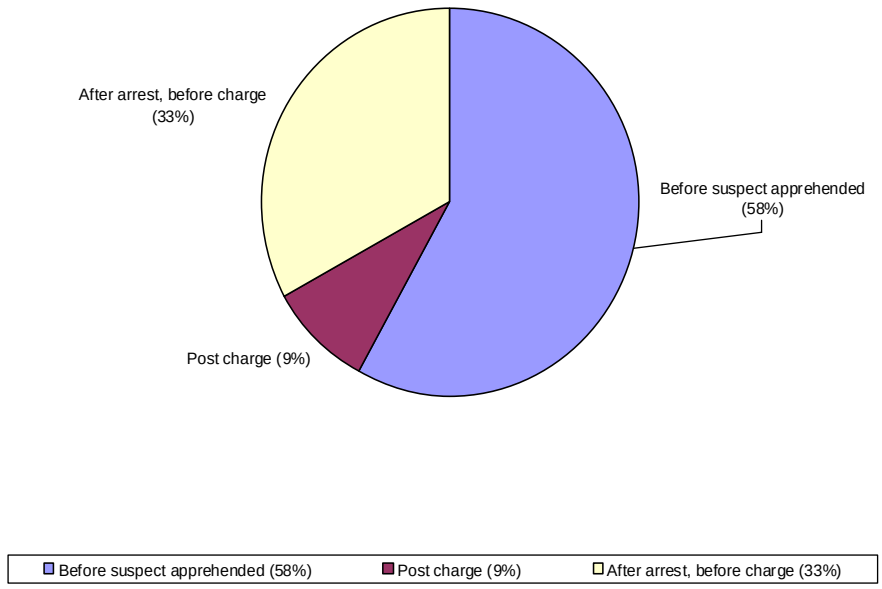
[46] See for instance **http://www.cps.gov.uk/publications/prosecution/rapepolicy.html**

[47] For acquaintance cases, apprehension of the suspect was the only significant predictor of withdrawal.

The extent of victim withdrawal

Within the present study, cases withdrawn by the victim at any stage in the investigative process accounted for 39 per cent of crimed cases (based on 569 crimed cases where it was known whether or not the victim had withdrawn). In terms of the timing of victim withdrawals, only around one in ten took place after an offender had been charged; the vast majority of withdrawals take place during the police investigation stage of the process. In more than half of victim withdrawals (58%), the victim withdrew without a suspect being arrested (Figure 5.1), although the reason for this varied. In a quarter of victim withdrawal cases where no arrest took place, no suspect had been identified. And in a further 24 per cent of this subset of cases, the victim had indicated that they did not want to pursue a formal complaint against the suspect.

Figure 5.1: Victim withdrawal by point within the investigative process



Note:

(a) Based on 208 withdrawn cases where the time of withdrawal was known.

Information on whether or not the victim withdrew her support for the criminal justice process, and the reason for this withdrawal, was taken principally from the victim's withdrawal statement within the case file. Occasionally, when the withdrawal statement was not in the case file, this information could be obtained from other documents. Of course, it is not possible to be certain that the stated reason given by the victim for withdrawing from the case equates to the actual reason for withdrawal, or to be clear that the decision to withdraw is based on a stated single reason rather than a complex interaction of factors. Indeed, information on the reason for victim withdrawal was not available in the files in more than one-third of withdrawn cases (36%). Table 5.1 summarises the reasons for withdrawal, where it could be ascertained from the files. The two most common reasons identified related to anxieties about going through the investigative (and court) process and a more general desire to 'move on' (both reasons accounting for 20 per cent of withdrawn offences where a reason for withdrawal could be identified). Concern over the impact of the investigation on the victim's, friends' and relatives' well-being was the main reason given in a further 12 per cent of cases, while concerns over the impact of proceedings on the suspect was cited in one in ten cases. Fear of reprisal was cited in five per cent of cases.

Table 5.1: Reasons given by victims to explain their withdrawal

Reason given by victims to explain their withdrawal:	Column percentages
Did not want to go through investigation/court process	20
Wants to move on	20
Impact on friends'/relatives'/victim's well-being	12
Concern over impact of proceedings on suspect	10
Pressure from others to withdraw/third party complaint	10
Other	9
Refusal to co-operate with investigation	6
Concerns for reprisal/fear	5
Doubtful of successful court outcome	4
Victim no longer believes crime took place	3
Just wanted police to talk to suspect	2
Total (a)	**100**

Note:

(a) Based on 142 withdrawn cases where victim stated reason for withdrawal.

The characteristics of victim withdrawal cases – compared to crimed cases where the victim did not withdraw – were also examined (Table 5.2).[48] Of the twenty-six variables considered, two were found to have a weak but significant relationship ($p<0.1$), three moderate ($p<0.05$) and six were strong ($p<0.01$) for 'all victims'. Highly significant ($p<0.01$) characteristics were found to relate to the nature of the victim-offender relationship and victim age (only 16% of victims assaulted by parents/relatives withdrew and 24% of those under the age of 16), whether or not the offence was linked to the sexual assault of another victim, and prior social contact between offender and victim. Significant differences were also found in the proportion of victims withdrawing by police force area and with respect to the use of specially trained officers. For the latter, the victim withdrew her complaint in 40 per cent of offences involving specially trained officers, compared to almost two-thirds of offences where it was known that one was not used. There were, however, a large number of cases where the status of the officer could not be ascertained from the file.[49] The finding in respect of 'who reports' appears, at first sight, odd (lower withdrawal rates for third party complaints) but this can largely be explained by the high proportion of third party complaints for victims under the age of 16 (who, overall, have a low rate of withdrawal). The variation in withdrawal rates by relationship is illustrated in Figure 5.2.

[48] A further adjustment was made to the data set which affects all of the tables and logistic regression analyses that follow in this chapter (and chapter 6). For any offence which involved more than one victim *and* where the second victim made up a separate case in the data set, the second listed case was removed from the dataset. This reduced the available cases from 593 to 581 (a reduction of 12 cases). The decision to remove these linked victims was made on the basis that including them in the logistic regression might have contravened the principle of the independence of cases.

[49] A total of 361 offences.

Table 5.2: Victim withdrawal cases and all other crimed cases: significant variables

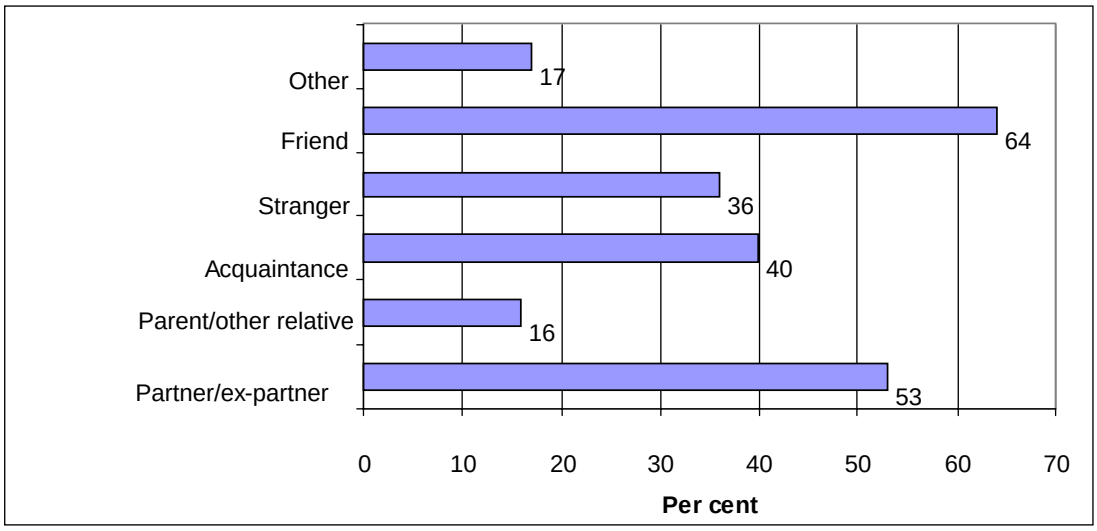
Significant variables	All victims : significant variables (a)	Over 16s: significant variables	Comment (b)
Age of victim (under 16/16 and over)	***	NA	16 and over victims over-represented in withdrawn cases (16 and over victims accounted for 84% of withdrawals, but only 69% of cases that did not withdraw)
Employment status	***	Yes (**)	Unemployed victims over-represented amongst withdrawn cases (unemployed account for 37% of withdrawn cases); cases involving pupil victims and employed victims under-represented amongst withdrawn cases (both account for only 18% of withdrawals)
Offence linked	***	Yes (***)	Offences where offender *not* linked to offence against another victim over-represented in withdrawn cases (linked offences account for only 1% of withdrawn cases but 10% of cases where victim does not withdraw).
Relationship	***	Yes (***)	Partners/ex-partners and friends over- represented amongst withdrawn cases (31% and 17% respectively); victims assaulted by parent/other relative under-represented amongst withdrawn cases (7%).
Injury to victim	*	Yes (**)	Uninjured victims over-represented in withdrawn cases (72% of withdrawn cases compared to 63% where victim does not withdraw)
Prior social contact	***	Yes (**)	Sexual contact prior to offence and extended adult/partner abuse over-represented amongst withdrawn cases (accounting for 10% of withdrawn cases compared to 5% of cases where victim does not withdraw). Child abuse cases under-represented in withdrawn cases (7% compared to 24% in non-withdrawn cases);
Victim drunk alcohol	No	Yes (**)	Adult victims with high levels of alcohol consumption under -

			represented in withdrawn cases (26% of high alcohol adult victims withdraw)
Witness present	*	Yes (*)	No witness cases are over-represented amongst withdrawn cases (65% of withdrawn cases have no witness present compared with 57% of cases where victim does not withdraw)
Who reports	**	No	Victim-reported complaints over-represented within withdrawn cases (victim- reported complaints account for 60% of withdrawals compared to 50% of non-withdrawn cases)
Number of suspects	**	**	Multiple suspect cases under-represented in withdrawn cases (4% of withdrawn cases compared to 8% of non-withdrawn cases)
Time between offence and report	*	No	Offences reported on same day are over-represented amongst withdrawn cases (accounting for 51% of withdrawn cases).
Police force area	***	**	Forces F and H over-represented in withdrawals (accounting for 16% and 15% compared to 10% and 9% of non-withdrawn cases respectively)
Use of specially trained officer	***	**	STO cases under-represented in withdrawn cases (used only 78% of withdrawn cases, but 90% of other cases)
Variables found not to be significant:			
Victim ethnicity; use of violence; place of initial contact; location of offence; any threat; victim resistance; how offence reported; victim drug use; suspect age; location of offence; place of initial contact; victim vulnerable; previous allegations; number of suspects			

Notes:

(a) * = significant p<0.1; ** = significant p<0.05; *** = significant p<0.01.

Figure 5.2: Percentage of withdrawals by victim-offender relationship



Note:

(a) Based on 554 crimed cases where victim-offender relationship and decision to withdraw both known.

Case withdrawal: multivariate analysis

In Table 5.2, significant variables have been identified that distinguish between those offences where the victim does and does not withdraw. Many of these variables are, however, interrelated. Victims aged under 16, for instance, generally achieve significantly lower withdrawal rates than those aged 16 and over, but it is also the case that within offender-victim relationship, withdrawals are significantly less common for victims assaulted by parents and other relatives. It is likely that these two variables are not independent of each other. Logistic regression can help determine which of these variables is the key relationship in determining whether or not a victim withdraws, by looking at the impact of each predictor variable (in this case age and relationship) in turn while holding all other predictor variables constant. In short it is possible to answer the question: is the critical factor in leading to the case being withdrawn the age of the victim, her relationship with the assailant or were both factors important? See Appendix C for a more detailed description of logistic regression.

Logistic regression analysis was run on the 569 cases where it was known whether or not a victim withdrew. The outcome measure (that is, the characteristic that is being tested) was 'did the victim withdraw?'; the predictor variables applied consisted of the eleven[50] identified as significant for 'all victims' in Table 5.2. To maximise the number of cases available for analysis, an 'information absent' category was created for any cases where the variable had missing values (and the 'information absent' category included in the analysis).[51] Variables were entered into the model using the 'forward conditional' method.[52] The decision to use the forward conditional method is also discussed in Appendix C.

Modelling analysis showed that six factors were strongly associated with a victim withdrawing, once controlling for all other factors. These were:

- offender-victim relationship;
- whether or not the offence was linked to a sexual assault against a different victim;

[50] Use of STO was not included although significant due to the very high number of missing cases.

[51] There is a degree of dispute over the creation of a discrete group for missing values in logistic regression. Although the strategy can improve the ability of a model to predict outcomes, it may also create biases in some of the regression coefficients. Nevertheless, the approach is commonly used in medical research as has been applied in this study. See Faris and Ghali (2002).

[52] Variables were entered into the model if significant at $p<0.05$ and removed from the model if significant at $p<0.01$.

- whether or not the victim was injured;
- time between offence and report;
- single or multiple offenders; and
- police force area.

The summary findings of the regression are given in Table 5.3. The most important points to note from the analysis are as follows. The relationship between victim and offender was found to be a significant predictor of whether a victim would withdraw. More specifically, the odds of a victim withdrawing in parent/relative, acquaintance, stranger and 'other' relationships were significantly lower than for victims in partner/ex-partner offences, after controlling for all other variables. Specifically, the odds of a victim withdrawing in a parent/other relative relationship were 80 per cent lower than for a victim in a partner/ex-partner relationship. Time between offence and report was also found to be a significant predictor of whether a victim withdraws. The odds of a victim withdrawing who reported on the same day as the offence taking place were almost 70 per cent higher than for those victims who reported a day after the offence. If an offence was linked to a sexual assault on another victim by the same suspect, this greatly reduced the odds of a victim withdrawing (the odds of a victim withdrawing in a 'linked offence' were 90% lower than in an offence which was not linked). Furthermore, the odds of a victim who had received physical injuries withdrawing were significantly lower than for a victim who had not been injured (50%), once controlling for all other factors.

Finally, the police force area in which the investigation was carried out was found to be a significant predictor of whether a victim would withdraw or not. Four forces, Forces A, B (both significant to 0.1), Force F (significant to 0.01) and Force H (significant to 0.05), had significantly higher odds of a victim withdrawing than the reference group force (Force D, the force with the lowest rate of withdrawal). The likelihood of a victim withdrawing in Forces G and E was similar to that of the reference force. The implication is that, once controlling for all the offence and victim factors used in the model, some unobserved component (i.e. something not picked up from data collection exercise), which varies by force area is, nonetheless, a predictor of whether or not a victim withdraws. This unobserved component might reflect either the nature of the victim population or, more likely, the way in which victims are generally dealt with or the way in which victim care is organised in force (or a combination of both of these).[53]

The analysis was rerun for adult victims alone. In this model only 'relationship' and 'extent of victim injuries' were found to be significant predictors of whether or not a victim would withdraw.

[53] Note that only one of the categories of variable to accommodate cases where information on that variable was not present in the file was found to be significantly different from the reference category ('offence linked').

Table 5.3: Likelihood of victim withdrawing (based on odds ratios from logistic regression): all victims

Characteristic of victim/offence/investigation	Odds ratios	Significance (a)	95% confidence intervals Lower	Upper
Victim-offender relationship		***		
Partner/ex-partner	1.00			
Parent/other relative	0.21	***	0.10	0.43
Friend	1.35		0.67	2.70
Other	0.17	***	0.08	0.38
Acquaintance	0.59	**	0.35	1.00
Stranger	0.47	**	0.25	0.91
Relationship not known (b)	1.43		0.43	4.73
Time between offence and report		**		
Reported day after offence	1.00			
Reported same day	1.67	**	1.09	2.56
Time between offence and report not known (b)	0.83		0.37	1.86
Offence linked?		***		
Offence not linked	1.00			
Offence linked to other offence	0.14	***	0.03	0.63
Not known whether offence linked (b)	1.24		0.40	3.85
Extent of victim injuries		***		
Victim not injured	1.00			
Victim injured	0.52	***	0.32	0.82
Extent of injuries unknown (b)	1.63	*	0.94	2.82
Number of offenders		**		
One offender only	2.31		1.01	5.31
Police force area		**		
Police Force D	1.00			
Police Force A	1.91	*	0.89	4.09
Police Force B	1.96	*	0.91	4.24
Police Force C	1.74		0.80	3.77
Police Force E	0.97		0.43	2.19
Police Force F	2.99	***	1.40	6.37
Police Force G	1.02		0.47	2.18
Police Force H	2.41	**	1.12	5.18

Notes:
(a)** = variable or characteristic is significant p<0.05
***= variable or characteristic is significant p<0.01
The significance of the variable as a whole is taken from the Likelihood Ratio Test. The significance of an individual category within a variable is taken from the Wald's test.
(b) In order to keep cases in the analysis, discrete 'information missing' categories were created for cases where the file did not include information on the relevant predictor variables. In only one variable (extent of injuries) was this category significantly different to the reference categories (p<0.1).
(c) Variables which were found not to be significant when controlling for other variables were: presence of a witness; contact prior to offence; who reports; victim employment status; victim age.

The analysis further develops understanding of the nature of victim withdrawal in reported rape offences. The critical question is how do these findings sit within the debate around whether, within an English and Welsh context, victim withdrawal is primarily determined independently by the victim or influence of the police and prosecutors? The significant variables that emerge from the logistic regression, set alongside the descriptive analysis, provide a rather mixed picture suggesting that, overall, a combination of these strands is important.

Kerstetter and van Winkle's study of US cases (1990) concluded that the presence of significant geographical and evidential factors that predicted whether a not a victim was willing to prosecute, indicated that police or prosecution influenced the victim's decision to withdraw. As Lievore (2004) later described it, "criminal justice offices manipulate victims' choices in line with their assessments". Similar significant predictors of withdrawal emerged from the analysis reported on here: police force area was found to be a significant predictor of withdrawal ($p<0.05$), with two of the lower adjusted conviction rate forces having significantly higher odds of withdrawal compared to a low withdrawal/high conviction rate force.[54] Extent of injury might also be considered to be an evidential factor (injured victims were found to be less likely to withdraw).

The other significant variables are, however, slightly more difficult to interpret. Victim-offender relationship, one of the strongest predictors of withdrawal, might reflect both inherent victim characteristics (i.e. victims in some victim-offender relationships are simply more likely to withdraw because of the nature of that relationship) *and/or* the police-prosecution response to victims in particular victim-offender relationships. The 'offence linked' variable (victims in linked offences have lower odds of withdrawal) was also significant. Linked offence cases will generally have more evidence on offer compared to non-linked offences, and the nature of such offences may also influence the effort or support provided by investigators and prosecutors. However, it is also possible that victims behave differently in linked offences because of the support provided by the presence of other victims.

Finally, it is worth saying something about the 'time between offence and report' variable. Victims who report on the same day were found to have higher odds of withdrawal than those that report more than one day after an offence (Table 5.3). This seems logical: those victims who have reflected on their decision to report may be less likely to withdraw than those who report quickly. However, it should also be expected that those victims who report quickly would also expect to have more chance of a detection. Most other research on the detection of rape and other offences (for instance, Kingsnorth, MacIntosh and Wentworth 1999) has pointed to speed of report as being important in *increasing* the odds of successful case outcomes (this is explored in Chapter 6). However, Table 5.3 reveals that victims who report on the same day as the offence are, in fact, more likely to withdraw than those who delay by a day or more. This finding tends to support the case for victim volition *contributing* to the decision to withdraw being an important factor in some cases.

On balance, it would appear that, in broad terms, *both* victim volition and police/prosecutor influences contribute to the likelihood of a victim withdrawal, a conclusion that is similar to that drawn from Lievore (2004) in her work in Australia. The importance of the police/prosecutor factors in the victim's decision to withdraw has important practical consequences since it suggests that withdrawal rates are not fixed but can be influenced by what practitioners do, both positively (for instance through improved communication, victim care, specially trained officers and so on), or negatively.[55] Indeed, as is explored in the next chapter, there is evidence to suggest that withdrawal rates are an important factor in influencing overall conviction performance.

[54] Another explanation is that the study has failed to account for an important victim- or offence-related characteristic which predicts victim withdrawal and varies by force area.

[55] The study identified nine cases in the sample where there was evidence in the case of some attempt to encourage a victim to withdraw. Five of these cases were found in one force area.

Summary

This chapter has looked at the nature of victim withdrawal within the rape attrition process. A high proportion of victims in the sample – almost two in five – withdrew from the rape investigation process, the vast majority before the point in an investigation when an offender had been charged. Victims who did withdraw offered a wide range of reasons as to why they did so: one fifth simply did not wish to progress with the investigation or court process while an equal proportion just wanted to 'move on'.

Victims who withdraw tend to display different characteristics to those victims who do not withdraw from the investigative process. A range of factors were identified which best predicted whether or not a victim will withdraw. The nature of the offender-victim relationship, whether the offence was linked to a sexual assault on a separate victim and whether or not the victim was injured were found to be the most significant predictors of whether a victim withdraws or not. Duration between offence and report was also a significant predictor of case withdrawal, with victims who reported after the day of the offence having lower odds of withdrawal than those who report on the same day. Although the use of STOs was significantly associated with victim withdrawal (that is, victims were less likely to withdraw where a specially trained officer was used) it was not used in the regression analysis due to the large number of missing cases.

Finally, the analysis revealed that, once controlling for other characteristics, police force area was a significant predictor of whether a victim would withdraw (albeit not across all eight forces in the sample).

6. Factors associated with successful and unsuccessful case outcomes

One of the central aims of the study was to explore whether there were any underlying reasons for the marked variations in sanction detection rates (or other measures of investigative performance) for rape, by force area. In Chapter 4, it was established that once adjusting for variations in the recording of offences and detections, significant differences in the police force area 'trial' rate and conviction rate continued to exist. However, it still might be the case that some of the variations in conviction performance are simply due to the different nature of victim and offence populations in each area.

In Chapter 5, logistic regression was used to identify which factors best predicted whether or not a victim would withdraw. This technique can also be used to identify those factors that best predict whether or not an offence will result in a successful criminal justice outcome (a conviction) or at least predict that the offence will proceed beyond a certain stage (e.g. getting to court). Several other studies have used logistic regression to identify key variables in the success of rape cases in the criminal justice system. In England and Wales, Harris and Grace (1999) did so but were not able to develop a model for detections or convictions. Lea *et al*. (2003) used logistic regression in their single force analysis and found that victim-offender relationship was the only variable that significantly predicted the current status of the case.[56]

Rather more studies in North America and Australia have attempted to explore critical factors in case progression using logistic regression (or similar) techniques. Understanding the relevance of overseas studies' findings to the English and Welsh situation is not especially straightforward due to the different legal systems and processes in existence.[57]

Nevertheless, several of the more recent studies are worth summarising briefly here. Spohn and Holleran (2001) include a useful review of US studies that examined factors influencing prosecutors' charging decisions in sexual assault cases up to 2000. They felt that research up to that point in time had provided rather contradictory evidence. While there was a general consensus that legally relevant factors (especially the strength of evidence) were important in predicting case progression, the evidence in relation to victim characteristics was generally mixed. Some studies identified victim characteristics (relationship with offender and behaviour at time of offence) as important influences on case outcome; others found no such relationships. The authors concluded that some earlier studies had been flawed by distinguishing only between 'stranger' and 'acquaintance' offences, while older studies had not had access to more advanced statistical techniques, while their contemporary relevance was compromised by important legal and societal changes.

In their analysis of the outcomes of sexual assaults that resulted in the arrest of a defendant in Kansas City and Philadelphia (female victims over the age of 12 only), Spohn and Holleran (2001) found that offender-victim relationship did *not* affect the likelihood of charging: prosecutors were no less likely to charge if the victim and suspect were acquaintances, strangers or intimate partners. The authors did however find that other victim characteristics and behaviours were likely to influence case outcomes in sexual assault cases where the victim and suspect are *not* strangers. Spohn and Holleran's findings appeared to mimic those of a study by Kingsnorth, MacIntosh and Wentworth (1999), which also found that victim–offender relationship did not appear to play a part in predicting the decision to go to trial or trial outcomes.[58] Significant predictors for decision to prosecute were mainly evidential

[56] The authors stated, however, that the way in which relationship was associated with outcome was not particularly clear (p595).

[57] Also many of the US studies examined identify attrition post arrest (rather than from the point of criming an offence) and only cover victims aged over 12 or 14.

[58] Based on 602 cases in Sacramento involving arrest of suspect: the main exclusions were under 14 year old victims aged under 14 and offenders under the age of 18.

(witnesses support victims' account, speed of report, victim co-operation during prosecution, suspect's incriminating remarks) and seriousness (number of arrest charges).

McGregor *et al*. (2002) examined police-reported adult cases of sexual assault seen at British Columbia's Women's Sexual Assault Service and used logistic regression to identify factors that predicted 'charges' (within a population of reported offences that identified a suspect) and convictions (within a population of cases that got to court). Factors that were significantly associated with a *charge* were multiple assailants, assailant known to victim, victim-reported penetration (the study was not limited to rape), emotional state of victim, police-collected forensic samples and a score for clinical injury. When the analysis was confined to convictions, the score for clinical injury was the only significant variable.

Fitzgerald (2006) also used logistic regression to examine attrition in sexual assault and indecent assaults in New South Wales. Factors that were identified as predictors of the initiation of criminal proceedings (within 180 days of report) included 'aggravating circumstances in the offence', gender (the original sample included both men and women), age at offence (offences involving victims aged five or over were more likely to proceed), offender known to the victim and time between offence and report (if the incident occurred ten years after report the odds of proceedings being initiated were lower).

The nature of successful cases: the characteristics of lost and retained offences

The characteristics of cases which result in sanction detections or get to court

So far, the characteristics of false allegation cases and those offences involving victim withdrawal have been examined (Chapters 4 and 5). The focus now turns to the various 'lost' and 'retained' populations at other key points in the attrition process. Sanction detections were considered first. Cross-tabulations were run comparing the characteristics of crimed 'sanction detection' offences with offences that resulted in all 'other outcomes'. For this analysis, the revised offence outcome was used, correcting for any mis-classification of crimes and outcomes under HO Counting Rules.[59] [60] Out of 30 variables examined, 21 (including police force area) were found to be significant for all victims ($p<05.$) (Table 6.1). The significant variables that distinguished between sanction detection offences and other crimes can be separated into a number of closely linked groups.

- Characteristics that define the *underlying nature* of the offence (the age and employment characteristics of the victim, the relationship between offender and victim, extent of prior social contact, first contact and offence location).
- Characteristics that reflect the *specific nature of the offence* and nature of evidence generated (the use of violence and injury sustained, the presence or absence of witnesses and forensic evidence).
- *Offender factors* (whether or not the offender had assaulted another victim and that offence had been subject to an investigation).
- The *reporting of the offence* (the timing of the victim's or a third party's decision to report the offence, and how an offence was reported).
- *Police-related investigative activity* (FME examination, the collection of forensic evidence, obtaining medical histories and the review of the case file).

For any individual offence, the presence or absence of particular characteristics will, of course, be influenced by the existence of characteristics in the other groups. For instance,

[59] Where necessary, variable categories were compressed to reduce the number of cells with expected frequencies of less than five to below 20 per cent of all cells.

[60] A further adjustment was made to the data set which affects all of the tables and logistic regression analyses that follow in this chapter. For any offence which involved more than one victim *and* where the second victim made up a separate case in the data set, the second listed case was removed from the dataset. This reduced the available cases from 593 to 581 (a reduction of 12 cases). The decision to remove these linked victims was made on the basis that including them in the logistic regression might have contravened the principle of the independence of cases.

the nature of police actions is likely to be strongly determined by the specific context in which the offence took place. As highlighted in Chapter 3, FME examinations will usually only take place when an offence is reported reasonably quickly after the offence. See Jansson, 2005 and Burrows *et al*., 2005 for a more general discussion on the influence of crime context on police investigative actions.

As with the victim withdrawal analysis, within the underlying offence characteristics some of the significant variables congregate around particular types of victim (under the age of 16 at time of offence, offender is parent or other relative, location is victim-offender shared home and so on). These individual characteristics are significantly associated with a greater likelihood of an offence resulting in a sanction detection. Given this, and the existence of generally higher levels of sanction detection rates for victims aged under 16 (Kelly *et al*., 2005), the cross-tabulations were rerun for offences involving victims who were aged 16 or older at the time of the offence. Eight variables cease to be significant when those aged under 16 are excluded (employment status, place of initial contact, location of offence, the nature of prior social contact, offender use of violence, period under coercion, who reports and how offence reported). These variables are lost from the 'adults only' analysis because the element that makes them significant variables in terms of offence outcome is due to the characteristics of victims under the age of 16 (e.g. in employment status, the most marked difference is between sanction detections for schoolgirl victims compared to other types of employment status).

Table 6.1 Comparing crimed cases resulting in sanction detections with crimed cases resulting in all other outcomes

Significant variables (a)	Signific-ance (b)	Significant for victims aged 16 and over only?	Comment (all victims) (c)
Victim age (under16/over 16)	***	NA	Under 16s over-represented within SDs (sanction detections) (under 16s account for 43% of SDs compared to 19% of other crimed outcomes)
Employment status	***	No	Unemployed under-represented amongst SDs (22% compared to 33%); pupils over-represented amongst SDs (42% compared to 21%)
Relationship	***	Yes (**)	Offences committed by parents/relatives over-represented in SDs (30% of SDs compared to 9% of all other outcomes). Offences committed by friends under-represented in SDs (3% compared to 12% of other outcomes)
Victim ethnicity	**	Yes (***)	Other/mixed race victims over-represented within SDs (mixed race 7% of SDs and only 1% of other outcomes)
Offence linked	***	Yes (***)	Linked offences over-represented in sanction detections (20% of SDs compared to only 2% of other outcomes)
Prior social contact	***	No	Voluntary socialising/professional contact under-represented in SDs (32% compared to 43%); extended child abuse over represented in SDs (33% compared to 11% of other outcomes).
Place of initial contact	**	No	Offender-victim shared home over-represented in SDs (27% compared to 14% of all other outcomes)

Location of first offence	**	No	Offender-victim shared home over-represented in SDs (25% compared to 13% of all other outcomes). Public area under represented in SDs (3% of SDs compared to 9% of other outcomes).
Period under coercion	**	No	Offences lasting less than 30 minutes under-represented in SDs (37% compared to 52% of other outcomes)
Witness present before, during or after offence	***	Yes (***)	Presence of witnesses over-represented in SDs (witnesses present in 56% of SDs compared to 33% of other outcomes)
Victim injured	***	Yes (***)	Injured victims over represented in SDs (47% of SDs compared to 29% of other outcomes)
Offender use of violence	**	No	Offences where offender used violence over-represented in SDs (present in 75% of SD cases compared to 65% of other outcomes)
Any threats to victim or third party	***	Yes (***)	Offences where offender threatened victim over-represented in SDs (43% compared to 23% of other outcomes)
Time between offence and report	**	Yes (***)	Offences reported within one day over-represented amongst SDs (54% of SDs compared with 43% of other outcomes)
Who reports	**	No	Victim reported offences under-represented in SDs (47% of SDs compared to 58% of other outcomes)
How reports	**	No	Offences reported as part of another investigation over-represented in SDs (12% of SDs and 6% of other outcomes)
FME examination of victim	***	Yes (***)	FME exams over-represented in SDs (72% compared to 45% other outcomes)
Case file reviewed	***	Yes (***)	Case file reviews over-represented in other outcomes (64% compared with 33% SDs)
Victim medical history obtained	***	Yes (***)	Medical history obtained over-represented in SDs (present in 23% of SDs compared with 5% of other outcomes)
Any forensic evidence gathered	***	Yes (***)	Forensic evidence gathered over-represented in SDs (79% compared to 50% of other outcomes)
Variables found not be significant:			
Victim vulnerable; previous allegations of sexual offences; numbers of suspects; victim alcohol consumption; victim use of drugs; victim incapacitation; victim resistance; time from offence to arrest; use of STO			

Notes:

(a) Police force area was significant for both all victims and adult victims alone ($p<0.01$).
(b) *** $p<0.01$; ** $p<0.05$
(c) For variables with three or more categories, the principal differences highlighted are those with an adjusted residual in excess of plus/minus 2.

As cases progress through the criminal justice system, the characteristics of 'successful' offences can be compared either against the full population of 'unsuccessful' offences, or

within the smaller group of offences that progress to a particular stage. In Chapter 4, those cases which the CPS terminated post-charge were examined as a discrete group. The characteristics of cases that progress to court can be compared with those terminated, post-charge, by the CPS. Because of the small numbers of cases involved (154 cases of which 34 resulted in charge), it is not possible to undertake an extensive analysis of these two groups, but it was possible to run test statistical significance for a limited number of variables; five were found to be significant (one to $p<0.01$, three to $p<0.05$ and one to $p<0.1$) (Table 6.2).

Table 6.2: Comparison between CPS terminated (post charge) and progressed cases

Significant variables	Significance (a)	Comment (b)
Victim age (under16/16 and over)	**	Over 16s over-represented in terminated cases (79% of terminated cases compared to 57% of cases that progress)
Relationship	**	Partners/ex-partners over represented amongst terminated cases (32% of terminated cases compared to 14% of cases that progress)
Who reported	***	Victim self-report over represented in terminated cases (72% of terminated cases compared with 45% of cases that progress)
Medical history obtained	*	Medical history obtained under represented in terminated cases (12% of terminated cases compared with 27% of cases that progress).
Offence linked	**	Offence linked cases under-represented in terminated cases (6% of terminated cases compared to 23% of cases that progress)

Notes:

(a) *** $p<0.01$; ** $p<0.05$; * $p<0.1$

(b) For variables with three or more categories, the principal differences highlighted are those with an adjusted residual in excess of plus/minus 2.

Further comparisons were made between those cases that got to Crown Court and crimed cases that resulted in all other outcomes (Appendix Table A8). As might be expected, there is a strong similarity between the findings from the sanction detections analysis given in Table 6.1 and those for offences getting to court. Several additional variables, 'victim vulnerable' and 'victim drug consumption' become significant at this stage (although the relationship is not strong, $p<0.1$), while offender use of violence was not now found to be significant for 'all victims'.

The characteristics of cases resulting in a conviction

Finally, similar analyses were repeated at the conviction stage. As before, cases resulting in a conviction can be examined in two ways: they can be compared with all other crimed cases, or they can be compared with the much smaller group of offences that got to court but failed to result in a conviction. For 'all victims', the significant variables identified that distinguish between Crown Court and other outcomes (Appendix Table A8) are generally repeated when comparing convicted offences to all other (crimed offence) outcomes. In total, 20 variables were found to be significant. The only variable found to be significant at conviction and not at the Crown Court stage was 'victim prior allegation' (those who had reported previous allegations were under-represented in convictions, $p<0.05$). Drugs consumption (which was found to have a weak relationship with Crown Court ceases to be significant at this stage for

both all and adult victims). When the analysis was limited to adult victims only, a total of eleven variables were found to be significant.[61]

Comparing the characteristics of those cases that result in a defendant being convicted with those that end up with a defendant being acquitted (or the case otherwise being lost) more accurately captures the nature of cases which are lost *within* the court system. Here too, the analysis is limited by the small number of cases left in the sample at this stage. Several points are, however, worth making. Nine variables were found to be significant when comparing these two groups: 'offence linked' and 'victim previous allegation' were strongly associated with a conviction ($p<0.01$); age of victim, FME examination, previous allegations were all found to be moderately significant ($p<0.05$), while relationship, offence-report duration, victim consumed drugs and who reported were found to have weak relationships ($p<0.1$). One variable, which could only be examined in this small dataset, was derived from information collected on the number of pieces of evidence used to support the decision to charge. This was reclassified into a 'single' or 'multiple' evidence variable and was found to be highly significantly associated with a conviction ($p<0.01$).

The choice of variables

For the withdrawal analysis presented in Chapter 5, there was no debate about the selection of the appropriate outcome variable (whether or not a victim withdraws). For the case outcome analysis, however, there were three potential variables available: achieving a sanction detection; getting a case to Crown Court; and a suspect being convicted. The analysis of attrition by force area (Chapter 4) placed some doubt over the usefulness of sanction detections as an outcome measure in this analysis. 'Sanction detections' included a high proportion of cases (albeit largely in one force) that were subsequently terminated by the CPS appearing to rule out sanction detection as an appropriate outcome measure. Convictions (compared to all other outcomes for crimed cases), and cases getting to Crown Court (compared to all other outcomes) appear to be more reliable outcome measures.

Logistic regression was run using both convictions and Crown Court as the outcome variables. The results for Crown Court analysis are considered first. The independent variables (that is, those characteristics that predict outcome) used in the model were those which were found to be significant from the Crown Court analysis (Appendix Table A8).

Logistic regression was initially run using 581 crimed offences.[62] As with the victim withdrawal analysis, to maximise the number of cases available for analysis, an 'information absent' category was created for any variables which had missing values (and the 'information absent' category included in the analysis). A correlation matrix was run to see if any of the selected variables were highly correlated with each other. Only two variables achieved a correlation above 0.6 (0.67, use of forensic evidence and FME examination); both variables were run in the logistic regression model. 'Complaint withdrawn' and 'case file review' were not included in the analysis because of the high degree of correlation with the outcome variables.[63] Variables were again included using the 'forward conditional' method (see Appendix C).

Modelling analysis identified seven characteristics most strongly associated with an increased likelihood of a crimed offence getting to Crown Court. The odds ratios are given in Appendix

[61] Was victim threatened; was victim's medical history obtained; was victim injured; offence linked; victim ethnicity (all $p<0.01$); forensic evidence present; place of initial contact; witnesses present, ($p<0.05$); time between offence and report; previous allegations; FME exam ($p<0.1$). Variables which were no longer significant for adult victims (compared to Crown Court stage) were: police force area; relationship; victim use of drugs; victim use of alcohol; victim vulnerable.

[62] Offences included were those which had been correctly crimed in accordance with HO Counting Rules - not how they were originally crimed by forces. Twelve offences linked to other offences in the dataset were excluded; see Footnote 48.

[63] Two other variables were excluded from all the logistic regression analysis that follows. Victim ethnicity (where the main significant differences were between White and a small group of victims under a broad heading of other backgrounds) and period under coercion (where there were a very high number of missing values [n=268] and the main differences were between historic and current abuse offences).

Table A9. The table identifies those variables that were significant at predicting a crimed offence getting to Crown Court (while controlling for all other variables). All but one of the seven characteristics were significant to $p<0.01$ (police force area was significant to $p<0.05$). Within any particular variable with more than two categories, it is possible that the significant difference is confined to a pair of categories, rather than across the variable as a whole (the significance of a category within a variable is denoted by its starring). Controlling for other variables, the findings can be summarised as follows.[64]

Underlying victim and offence factors

- Offender-victim relationship (the odds of an offence involving victims assaulted by parents or relatives getting to court were four times higher than offences involving victims of partners or ex-partners).

Offender factors

- Offence linked to a sexual assault against a different victim *and* subject to an investigation (the odds of an offence getting to court that was linked to a sexual assault against a different victim were twenty times higher than for offences that were not linked to another offence).

Specific offence factors

- The presence of witnesses (the presence of witnesses at some point before, during or after the commission of the offence almost doubled the odds of a case getting to court).
- Threat to a victim (the odds of offences getting to court where a threat of some kind was made to the victim were two and a half times greater than for offences where no explicit threat was made).

Investigation or evidential factors

- Victim medical history obtained (the odds of an offence getting to court where a victim's medical history was *not* obtained were 90 per cent lower than a case where a victim's medical history was obtained).
- Forensic evidence retrieved (the odds of offences reaching court where no forensic evidence was available were 80 per cent lower than in cases where forensic evidence was present).

Police force area

- The police force area in which an offence took place was found to be a significant predictor of whether a case got to court. Specifically, the odds of an offence taking place in Force A and B (forces with low adjusted conviction rates) getting to court were around 80 per cent lower than for Force G (a high conviction rate force); the odds of getting a case to court in Force H were 60 per cent lower than Force G.

Given the research evidence that those victims assaulted while aged under 16 have a generally higher rate of detection/conviction (see for instance Kelly *et al*., 2005) there was a concern that the inclusion of victims aged under 16 in the analysis was somehow 'crowding out' important variables which might predict whether offences involving adult victims got to court. The simple (bi-variate) analysis of factors associated with case outcomes revealed far fewer significant variables for adult victims than for the entire victim population (Table 6.1). The analysis was therefore rerun for adult victims using only those variables which were significantly associated with a Crown Court trial (see Appendix Table A8, adults only). Although several variables were significant predictors for both 'all victims' and 'adult victims' (presence of witnesses, medical history obtained, presence of forensic evidence, offence linked and threats against the victim), the 'adults only' analysis included a new predictor variable, time between offence and report ($p<0.05$). The odds of an offence involving an *adult* victim who reported *the day of the offence* getting to Crown Court were three times higher than for offences reported any time after the day the offence. The significance value for the police variable also increased in the adults only analysis to $p<0.01$ (Appendix Table A10).

[64] Interactions between numerous variables which looked theoretically sensible were examined in the four main models. None were found to be significant predictors of court/conviction, although some looked promising (e.g. who report by victim age category; offence report duration by victim age category [for court]; threat by extent of injury; suspect age by victim age; forensic evidence by offence linked [for convictions]).

US studies have been inclined to apply regression analysis for different subgroups of victim-offender relationships. Spohn and Holleran (2001) was one of the first studies to differentiate between strangers, acquaintance *and* intimates (previously most studies had differentiated between 'strangers' and 'non-strangers'). In the present study, discrete regression analyses were run for 'acquaintances', 'partners/ex-partners', and 'strangers' in terms of getting a case to Crown Court. For acquaintance cases (n=141), four variables were significant predictors of getting a case to Crown Court: medical history obtained; threat to victim; offence linked (all $p<0.01$); and time between offence and report ($p<0.05$). For partners/ex-partners (n=124), three variables were significant: forensic evidence ($p<0.01$), time between offence report and offence linked (both $p<0.05$) were significant predictors of getting a case to court. Unfortunately, due to the small number of cases, logistic regression could not be successfully run for stranger offences.

Getting a conviction

Logistic regression analysis was rerun using conviction as the outcome variable. Twenty variables that recorded statistically significant differences ($p<0.1$) between offences resulting in a conviction and all other outcomes were used in the model. When the 'conviction' analysis was run for 'all victims', eight variables were found to be significant predictors of whether or not a case would result in a conviction (Appendix Table A11). The eight significant predictors of a conviction were: threat to victim; offence linked; victim injured and victim medical history obtained; presence of forensic evidence; victim age; victim had made previous allegations; how the offence was reported and presence of witnesses (all but one were significant to $p<0.01$: how offence reported, $p<0.05$).

When the analysis was limited to adult victims, threats, medical history obtained, presence of witnesses, offence linked and forensic evidence all continued to be significant ($p<0.01$). 'How offence reported' and 'prior allegations' both ceased to be significant predictors. Police force area was, however, found to be a significant predictor of adult victim cases resulting in a conviction ($p<0.01$) (Appendix Table A12).

Arrestee cases resulting in Crown Court trial and Crown Court cases resulting in conviction

In the analysis above, the focus has been on comparing Crown Court trial or conviction with all other outcomes. Other studies of attrition have examined somewhat different base populations. Most US studies (Spohn and Holleran 2001; Kingsnorth, MacIntosh and Wentworth, 1999) have explored attrition in sexual assault cases post arrest; they have also tended to exclude offences against minors. When the regression analysis was limited only to those offences where it was known that a suspect was arrested and where the victim was an adult at the time of the offence (N=232), ten variables were found to be significant predictors of getting a case to court (see Table 6.3).

Table 6.3: Likelihood of case reaching Crown Court/conviction based on odds ratios from logistic regression: significant variables, arrestees only

Adult victims	
Court	**Conviction**
Offence linked (***)	Medical history (***)
Time from offence to report (***)	Offence linked (**)
Medical history (***)	Extent of injuries (**)
Extent of injuries (***)	
Police force area (***)	
Witnesses present (***)	
Relationship (***)	
Location of offence (***)	
Victim employment status (***)	
Social contact prior to offence (***)	

(a) ** = p<0.05; *** = p<0.01

A slightly different approach was taken in McGregor *et al*.'s (2002) study. They used logistic regression to explore those factors which influenced getting a conviction *within* the population of cases that reached court. Applying this approach limits the number of cases to analyse (112 cases excluding linked offences) and this restricts the analytical capacity of the model. Those variables found to be significant *within* the court stage (age of victim, relationship, offence-report duration, who reported, FME exam, use of drugs, previous allegations, number of victims and number of pieces of evidence) were entered into the regression model. Three variables were found to be significant predictors of a conviction *within* the cases that got to court: number of pieces of evidence ($p<0.05$); FME examination of the victim ($p<0.05$); and victim had made previous recorded allegations ($p<0.05$).

Table 6.4 summarises the significant variables from all of the main regression analyses for different outcomes and different populations.[65] Several general points are worth making about the main significant variables from the various logistic regression models.

Police force area. In one respect, the fact that 'police force area' was found to be a significant variable in predicting whether a case gets to court for all, adult victims and adult arrestee cases (and for convictions in adult victim cases) is perhaps unremarkable. Forces were pre-selected on the basis of having low, high or medium detection rates. However the importance of this finding in the context of the logistic regression analysis is that when all other offence, specific offence and police action variables are controlled for, police force area ends up as a significant predictor in four of the models. Variation in outcomes, as measured by Crown Court trial (and convictions for adults), cannot be explained away, once adjusting for NCRS compliance, in terms of variations in the nature of the victim or offence type, or the presence or absence of 'basic' investigative actions.

[65] Since the respective logistic regressions use similar predictor variables and, with the exception of the adults and arrestee only analyses, the same samples, the respective correlation matrices will not be independent. And since an offender cannot be convicted before previously being taken to court, it is not surprising that the regression output at court and conviction *generally* highlight similar variables.

Table 6.4 Summary of logistic regression analysis: likelihood of case reaching Crown Court/conviction based on odds ratios from logistic regression: significant variables

Population:	**Acquaint-ances**	**Partners/ex-partners**	**All victims**			**Adult victims**		
Outcome:	**Court/ other outcomes**	**Court/ other outcomes**	**Convict-ion/ other outcomes**	**Court/ other outcomes**	**Convict-ion/ other outcomes at court**	**Arrestees Court/ other outcomes**	**Court/ other outcomes**	**Conviction/ other outcomes**
Medical history		✓(***)	✓(***)	✓(***)		✓(***)	✓(***)	✓(***)
Threat to victim		✓(***)	✓(***)	✓(***)			✓(***)	✓(***)
Offence linked	✓ (**)	✓(***)	✓(***)	✓(***)		✓(***)	✓(***)	✓(***)
Forensic evidence	✓ (***)		✓(***)	✓(***)		✓(***)	✓(***)	✓(***)
Witnesses present			✓(***)	✓(***)			✓(**)	✓(**)
Police force area				✓(**)		✓(***)	✓(***)	✓(***)
Time between offence and report	✓ (**)	✓(**)				✓(***)	✓(**)	
Relationship	..	..		✓(***)		✓(***)		
Pieces of evidence	..	..	..	..	✓(**)	..	..	..
Victim made prior allegations			✓(***)		✓(**)			
Victim under 16			✓(***)				..	..
How offence reported			✓(**)					
Did victim receive FME exam					✓(**)			
Location of offence						✓(***)		
Victim employment						✓(***)		
Social contact						✓(***)		
Extent of injuries						✓(***)		

Notes:

(a) ** = p<0.05; *** = p<0.01

(b) .. variable could not be used in this model.

Rather, there can be two possible explanations for police force area ending up as a significant predictor of outcome. One is that there are one or more victim/offence characteristics which were not measured within the data collection process that are nonetheless significant predictors of case outcome, *and* vary significantly by police force area. The second explanation, which is arguably more plausible, is that there is an unobserved aspect within police force areas (police or CPS resources, structures, attitudes, actions), that, once controlling for all other relevant variables, is significantly affecting the odds of getting an offence to court between the high detection rate force (Force G) and some of the low

detection rate forces (the findings for the different models are most consistent in relation to the significantly lower odds of 'success ' in Force A and B [$p<0.01$]).

One other point worth noting in relation to the police force variable is the result for Force H. In Chapter 4, Force H was identified as having the lowest adjusted conviction rate. The fact that Force H does ends up as a significant 'category' within the police force area variable in only one model (all victims/getting an offence to court, and in that instance, only significant to $p<0.1$) where the police force area is a significant predictor variable. This suggests that, for this force, other characteristics in the models are contributing to a low conviction rate. In summary, while police force area is an important predictor of success, in some forces low conviction rates appear to be more influenced by factors such as the mix of cases rather than a specific unobserved feature about how that force is working.

Time between offence and report. Time between offence and report was identified as a significant factor predicting cases getting to court for adult victims, adult arrestee cases, acquaintance and partner/ex-partner offences. This finding is consistent with those from other research into rape investigations specifically and police investigations more generally (Kingsnorth, MacIntosh and Wentworth, 1999; Jansson, 2005; Burrows, 2005). This highlights the benefits from quick report (and correspondingly prompt police action) in terms of the retrieval and preservation of all kinds of evidence (forensic and witness) in contributing to the progression of a case.

Kingsnorth *et al*.'s (1999) study of sexual offences in Sacramento found time between offence and report as a significant predictor case outcome, but only for non-stranger cases (it was not significant for stranger cases). They concluded therefore that this was less to do with evidential recovery and more to do with a 'victim's perceived credibility'. Unfortunately, the small number of stranger cases in this sample means that it is not possible to test this.

To reinforce the point made in Chapter 3, whereas for victims of rape under the age of 16 the impact of (even an extensive) delay in reporting does not appear to have a marked effect on the outcome of a case, the same is not true of adult victims. Controlling for other variables, the speed with which adult victims report is a significant predictor of whether or not a case gets to court[66].

Threats to the victim. Threats to the victim during the course of an offence was found to be a significant predictor of getting a case to court and the offender being convicted, for 'all' victims *and* 'adult' victims alone. It was also a significant predictor of court for partner/ex-partner cases. The importance of a threat to the victim as a predictor of getting a case to court was explored with several rape investigators and the CPS. One view offered was that where a victim's account included a clear statement of an explicit threat of harm during the offence, either to the victim or a third party, this would be looked on as positively supporting the victim's case by both prosecutors and subsequently, juries. Furthermore, the threat of violence during the commission of an offence (and use of a weapon) would both be factors which would lead the CPS to consider taking forward a case in the public interest (personal communication, Mark Lindley, 9 March 2007).

Offence linked. Offences that were linked to an investigation of sexual assault against a separate victim was a highly significant predictor in all but one model (all victims, conviction vs other outcomes at court). Indeed, while offence linked cases accounted for only seven per cent of the crimed sample, they were present in exactly one third of convicted cases. In Chapter 5, the 'offence linked' characteristic was also identified as being a significant predictor of whether or not a victim would withdraw (offence linked cases have significantly lower odds of withdrawal). Several processes may be going on here. Evidentially, some 'offence linked' cases will involve multiple, discrete strands of information which help reinforce

[66] It is worth noting that in Chapter 5, time between offence and report was identified as a significant predictor of *withdrawal*, but in the opposite direction. Those who reported early after the offence had higher odds of withdrawal than those who reported later. That analysis was, however, based on all victims (rather than adults only).

a case against a particular suspect. In many instances, this might be offending within the same family setting – almost half of offence linked cases involved parent/other relative offences, although 24 per cent were 'acquaintance' offences and just fewer than ten per cent were stranger offences. It is also likely to be the case that more resources and effort are made available for such cases on the basis that multiple victim offenders carry a particularly high public risk.[67] The presence of more than one victim in a linked case might well also influence victim attitudes towards withdrawal.

Evidential variables (forensic evidence, witnesses present). As might be expected, several of the other predictor variables that appear consistently in the models relate to the evidential information present in a particular case (principally the presence of witnesses before, during or after the offence and, the availability of forensic evidence, itself closely correlated with the victim undertaking an FME examination). Obtaining the victim's medical history also falls into an evidential category but needs a little more explanation.

Victim medical history obtained. Medical history obtained was found to be a highly significant predictor at both court and conviction stages for both 'all' and 'adult' victims. Although the medical history of the victim was obtained in only 55 cases (less than 10% of the crimed sample), it was present in 38 per cent of offences in which the offender was convicted. When the analysis was first run with Crown Court as the outcome variable and 'medical history obtained' was first identified as a significant variable, an initial concern was that this simply reflected more mature (and therefore complete) case files (in other words, rather than predicting a case destined for court, the presence of a victim's medical history was instead the consequence of a case getting to court). Discussions with officers involved in rape investigations about the use of medical histories and the fact that the variable was a strong predictor of conviction both suggested that this was not the correct interpretation.

A second concern about the 'medical history obtained' variable was that, rather than being a key predictor in its own right, it actually reflected a set of other underlying characteristics present in cases where a medical history was obtained. To explore in more detail the nature of the 'medical history obtained' variable, logistic regression was run with 'medical history obtained' as the outcome variable. Nine predictor variables were entered which might be considered to be associated with obtaining the victim's medical history.[68] For all victims, five variables were found to be significant predictors of whether or not a file contained a medical history.

- *Victim vulnerable* ($p<0.01$). The odds of a medical history being obtained for a vulnerable victim were more than eight and a half times higher compared to a non-vulnerable victim.
- *Victim age* ($p<0.01$). The odds of a medical history being obtained for those aged 16 and over were 65 per cent lower than in cases where a victim was aged under 16.
- *Time between offence and report* ($p<0.05$). The odds of a medical history being obtained in cases reported on the day after the offence were two and a half times greater than for cases reported on the day of the offence.
- *Victim injury* ($p<0.01$). The odds of an injured victim having a medical history obtained were almost six and a half times greater than for cases where no physical injuries were recorded.
- *Presence of witnesses* ($p<0.01$). The odds of a medical history being obtained in cases where a witness was present were three times higher than in cases where a witness was present.

The case narratives of 'medical history obtained' cases were also examined. These clearly highlighted that, within a small number of offences with specific characteristics, getting hold of the victim's medical history provided a critical part of the evidential case against a suspect or provided clear evidence of the vulnerability of the victim. For instance, a victim's medical

[67] This would certainly be the case in linked stranger rapes for which specific ACPO guidelines exist.

[68] Who reported offence; how offence reported; offence linked; relationship; age of victim; extent of injuries; victim vulnerable; time between offence and report; presence of witnesses.

history could provide corroborative evidence of long-term victimisation that was disclosed to the health professionals. Alternatively, in some offences, the GP recorded details of violent injury where the victim had initially reported these to her doctor. In such a case, the GP's record of the injury provided a source of corroboration which had evidential value even if a victim had not reported immediately to the police. All of the sample forces had a handful of cases involving medical histories (the variable was not significant when analysed by force area).

The finding may well point to the inherent evidential value of medical history in the eyes of prosecutors and juries within some particular offence contexts. However, it is important that this finding is not misinterpreted as an automatic call for more cases to be prepared with medical history information. It is likely that the usefulness of a victim's medical history in these cases is very much determined by the specific context of the offence. One investigator explained that, even if there is a compelling reason for a victim's medical history to be included in a file, in some instances, putting this information to the court may not be in the victim's best interests. This is because the medical history *may* include information that will provide defence teams with opportunities to undermine a victim.

Other factors associated with case outcomes: case file reviews and victim withdrawal

Two significant variables were excluded from the regression analysis because they were closely correlated with case outcomes: whether or not a case file was reviewed and whether or not a victim withdrew.[69] In order to explore the relationship between these two variables and force performance, the two variables were examined by force area.

Chapter 3 highlighted that, overall, case file reviews take place more frequently in undetected cases than in detected cases. The pattern was not, however, consistent across forces. While, one low conviction rate force (Force H) reviewed case files at a high rate (75%), the pattern was not consistent across high conviction rate forces. Indeed one of the high conviction rate forces (Force D) recorded the highest rate of case file reviews for crimed cases (83%) (Table 6.5).

Table 6.5: Case file reviewed, by force area

	Was case file reviewed?		
	Yes	No	
A	55	45	100
B	30	70	100
C	48	52	100
D	83	17	100
E	27	73	100
F	63	37	100
G	67	33	100
H	75	25	100
Total	58	42	100
n	265	193	458

[69] Victim withdrawals and Crown Court (Pearson Correlation -0.345, $p<0.01$); case file review and Crown Court (Pearson Correlation 0.329, $p<0.01$).

Table 6.6: Proportion of victims who withdraw and adjusted conviction rate, by force area

	Did victim withdraw?		Adjusted conviction rate (%)
	No	Yes	
A	57	43	6
B	57	43	11
C	55	45	7
D	77	23	16
E	67	33	13
F	49	51	16
G	73	27	20
H	47	53	5

One final question to pose is 'are variations in force conviction rates mainly the result of high rates of withdrawal or due to other factors'? There are several ways to explore this question. In Chapter 4, the reason for not charging a suspect was explored and revealed that victim withdrawal and lack of evidence were the most common reasons, between them accounting for three-quarters of reasons for not charging (35% and 40% respectively). Victim withdrawal rates were found to vary significantly across the eight forces ($p<0.01$). Forces D and G (two of the best performing forces as measured by adjusted conviction rates[70]) achieved rates of withdrawal of 23 per cent and 27 per cent respectively (the lowest of the eight forces). The four forces with the lowest adjusted conviction rates (A, B, C and H) recorded withdrawal rates of between 43 per cent and 53 per cent (Table 6.6). Withdrawal rate (adjusted) was found to be negatively correlated with adjusted conviction rate across the eight sample forces.[71] Force F appeared to be an exception to the general rule, in that it had a high withdrawal and a high conviction rates.

It is also possible to use the outputs of the logistic regression analysis on victim withdrawal and case outcome to examine the relationship between victim withdrawal and case outcomes[72]. While police force area was a significant predictor of withdrawal and case outcome, force areas with significantly higher odds of withdrawal (see Table 5.3) did not map across perfectly onto those that had lower odds of getting a case to court/conviction (Appendix Tables A9, A10 and A12).[73] Nonetheless, of the three forces that recorded low odds of a victim withdrawing (Forces D, G and E), two (Forces D and G) recorded high adjusted conviction rates, while force G recorded the highest odds of a case getting to court (Appendix Table A9).

On this basis, a reasonable conclusion from the both the withdrawal and the court/conviction analysis is that force area variations in the likelihood of success at the court and conviction stages are the result of a combination of factors. Both the impact of variations in the likelihood of withdrawal, in conjunction with wider issues around case building, appear to contribute to the different odds of success (court or conviction) *by area*. A general premise

[70] Adjusted for no criming – see Chapter 4.

[71] Spearman's rho, - 0.738 $p<0.05$.

[72] Making comparisons using the regression outputs is arguably more robust since other factors have been controlled for.

[73] Regression analysis was run only on those cases where the victim did not withdraw; police force area was found not to be significant.

might be that minimising victim withdrawal through appropriate victim care approaches, aside from being an important objective in its own right, may be one of a number of factors that help influence outcome measures at a local level. Similar conclusions were drawn from a study of rape investigation processes in Scotland in the 1980s. Chambers and Millar (1983) concluded that "a primary consideration ought to be the well-being of the complainer... Police officers often said that a first priority had to be catching the offender and consequently it might seem that the concerns of the victim were being ignored. However, it can be argued that putting the complainer's well-being first would benefit the progress of the case and assist in the chances of detecting the offence" (pp129-130).

Summary

This chapter has explored those factors that are most associated with the progression of rape cases through the criminal justice system. By using logistic regression techniques, it is possible to identify those case or offence characteristics that best predict the outcome of cases. For the main analyses, five variables were identified as significant predictors of getting a case to court and conviction (for all victims and adult victims only). These were: that the assault was linked to sexual offence against a separate victim; the victim's medical history was obtained; the offender threatened the victim; forensic evidence was recovered; and where witnesses were present. The presence of any of these variables increased the odds of an offence resulting in getting to court and resulting in a conviction.

Police force area was found to be a significant predictor of getting a case to court (all victim and adult victim offences), and for convictions in adult victim cases. Although this finding might be expected given the way in which forces were selected, it does suggest that, for some of the forces covered in the study, differences in case outcomes are likely to reflect variations in the way forces are dealing with their rape cases.

Time between offence and report was a significant predictor of getting a case to court *for adult victims only*. Victims aged 16 and over who reported the same day as the offence had significantly higher odds of their case getting to court than those reporting a day or more after the offence.

As with all research into effective police investigations, it is important to consider the influence of the context of a particular offence in determining appropriate investigative actions. An investigative characteristic that is a good predictor of case outcome is likely to be so because of the specific characteristics of the offence, coupled with an appropriate investigative response.

Finally, the chapter looked at the relationship between withdrawal rates and convictions. While high withdrawal rates within forces do not appear to be *solely* responsible for low detection and conviction rates – other factors, in particular, the lack of evidence against a suspect, are important in a majority of 'lost' cases –forces which record lower odds for a victim withdrawing also record significantly higher conviction rates.

7. Change in detection and conviction rates over time

One of the objectives of this study was to improve understanding of recent trends in detection rates for rape cases, in particular since the late 1990s. Since 1997, when Harris and Grace (1999) undertook their case-file based study of five forces in England and Wales, two important developments have been evident from the recorded crime statistics on rape. First, the number of offences recorded by the police continued to rise – up from 6,281 in 1997 to 12,354 in 2003/04. This represents an extension of a longstanding upward trend in recorded rape offences. Secondly, there has been a marked decline in the proportion of offences which have been recorded as detected by the police. In 1997, the detection rate for rape of a female for all forces in England and Wales was 78 per cent. Although the annual detection rate has stabilised since 2004/05, there have been year-on-year declines in the detection rate for rape in England and Wales since 1997. By 2003/04 the overall detection rate for rape of a female in England and Wales was 31 per cent.

Making meaningful comparisons about changes in the detection rate across the period 1997-2004 are made complicated by important alterations to the way in which both crimes and detections are counted. First, in April 1999, changes were made to the detection counting rules. These are generally seen as a tightening up of the rules by which a detection could be claimed. Temkin (2002) notes that this change may have contributed to the reduction in detection rates for rape in recent years. Secondly, the National Crime Recording Standard was introduced in April 2002 (although some forces had introduced NCRS prior to this). This was generally expected to increase the number of offences that the police would record as crimes, and was anticipated to have a considerable impact on some crime types (including sexual offences).

The introduction of NCRS – and alongside it a regime to monitor compliance – might be expected to bring about a reduction in no crimed rapes and a consequent increase in the number of crimed offences. Harris and Grace (1999) found a no crime rate of 25 per cent – some way below that identified in similar a study dating from the 1980s (Lloyd and Walmsley, 1989) who found a 'no crime' rate of 45 per cent. For this study, several important questions arise.

- First, what has been the impact of the tightening up of detections guidance on the way offences are detected?
- Second, what has happened to the no crime rate and the reason for no criming?
- Since no criming might be expected to lead to a decrease in the detection rate (whereby crimes which, hitherto, had been no crimed, were now being crimed but would stand little chance of actual detection), can the impact of the introduction of NCRS and the changes in detection counting rules be assessed to more clearly identify underlying trends in the detection rate for rape?

The general principle applied to the analyses that follow is first to examine both the overall change between the Harris and Grace sample (1997) and this study (covering 2003/04). Then, change over time is then examined in two force areas (independently) that featured in both studies, using data from the present study and from the original Harris and Grace dataset. These forces correspond to Force C and Force F in the earlier chapters.

Changes in the detection rate over time, 1997-2003/04

Table 7.1 simply compares case outcomes from the two studies as a whole. The first thing to note is that, overall, while 84 per cent of offences were detected in 1997, the comparable figure for 2003/04 was only 32 per cent. Much of the fall in overall detection rate was, however, due to the steep reduction in non-sanction detection/detections with no further action (NFAs). These accounted for 43 per cent of detections in 1997; the corresponding

figure for 2003/04 was two per cent. The sanction detection rate (charges plus cautions) has also declined, but the net reduction over the period has been much more modest (from 41% in 1997 to 30% in 2003/04).

The decline in the proportion of rapes detected through non-sanction detections can be explained largely by the implementation of the changes to detections guidance issued in 1999. These would have had a marked impact on forces' ability to claim 'detected-NFAs' after that date. For an offence to be detected under the new guidance, it required "sufficient evidence to charge, an interview of the offender and notification to the victim"[74] (Simmons *et al*. 2002). Neither the victim withdrawing her complaint, her unwillingness to testify, nor insufficient evidence could be considered legitimate routes for securing a 'detection-NFA'. Harris and Grace (1999) found that 53 per cent of 'detected-NFA' rape cases involved the victim withdrawing her complaint; 36 per cent were due to insufficient evidence; seven per cent were due to the fact that the victim was unwilling to testify, and a further three per cent detected-NFA for some other reason. In 2003/04, with the new detections guidance bedded in, it would be expected that cases arising from 'complaint withdrawn' and 'insufficient evidence' would not, by and large, feature as non-sanction detections.

Table 7.1: Offence outcomes 1997 and 2003/04: crimed cases only (a)

Column percentages

	1997 (a)	2003/04
Charge summons	40	29
Caution	1	1
Sanction detections	*41*	*30*
Detected NFA/non-sanction detection	43	2
Detections	*84*	*32*
Undetected	16	68
All recorded offences	100	100
N	(350)	(576)

Note:

(a) Based on the forces' assessments of the case outcome.

To further explore the impact of changes to detections guidance on the change in the detection rate for rape across the period, more detailed analysis was undertaken on Force C and Force F. Table 7.2 gives data on the change in detection outcomes in Force C and Force F across the period, 1997-2003/04. Both forces reveal a marked reduction in the proportion of offences resulting in a non-sanction detection. In Force C, 62 per cent of offences were detected using non-sanction detections in 1997 compared to no offences detected by this method in 2003/04. The number of offences resulting in either a charge or a caution (i.e. sanction detections) had only fallen from 33 per cent to 27 per cent.

Force F also saw a reduction in non-sanction detections although these outcomes accounted for a much smaller proportion of crimed cases in 1997 than in Force C (one-fifth compared to almost two-thirds in Force C). By contrast, Force F had a high charge rate in 1997 (59 per cent) which had reduced to 26 per cent in 2003/04. Comparing across the period, there was no statistically significant reduction in the proportion of offences resulting in a charge in Force C; there was, however, a significant reduction in force F (see Footnote (a), Table 7.2).

[74] Detections obtained from the interview of a convicted prisoner also ceased to count.

Table 7.2: Change in detection outcomes, Force C and Force F: 1997-2003/04 (crimed cases only)

	Force C		Force F	
	1997	**2003/04**	**1997**	**2003/04**
Detected NFA/non- sanction detection	62	0	20	3
Caution	4	0	0	1
Charge(a)	29	27	59	26
Un-detected	6	73	22	70
Total	100	100	100	100
(N)	(55)	(71)	(87)	(69)

Note:

(a) 95 per cent confidence intervals were calculated on the difference between the proportions of offences resulting in a charge within in each force across the time periods. There was no significant difference found in the change in Force C's charge rate across the two periods. There was, however, a significant difference for Force F (the real difference between 1997 and 2003/04 being at least 17% and at most 45%) ($p<0.05$).

It is clear therefore that much of the reduction in the headline detection rate is due to the impact of detections guidance limiting the extent to which forces could record outcomes as 'detected-NFA'. This, however, still leaves a significant reduction in offences resulting in a charge in one of the two sample forces. However, before a full assessment can be made, it is important to take account of the impact of changes to Home Office Counting Rules in relation to no criming, following the introduction of NCRS.

Changes in the no crime rate and reasons for no criming, 1997 – 2003/04

According to figures from the full dataset for this study, a total of 15 per cent of offences were no crimed in 2003/04. This compared to a no crime rate of 25 per cent in 1997, suggesting that, as expected, the overall no crime rate fell with the introduction of NCRS across the period.[75] Figures for the individual Forces C and F are given in Table 7.3. The extent to which no criming rates changed, on the basis of Force C and Force F, varied markedly. Force C recorded a small *increase* in the no criming rate in 1997-2003/04 (from 14 per cent to 17 per cent), although this change was not significant. There was, however, a statistically significant drop in the rate of no criming for Force F (no crimes fell from 42 per cent to 23 per cent). One possible conclusion from this is that the process of introducing NCRS during the period has brought about an *overall* reduction in the no criming rate for rape. However, since forces were by no means starting from the same no criming position in 1997 (i.e. some forces were already behaving as if NCRS was in existence), it should not be a surprise to discover rather different degrees of change in rape no criming across different forces since 1999. On the basis of the Harris and Grace (1999) sample it is clear that Force F had a high no criming rate in 1997 (42% of the sample).

[75] The HMIC/HMCPSi reinspection found an improvement in compliance over no criming between 2000 and 2005. Some 40 per cent of no crimes examined in 2000 were non-compliant compared with 32 per cent in 2005.

Table 7.3: Change in recorded no criming rates for female rape, Force C and Force F: 1997-2003/04

	Force C		Force F	
	1997	**2003/04**	**1997**	**2003/04**
Crime	86%	83%	58%	78%
No crime	14 %	17 %	42%	23%
All initially crimed	100%	100%	100%	100%
offences	(64)	(86)	(151)	(89)

Note:
(a) 95 per cent confidence intervals were calculated on the difference between the proportions of offences resulting that were no crimed within in each force across the time periods. There was no significant difference found for Force C across the two periods. There was, however, a significant difference for Force F (the real difference between 1997 and 2003/04 being at least 7% and at most 30%) ($p<0.05$).

To fully appreciate the impact of NCRS on no criming it is also helpful to explore how the reason for no criming has changed over the period. Harris and Grace (1999) found that a high proportion of offences that were no crimed in the 1997 study were treated as such for reasons which did not accord with official guidance. Although the Counting Rules at the time stated that no criming was only appropriate where the complainant admits fabrication, overall these cases accounted for less than half of Harris and Grace's no crimes (43%) in 1997. More than half were due to a combination of complaint being withdrawn (36% of the total) or insufficient evidence (15% of the total).

A rather different pattern of no criming emerged in 2003/04, after the introduction of NCRS (for a fuller discussion see Chapter 4). For the sample as a whole, 92 per cent were no crimed correctly on the basis of HO Counting Rules. Only eight per cent of no crimes were classified inappropriately within the study sample.

It is clear that compliance with NCRS with regard to no criming of rape offences is still not uniform across forces (HMIC, 2007). Nonetheless, a move towards greater compliance in no criming (i.e. a reduction in the no criming rate) would have two effects. First, it would lead to a reduction in the overall no criming rate and thereby contribute to an increase in the total number of recorded offences of rape. Secondly, a reduction in no criming would almost certainly contribute to the depression of the detection rate for rapes because the characteristics of those previously (inappropriately) no crimed offences are such that they are likely to have only a low chance of eventual detection.

To examine the impact of no criming on changes in the detection rate over time, data from 1997 study were recoded *as if post NCRS no criming conventions were being fully applied*. This meant treating no crimes that were, according to Harris and Grace, due to either complaint withdrawal or insufficient evidence, as crimed offences (that had not been detected). For the full Harris and Grace sample this resulted in a reduction in the number of no crimes from 123 to 59, and a corresponding 64 additional crimed offences. This in turn reduced the notional sanction detection rate by six percentage points (down from 41% to 35%). Data from 2003/04 were also adjusted to allow for inappropriate no criming. The analysis for Forces C and F is given in Table 7.4.

Table 7.4: Sanction detection rate, adjusting for 'inappropriate' no crimes: Force C and Force F: 1997-2003/04

	Force C		Force F	
	1997	**2003/04**	**1997**	**2003/04**
Numbers:				
Recorded 'no crimes'	9	15	63	20
Adjusted no crimes	3	15	28	19
Adjusted crimes	61(+6)	71(+0)	122(+35)	70(+1)
Column percentages				
Sanction detection (a)	29	27	42	29
All other outcomes				
(excluding no crimes)	71	73	58	.71
Total	100	100	100	100

Note:
(a) 95% confidence intervals were calculated on the difference between the proportions of offences resulting that resulted in a sanction detection within in each force across the time periods. Neither force was found to have had a significant reduction in adjusted proportion of offences resulting in a sanction detections across the two time periods ($p<0.05$).

Applying current NCRS rules retrospectively to Force C and F data for 1997 revealed the following: in Force C, six no crimes become crimed offences (undetected), adding ten per cent to the total number of crimes; in Force F, 35 offences are changed, increasing the crimed offence total by 29 per cent. The effect of these adjustments for no crimes is a four per cent *reduction* in the sanction detection rate for Force C in 1997 (see Table 7.2 for Force C's unadjusted sanction detection rate). Looking over the period 1997–2003/04, there is a small non-significant reduction in the sanction detection rate across the period in Force C. In Force F, making allowances for the impact of NCRS on no criming suggests that the 'sanction detection' rate for this Force should be adjusted from 59 per cent (Table 7.2) to 42 per cent in 1997. Comparing the adjusted 1997 figure with that from the 2003/04 sample reveals a drop in sanction detection rate across the period (42 per cent to 29 per cent), but the fall is not significant ($p<0.05$).

Changes in cases getting to court and outcomes at court

This final analyses compares the proportion of rape offences getting to court and the proportion getting convicted. Comparing the two samples overall (Table 7.5) reveals that 29 per cent of crimed offences got to court and that 18 per cent of crimed offences in 1997 resulted in a conviction (with half of these resulting in a conviction for rape and the balance resulting in a conviction for a lesser charge). However, to make these figures comparable, adjustments need to be made for the impact of NCRS on no criming across the period. Had all the no crimes arising from 'insufficient evidence', 'complaint withdrawn' and 'unwilling to testify' been crimed in 1997, this would have added a further 64 offences to the 'base' of crimed offences. This in turn would have given an adjusted 'court' rate of 24 per cent (a reduction of five percentage points) and an adjusted conviction rate of 15 per cent (a reduction of three percentage points). For the 2003/04 sample, the comparable figures are for an adjusted 'court' rate of 21 per cent and a conviction rate of 12 per cent (with offence and detections classifications adjusted to reflect full NCRS compliance).

Table 7.5: Convictions 1997 and 2003/04: crimed cases only

Column percentages

	1997	1997 (adjusted) (a)	2003/04	2004/04 (adjusted) (a)
Conviction for rape	9	8	8	8
Conviction for other offences	9	8	4	4
Conviction (but type not known)	na	na	0	0
Total convictions	**18**	**15**	**12**	**12**
Offences not resulting in a conviction	82	85	88	88
Total offences	**100**	**100**	**100**	**100**
Proportion of offences getting to court	29	24	22	21
(N)	(350)	(415)	(576)	(593)

Note:

(a) Adjusted to reflect HO Counting Rules in use during 2003/04.

Table 7.6 gives corresponding data changes in the proportion of offences getting to court and proportion of offences resulting in a conviction in Forces C and F. Neither force recorded significant reductions in the proportions of offences going to court and resulting in a conviction.

Table 7.6: Convictions 1997 and 2003/04, Force C and Force F: crimed cases only

		Force C		Force F	
		1997	2003/04	1997	2003/04
Outcome:	Court	23	21	31	24
	All other outcomes	77	79	69	76
	Total	100	100	100	100
Outcome:	Conviction	13	7	18	16
	All other outcomes	85	93	82	84
Total		100	100	100	100

Note:

(a) 95% confidence intervals were calculated on the difference between the proportions of offences getting to court and resulting in a conviction within in each force across the time periods. Neither force was found to have had a significant reduction ($p<0.05$) in the adjusted proportion of offences getting to court or resulting in a conviction across the two time periods.

Summary

This final chapter has looked briefly at change over time in detection rates (and other outcomes). Although caution needs to be exercised in interpreting these results,[76] the overall conclusion is that much of the reduction in overall detection rates across the period 1997–2003/04 appears to be due to the combined effect of the way in which detections have been counted since 1999 and the impact of NCRS on inflating the number of crimed offences and so deflating the detection rate. At a force level, no significant difference was identified between the proportion of adjusted offences resulting in a case getting to court or a conviction.

[76] The small sample sizes limit the statistical power of the calculations.

8. Summary and discussion

This study has attempted to build upon a growing body of work around attrition in the investigation of rape offences. The study was specifically designed to examine why detection (and conviction) rates vary markedly across different force areas and to explore the nature of changing detection rates over time. In examining the former, the study has also examined the factors that are closely associated with the detection and conviction of rape cases. In particular the study has applied logistic regression techniques to identify those factors which appear to be central in determining the success of a case getting to court (or resulting in a conviction) and those factors that lead to a victim withdrawing from the process.

This study has not managed to uncover the 'holy grail' of what makes some force areas have higher conviction rates than other forces. There is almost certainly no single 'silver' bullet of action that can work to drive up investigative performance. Such is the complexity of rape cases – the general characteristics of the victim, her age, the relationship with her assailants and the specific nature of an individual offence – that the investigative response to each offence needs to be carefully tailored. However the study does offer some helpful points which, alongside the recent HIMC/HMCPSi report (2007), might help target an agenda for future action.

Force level variations in sanction detection and conviction rates

In terms of addressing the broader question 'why do detection rates vary across forces?', it is first important to answer the question 'does a genuine difference exist in force detection rates for rape?'. The study provides evidence to indicate that, once adjustments are made for 'inappropriate' counting of crimes or detections, significant differences in force level conviction and detection rates do exist. Significant differences were found between the sample conviction rates between two high conviction rate forces and three low conviction rate forces. Force 'rankings' in their rape detection rates were not, however, found to be entirely consistent with those indicated by those based on administrative data on sanction detections. One force which recorded a high sanction detection rate did so partly through a tendency to charge cases which the CPS later rejected on the grounds of insufficient evidence. The practice of 'overcharging' is likely to have been partially addressed through the full introduction of statutory charging whereby responsibility over the decision to charge moved to the CPS (the study took place before statutory charging had been rolled out – even in its shadow form – in the vast majority of areas covered in the study).

The existence of genuine differences in force detection and conviction rates does need some qualification. The study deliberately set out to examine a small number of forces with higher and lower than average detection rates for rape. Second, the study was not able to address (and correct for) any issues in *not a crime* offences, which may influence overall detection and conviction rates. Nevertheless, the evidence appears to point to some real differences in force detection and conviction rates within the eight forces studied.

Having established that significant differences exist in force detection rates for rape within the sample of forces, the second question to address is 'what factors help explain these variations?' One possibility might be that variations in detection or conviction rates in the sample forces can be wholly explained by factors related to the variations in the characteristics of reported rapes within a particular force that have an important bearing on case outcomes. An alternative hypothesis might be that the way in which the force is investigating offences (and the CPS prosecuting offences), managing its victims, its general approach to rape investigations, levels of resource or how it is organised, are contributing significantly to differences in case outcomes.

Logistic regression can help address these questions by identifying whether the police force in which the offence took place ends up as a significant predictor of case outcome once controlling for all other variables. When the logistic regression analysis was run, police force

area was indeed found to be a significant predictor of getting a case to court (for adults and all victims, and for adult victims in arrestee cases) and for conviction (for adult victims alone), once controlling for other characteristics of the victim, the offence, its reporting and the investigation. In particular, two of the pre-selected low conviction rate forces recorded significantly lower odds of 'success' (getting a case to court or a conviction) than one of the high conviction rate forces. In short, how the police and prosecution manage rape cases in different areas can influence the likelihood of success.

Not all of the adjusted low conviction rate forces were, however, found to have significantly lower odds of a conviction, once other factors were controlled for. The implication is that in *some force areas*, the lower odds of a conviction are less due to force specific factors and are rather more a reflection of the characteristics of the victim population and the types of offences they are dealing with.

The relationship between victim withdrawal and conviction rates

What can be said about *why* the odds of a conviction vary within different force areas? An important focus of this study has been the issue of victim withdrawal. Other studies have highlighted the importance of victim withdrawals as a pervasive feature of reported rape cases (Kelly *et al*., 2005). In this study, several key points have emerged about the nature and extent of victim withdrawal.

First, victims were found to withdraw in just under four in ten of crimed cases. A high proportion of withdrawals take place without an arrest being made, while only ten cent take place after an offence has resulted in a suspect being charged. Offender-victim relationship was found to be a significant predictor of whether a victim would withdraw or not with victims assaulted by 'partners/ex-partners' and 'friends' having particularly high odds of withdrawal compared to victims assaulted by parents or relatives, strangers, acquaintances. The analysis also revealed that the odds of a victim withdrawing vary significantly by force, after controlling for all other factors. Force differences in the odds of a victim withdrawing are not simply a function of victim or offence variables; they reflect something happening within forces, and this suggests that forces are able to influence victim withdrawal rates.

The link between withdrawal and conviction rate by area was also examined. Force areas which had high odds of withdrawal did not correspond exactly to those forces that had low odds of a conviction/ getting a case to court. However, forces with low odds of a victim withdrawing generally had high adjusted conviction rates (and high odds of getting a case to court/conviction).

It would have been surprising to find that area variations in the likelihood of a victim withdrawing were solely responsible for variations in success. Victim withdrawal was identified as the reason why an offence was not charged in 35 per cent of cases that did not proceed. The majority of 'lost' cases were not charged for other reasons (mainly the lack of available evidence).

While high withdrawal rates within forces do not appear to be *solely* responsible for low detection and conviction rates, there is evidence to suggest that forces which record lower odds for a victim withdrawing also record significantly higher odds of success (conviction or getting a case to court).

A general premise might be that minimising victim withdrawal through appropriate victim care, aside from being an important objective in its own right, may be one of a number of factors that influence offence outcomes at a local level. Mechanisms to minimise victim withdrawal (through improved victim care, communication, tackling victim concerns over fear and reprisal, and so on), may well pay dividends in terms of the number of victims getting to court and the number of subsequent convictions.

Victim-offender relationship has been identified as a significant predictor of whether or not a victim withdraws. This is an area that requires further investigation but forces may wish to give thought to how victim care strategies may need to be tailored to victims in particular types of relationship with their offender, especially those in relationships where there is a high likelihood of withdrawal (partners/ex-partners and friends).

Forces concerned about their detection and conviction rate levels should look closely at victim withdrawal rates at a local level (and monitor these if the information is not presently collected) and consider what improvements might be introduced to improve victim care.

Force structures

This study did not look in detail at the nature of structures and processes within the sample forces, and how these might be associated with outcomes. It would therefore be premature to make a judgement over the attributes of different organisational structures and how these impact on outcomes in reported rape offences. However, it is perhaps worth noting briefly the structures that existed in Forces G and D (those with the highest adjusted conviction rates). In 2004, all rape victims in Force G were interviewed by trained officers within a Sexual Offences and Child Abuse Unit, situated within two centralised units covering the whole of the force. Some investigations (i.e. stranger rapes) were then passed (after victim interview and medical examination) to District CID Departments for further investigation, arrest and process of suspects; others were retained by the centralised units. In Force D, all rapes were investigated 'on division' but, sitting above the district structure was a dedicated child and adult abuse investigation department which dictated rape investigation policy across the force and proactively monitored compliance with policy and practice.

Other factors associated with positive outcomes at court and convictions

In addition to the relationship with withdrawals, the process of trying to unpick what brings about force variations in rape outcomes has highlighted other characteristics that predict whether or not an offence is likely to get to court (or result in a conviction). While these findings are essentially a by-product of the main research objectives, there are several findings arising from this which are worth discussing further.

In total, sixteen variables (excluding 'police force area') were found to be significant predictors of whether a case got to court/resulted in a conviction. These variables have been grouped as follows:

- those that relate to the underlying nature of the offence and the characteristics of the victim (e.g. offender-victim relationship, victim age);
- those that relate to the prior sexual offending behaviour of the offender against a different victim;
- those that relate to the specific commission of the offence (e.g. threats to the victim, the presence of witnesses, injuries to the victim);
- those that relate to when the offence was reported (time between offence, and how offence reported); and,
- those that relate to a combination of offence and investigation factors (for instance the, availability *and* successful retrieval of forensic evidence, the existence of a victim medical history that includes relevant corroborative information about the allegation, *and* its retrieval).

The *absence* of significant predictor variables needs to be carefully interpreted. Some variables not identified in the study as significant predictors of outcome may actually be so, but the size of the dataset may mean that the analysis does not identify them. The main implications of these findings can be summarised as follows.

Time between offence and report. Only a minority of victims report on the same day as the offence. Other studies have indicated the extent to which the trauma associated with serious sexual assault is likely to delay a victim reporting (Temkin, 1987). Although time between offence and report was found not to be a predictor of whether a case got to court for all victims, it was found to be a significant predictor when the analysis was limited to adult victims. It was also a significant predictor for getting a case to court when the analysis was limited to partners/ex-partner victims and victims in acquaintance offences. The different evidential needs for victims assaulted as adults or as children would seem to be the critical factor at work here.

For adult victims, the odds of a case getting to court fell significantly with the passage of time. This is likely to be a function of the decay of evidential opportunities (forensic or otherwise) with the passage of time (although, as noted in Chapter 6, Kingsnorth *et al*., 1999, have offered a different view on the meaning of this variable). The general impact of the 'time-decay curve' is in common with findings from research on the investigation of other crimes. For victims aged under 16, the findings suggest that the elapsed time between offence and report plays a less critical role and that case outcomes are not as affected by the duration between offence and report as they are for adult victims.

There are some important, if complex, victim-related messages relating to the timing of a victim's report of an offence. The general message to victims is still to report all and any offences, but particular encouragement should be given to adult victims to report *as soon as possible* after an offence to increase the odds of a positive outcome. Reporting might be to the police or to a SARC, where arrangements exist for storing forensic evidence from self-referred victims.

At the same time, even if an offence took place a long time ago, victims should be encouraged to report to the police. This is particularly the case for victims assaulted whilst under 16 years of age, for whom there was no significant reduction in the odds of getting an offence to court compared with offences reported more recently.

Forensic evidence and witnesses. Those factors which have been described here as relating to the specific commission of the offence are linked closely to the execution of particular investigative actions. By the same token, specific actions (such as obtaining the victim's medical history) will be determined by the particular context in which an offence took place. The existence (and successful identification or retrieval) of witnesses and forensic material may provide corroborative evidence to support a victim's account of an offence. It should, therefore, come as no surprise that their presence within a case contributes significantly towards a positive case outcome. It is, however, worth noting that the retrieval of forensic evidence was closely correlated with examination by an FME, emphasising the importance of this particular action in the early process of evidential collection. Finally, the study does highlight the importance of corroboration within the whole of the criminal justice process. The odds of an offence that had more than one piece of evidence to support the decision to charge, ending up with a conviction, were higher than for cases with only one piece of evidence.

Obtaining the victim's medical history. Although it undoubtedly reflects important contextual issues around a particular case, investigations that involved obtaining the victim's medical history were found to be a significant predictor of whether a case got to court and convictions

(for all victims *and* for adult victims separately). A victim's medical history was obtained in less than ten per cent of crimed cases but was present in just under one-third of all cases that resulted in a conviction.

This particular element of the investigative process has been discussed at length in Chapter 6. Several points are worth reinforcing here. The logistic regression analysis suggests that cases which involve the obtaining of the victim's medical history have significantly higher odds of a conviction. Given the importance of 'crime context' discussed previously, this does not mean that obtaining a victim's medical history will automatically improve the odds of any case getting a conviction. Indeed it has been suggested that including the victim's medical history can bring with it risks, in terms of drawing to the court's attention details of the victim's past unrelated to the offence. Nevertheless, the statistical importance of this variable suggests that, in that minority of cases where the specific context of the crime means that the medical history contains important corroborative material, this type of evidence offers powerful testimony to prosecutors and jurors, either in terms of demonstrating a victim's vulnerability or, more particularly, providing corroborative evidence of the extent and timing of a victim's injuries. Investigators may well wish to consider the benefit of including this form of evidence wherever genuine opportunities for its use exist.

One final thought on the 'medical history' finding relates to how this might influence victim behaviour in cases where a victim is undecided as to whether to report an offence to the police. In such cases, and where the victim has sustained some physical injury in the course of an offence, a visit to the GP, sexual health clinic (or anywhere where a victim might present herself) soon after the offence may provide one way of *de facto* evidence preservation. This might, at some future point, help to sustain the evidential case against a suspect, should the victim ultimately decide to report the offence to the police. However, for this to work effectively GPs also need to become more forensically aware and responsive to the needs of victims. Some progress is already being made towards this through the provision of tailored training packages (such as those on **http://www.careandevidence.org/**).

Linked offences. The finding in relation to linked offences is worthy of some discussion. The 'linked offence' variable was a significant predictor of case outcome for both adult and child victims. It was also a significant predictor of whether or not a case would end up being withdrawn. In Chapter 6, several scenarios were offered as to how this might be interpreted. First, it might well reflect the evidential consequences of the investigation of linked offences by the same offender. It is widely acknowledged that correctly linking offences increases the totality of potential information available to investigators (Egger, 1990). It is also possible that linked offences ensure either additional investigative resources or a more determined commitment on the part of investigators (and prosecutors) to bring an offender to justice. All these factors might also influence a victim's decision to continue with an investigation (rather than withdraw). Independently, it is also possible that victims in some linked offences are less likely to withdraw because they have a shared motivation with other victims to see justice done (and this, in turn provides, some mutual support for 'linked' victims to stay with the investigation and court process). The potential for exploiting this has increased with the admissibility of 'bad character' evidence under the Criminal Justice Act 2003 and its potential at the pre-charge stage was emphasised in the HMIC/HMCPSi report (2007). HMIC/HMCPSi noted that some lawyers were critical of the provision by the police of information on an offender's prior offending (a situation exacerbated by suspects tending to refuse to disclose information at interview regarding their previous offending history).

Given the formal response to the investigation of linked serious sexual offences, does the finding in relation to 'offence linked' yield any further practical guidance for investigators? An early question for rape investigators to address is 'is there information to suggest that this offender is involved in more prolific sexual offending?' The Inspection also advocated that police look beyond convictions in the search for supporting information. The PNC (which routinely stores information on convictions) and local (i.e. force) level databases (which will have a wider range of intelligence material) represent two obvious sources. However, the development of the IMPACT programme, following the Bichard enquiry in the serious offences committed by Ian Huntley, will eventually allow police forces to search nominals

across *all* forces' intelligence and related databases. Routine searching of these in cases of rape might help build up a more detailed picture of offenders' prior offending behaviour, above and beyond that held on the PNC. This study suggests that the routine harvesting of this kind of offender information (from a wider range of sources) might, in turn, increase the likelihood of a case resulting in a conviction in cases where prior sexual offending by against a different victim is identified.

Use of STOs and the review of case files. Two areas where the findings were more tentative but nonetheless worthy of consideration were the use of Specially Trained Officers (STOs) and case file review. During the period when case files were being sampled, some forces had moved towards the introduction of STOs for dealing with sex offence victims. Although in practical terms it was not always easy to identify whether or not an STO had been used (or not used) in an investigation on the basis of the case file material, there is some evidence that their use can make a difference to withdrawals. Their use was found to be associated with a lower withdrawal rate, although it was not found to be a significant predictor of whether or not a victim would withdraw, after controlling for other factors. This may however reflect the high number of missing cases for this particular variable.

Some very tentative conclusions also relate to the positive impact of reviews of case files. Generally, it was found that reviews of case files by senior officers were more common for cases which did not proceed beyond charge. The evidence of a relationship between case file reviews and force performance was more equivocal than for victim withdrawals. At least one force that reviewed a high proportion of its cases was not able to translate this into high court or conviction rates. Nevertheless, there is some evidence here to argue for forces reflecting on how they quality assure rape investigations through the routine review of undetected cases. The study found almost no evidence (in all but one case) of a reviewing officer requesting additional investigative action. The importance of reviews is more likely to reflect the existence of structures within forces or BCUs that police support investigative quality in rape investigations. This finding should not, however, be seen as downplaying the importance of other elements of the supervisory process which are almost certain to play an important part in the delivery of effective investigations. It was simply not possible on the basis of information held within case files to assess the extent or nature of direct supervision of the investigating officer.

Change over time and the measurement of conviction rate

Finally, the study has provided evidence to support the claim that the combined impact of NCRS and changes to the detection counting rules have between them accounted for most of the reduction in recorded detection rates since the late 1990s. Increased compliance with Home Office Counting Rules, as advocated by the HMIC/HMCPSi, will, in the short term at least, cause further fluctuations in detection and conviction rates for individual forces but the argument for improved and transparent counting in this offence area in particular is impossible to challenge. Further work needs to be done in terms of routinely auditing the link between incidents and crimes, and accurately establishing the extent of not a crime incidents.

Concerns about the accurate measurement of criminal justice outcomes in rape do raise one other issue on which to conclude. The oft-reported conviction rate for rape offences of approximately six per cent is, in itself, accurate in that it correctly compares convictions *for rape* against offences *for rape*. However, the reality of the court process means that this figure takes no account of the proportion of rapes that result in a conviction for a lesser charge. Previous studies of attrition in reported rape have also reflected this fact (see for instance, Harris and Grace, 1999; Lea *et al*., 2003; and Kelly *et al*., 2005). On the basis of the sample used in this study, taking convictions for lesser offences into account increases the rape conviction rate to around 12 per cent. There is, of course, a debate to be had about whether it is more or less appropriate to include convictions for lesser offences in the calculation of a conviction rate for rape. One future approach, however, will be to move towards a stage where it would be possible to report on both figures to give the public as informed a picture as possible about the investigation and prosecution of rape.

Appendix A

Table A1: Age of complainant at time of offence by victim-offender relationship

Column percentages

	12 yrs and under	13 - 15 yrs	16 - 25 yrs	26 - 35 yrs	36 - 45 yrs	Over 45 yrs	Total
Stranger	0	15	17	14	12	24	14
Acquaintance	2	33	35	29	14	12	27
Partner/ex-partner	0	8	19	33	48	32	22
Parental figure/relative	80	17	5	1	8	4	15
Friend	3	8	12	8	12	16	10
Other	15	19	11	15	8	12	13
Total (n)	100 (60)	100 (83)	100 (223)	100 (96)	100 (52)	100 (25)	100 (539)

Notes:

(a) N= 539 of 593 crimed cases where complainant/suspect relationship and age of complainant is known.

(b) Percentages do not always total 100 due to rounding.

Table A2: Place of initial contact by victim-offender relationship

Place of initial contact	Partner/ ex-partner	Parent/ other relative	Acquain-Tance	Stranger	Friend	Other	Total
Public place	8	3	34	66	11	7	23
Offender/victim shared home	34	66	0	0	0	7	18
Offenders home	13	15	11	1	26	23	14
Victims home (invited)	20	8	11	3	30	14	14
Hotel/pub/wine bar	5	3	16	8	6	17	10
Dance/disco/club/party	3	0	14	9	17	6	8
Victims home (forced entry)	9	1	4	5	2	1	4
Place of work	0	0	1	0	0	1	1
Other	7	5	9	8	9	24	10
Total (n)	100 (117)	100 (80)	100 (149)	100 (77)	100 (54)	100 (71)	100 (548)

Table A3: Who reported by victim-offender relationship

Row percentages

	Reported by victim	Reported by third party	Total	n
Partners/ex- partner	74	26	100	121
Parent/other relative	38	62	100	79
Friend	60	40	100	53
Other	48	52	100	67
Acquaintance	53	47	100	148
Stranger	43	57	100	69
Total	54	46	100	537

1. Based of 537 offences where the person who reported and the nature of the victim-offender relationship was known.

Table A4: FME examinations, by victim-offender relationship

Column percentages

Did FME examine victim?	Partners/ex-partners	Parent/other relative	Friend	Acquaintance	Stranger	Other
Yes	38	39	52	64	66	55
No	62	61	48	36	34	45
Total	100	100	100	100	100	100
(n)	(117)	(82)	(56)	(155)	(76)	(69)

Table A5: Physical evidence recovered, by victim-offender relationship

Column percentages

Forensic evidence recovered:	Partners/ex-partners	Parent/other relative	Friend	Acquaintance	Stranger	Other	Total
Yes	61	72	55	32	37	37	48
No	39	28	45	68	63	63	52
Total	100	100	100	100	100	100	100
(n)	(119)	(85)	(55)	(151)	(75)	(71)	(556)

Table A6: Reason for not charging, by victim-offender relationship

Column percentages

	Partners/ex-partners	Parent/other relative	Friend	Acquaint-ance	Stranger	Other	Total
Complaint withdrawn	48	24	47	36	28	14	35
Insufficient evidence	37	71	30	34	21	74	41
Victim reluctant to assist	11	0	19	12	10	8	11
Other	3	6	4	17	41	4	13
Total	100	100	100	100	100	100	100
(n)	(91)	(34)	(47)	(105)	(61)	(50)	(388)

Table A.7: Custodial sentences by length of sentence

	Principal charge at Crown Court					
	Attempted rape	Indecent assault on a female	Non-sexual offence	Rape	USI	Total
Less than 6 months	0	1	0	0	0	1
6 months to 18 months	0	3	0	0	0	3
18 months to 3 years	1	1	0	0	1	3
3 years to 6 years	1	10	3	4	0	18
6 years to 9 years	2	2	0	14	1	19
9 years to 12 years	0	0	0	1	0	1
12 years or more/life	1	0	0	12	0	13
Not known	2	0	0	2	0	4
Total	7	17	3	33	2	62

Table A8: Comparing crimed cases getting to Crown Court with crimed cases resulting in all other outcomes

Significant variables (a)	Significance (b)	Significant for 16+ victims only?
Victim age (under16/over 16)	***	NA
Employment status	***	No
Relationship	***	
Victim ethnicity	**	Yes (***)
Prior social contact	***	No
Place of initial contact	**	No
Location of first offence	**	No
Period under coercion	***	No
Witness present before, during or after offence	***	Yes (***)
Victim injured	***	Yes (***)
Any threats to victim or third party	***	Yes (***)
Time between offence and report	**	Yes (***)
Who reports	*	No
Offence linked	***	***
How offence reported	**	No
FME examination of victim	***	Yes (***)
Case file reviewed	***	Yes (***)
Victim medical history obtained	***	Yes (***)
Any forensic evidence gathered	***	Yes (***)
Victim vulnerable	*	Yes (*)
Victim consumed alcohol (c)	No	Yes (*)
Victim consumed drugs	*	Yes (*)
Variables found not be significant: previous allegations; offender used violence; number of suspects; time between offence and arrest; Sexual Offence Liaison Officer used; any resistance		

Notes:

(a) Police force area was significant for both all victims ($p<0.1$) and 16+ victims alone ($p<0.05$).
(b) *** $p<0.01$; ** $p<0.05$ * $p<0.1$
(c) Adult victims with high levels of intoxication were over represented in cases going to Crown Court (20% compared to 9%).

Table A9: Likelihood of an offence going to Crown Court (based on odds ratios from logistic regression): all victims, crimed offences

Offence/victim/investigation characteristics	Odds ratios	Significance (b)	95% confidence intervals	
			Lower	Upper
Victim-offender relationship		***		
Partner/ex-partner	1.00			
Parent/other relative	4.11	***	1.69	10.01
Friend	0.57		0.16	2.01
Other	0.95		0.36	2.54
Acquaintance	1.58		0.72	3.46
Stranger	1.04		0.39	2.80
No information on relationship in file(a)	0.67		0.06	7.26
Offence linked		***		
Offence not linked	1.00			
Offence linked	20.23	***	7.50	54.62
No information in file	2.25	***	0.65	1.50
Threats		***		
No explicit threat against victim	1.00			
Explicit threat against victim during offence	2.47	***	1.35	4.51
No information on threats in file (a)	0.67		0.30	1.50
Presence of forensic evidence		***		
Forensic evidence present	1.00			
No forensic evidence	0.22	***	0.12	0.41
No information on forensic evidence in file (a)	4.27		0.31	57.97
Victim medical history		***		
Victim's medical history obtained	1.00			
Victim's medical history not obtained	0.10	***	0.05	0.23
No information on medical history in file (a)	0.92		0.27	3.15
Presence of witness(es)		***		
No witnesses present	1.00			
Witness present	1.95	**	1.10	3.45
No information on witnesses in file (a)	0.49		0.19	1.25
Police force		**		
Police Force G	1.00			
Police Force A	0.17	***	0.05	0.51
Police Force B	0.18	***	0.06	0.57
Police Force C	0.58		0.22	1.53
Police Force D	0.50		0.21	1.20

Police Force E	0.63		0.24	1.64
Police Force F	0.66		0.26	1.66
Police Force H	0.40	*	0.14	1.12

Notes:

(a) In order to keep cases in the analysis, discrete 'information missing' categories were created for cases where the file did not include information on the relevant predictor variables. In none of the six variables where a 'no information' category was used was the 'no information' category significantly different to the reference category.
(b) * = Characteristic significant p<0.1
** = Characteristic is significant p<0.05
***= Characteristic is significant p<0.01
(c) The significance of the variable as a whole is taken from the likelihood ratio test.

Table A10: Likelihood of an offence going to Crown Court (based on odds ratios from logistic regression): adult victims, crimed offences

Offence/victim/investigation characteristics	Odds ratios	Significance (b)	95% confidence intervals	
			Lower	Higher
Time between offence and report		**		
Reported day after offence	1.00			
Reported same day	3.08	***	1.35	7.01
Time between offence and report not known (a)	0.83		0.16	4.40
Threats		***		
No explicit threat against victim	1.00			
Explicit threat against victim during offence	2.73	***	1.30	5.72
No information on threats in file (a)	0.51		0.15	1.75
Victim medical history		***		
Victim's medical history obtained	1.00			
Victim's medical history not obtained	0.09	***	0.03	0.27
No information on medical history in file(a)	0.90		0.15	5.42
Presence of witness(es)		**		
No witnesses present	1.00			
Witness present	2.65	***	1.29	5.47
No information on witnesses in file (a)	0.68		0.18	2.51
Police force		***		
Police Force G	1.00			
Police Force A	0.02	***	0.0	0.2
Police Force B	0.04	***	0.0	0.5
Police Force C	0.29	*	0.1	1.2
Police Force D	0.48		0.2	1.7
Police Force E	0.45		0.2	1.6
Police Force F	0.41		0.2	1.5
Police Force H	0.37		0.2	1.6

Presence of forensic evidence		***		
Forensic evidence present	1.00			
No forensic evidence	0.21	***	0.08	0.56
No information on forensic evidence in file (a)	1.75		0.00	9743.47
Offence linked		***		
Offence not linked				
Offence linked	45.78	***	10.35	202.41
No information in file	6.17	**	0.0	37.77

Notes:

(a) In order to keep cases in the analysis, discrete 'information missing' categories were created for cases where the file did not include information on the relevant predictor variables. In only one variable was this significantly different to the reference category (italicised).

(b) * = Characteristic significant p<0.1
** = Characteristic is significant p<0.05
***= Characteristic is significant p<0.01

(c) The significance of the variable as a whole is taken from the likelihood ratio test.

Table A11: Likelihood of an offence obtaining a Crown Court conviction from being initially crimed (based on odds ratios from logistic regression): all victims

Offence/victim/investigation characteristics (d)	Odds ratios	Significance (b)	95% confidence intervals Lower	Higher
Threats		***		
No explicit threat against victim	1.00			
Explicit threat against victim during offence	3.54	***	1.68	7.46
No information on threats in file (a)	0.72		0.25	2.10
Offence linked		***		
Offence linked	1.00			
Offence not linked	24.78	***	8.27	74.24
No information on links in file (a)	1.47	***	0.30	7.20
Victim medical history		***		
Victim's medical history obtained	1.00			
Victim's medical history not obtained	0.11	***	0.04	0.28
No information on medical history in file (a)	0.75		0.20	2.92
Presence of forensic evidence		***		
Forensic evidence present	1.00			
No forensic evidence	0.27	***	0.12	0.60

No information on forensic evidence in file (a)	5.06		0.32	79.27
Presence of witness(es)		***		
No witnesses present	1.00			
Witness present	1.95	*	0.96	3.98
No information on witnesses in file (a)	0.07	***	0.01	0.38
Victim age		***		
Under 16	1.00			
16 and over	0.23	***	0.11	0.49
No information on age in file (a)	0.70		0.08	5.98
Prior allegations		***		
Victim had made prior recorded allegations	1.00			
No prior recorded allegations	10.64	**	1.18	96.35
No information on file (a)	2.02		0.12	35.29
Howoffence reported		**		
Phone police	1.00			
Part of other investigation	4.63	**	1.23	17.46
Health/social services referral	0.63		0.10	3.85
Visit to police station	0.59		0.19	1.82
Other	4.48	*	0.94	21.29
No information in file (a)	1.67		0.64	4.34

Notes:

(a) In order to keep cases in the analysis, discrete 'information missing' categories were created for cases where the file did not include information on the relevant predictor variables. In only one variable was this category significantly different to the reference category.

(b) * = Characteristic is significant p<0.1

** = Characteristic/variable is significant p<0.05

***= Characteristic/variable is significant p<0.01

(c) The significance of the variable as a whole is taken from the likelihood ratio test.

Table A12: Likelihood of an offence obtaining a Crown Court conviction from being initially crimed (based on odds ratios from logistic regression): adult victims

Offence/victim/investigation characteristics	Odds ratios	Significance (b)	95% confidence intervals	
			Lower	Higher
Threats		***		
No explicit threat against victim				
Explicit threat against victim during offence	3.77	***	1.44	9.83
No information on threats in file (a)	0.99		0.18	5.42
Victim medical history		***		
Victim's medical history obtained	1.00			
Victim's medical history not obtained	0.10	***	0.03	0.34
No information on medical history in file (a)	1.14		0.17	7.60
Presence of witness(es)		**		
No witnesses present	1.00			
Witness present	2.82	**	1.44	9.83
No information on witnesses in file (a)	0.28		0.18	5.42
Police force		***		
Police Force G	1.00			
Police Force A	0.06	***	0.01	0.44
Police Force B	0.07	**	0.01	0.83
Police Force C	0.06	**	0.00	0.74
Police Force D	0.66		0.18	2.41
Police Force E	0.64		0.15	2.75
Police Force F	0.22	*	0.04	1.21
Police Force H	0.33		0.07	1.68
Offence linked		***		
Offence not linked	1.00			
Offence linked	37.79	***	7.68	185.86
No information in file	2.08	*	0.03	31.46
Presence of forensic evidence		**		
Forensic evidence present	1.00			
No forensic evidence	0.30	***	0.09	0.96
No information on forensic evidence in file (a)	28.24		0.19	4182.14

(a) In order to keep cases in the analysis, discrete 'information missing' categories were created for cases where the file did not include information on the relevant predictor variables. In two instances, these variables were significantly different to the reference categories.

(b) * = Characteristic significant p<0.1

** = Characteristic/variable is significant p<0.05

***= Characteristic/variable is significant p<0.01

The significance of the variable as a whole is taken from the likelihood ratio test.

Appendix B

Interviewing suspects

Generally there was partial information on the interviewing of suspects contained in the case file. Out of the 410 offences where an interview took place detailed information on the nature of the interview was only available in 240 cases. If 'don't knows' are excluded from the analysis, in 12 per cent of interviews the offender undertook no comment interviews to all questions and a further two per cent answered 'no comment' to the majority of questions. Prepared statements were made in twelve cases.

There was more information in the file as to whether or not the suspect denied intercourse in their interviews (n=352 cases). Overall, there was an even split between those who denied having intercourse and those who did not (51% denied that intercourse had taken place). Victims who were assaulted by parents or another relative were significantly more likely to deny having intercourse with the victim (88% of suspects claimed not to have had intercourse).

Table B.1: Suspect denied intercourse in interview by victim-offender relationship (a)

	Partners/ex-partners	Parent/other relative	Friend	Other	Acquaintance	Stranger	Total
Yes	39	88	34	54	43	31	51
No	61	12	66	46	57	69	49
Total	100	100	100	100	100	100	100
(n)	(66)	(67)	(32)	(59)	(102)	(26)	(352)

Note:
(a) Based on 352 cases where information on the police interview was available. Significant p<0.01.

In 29 cases there was a delay in interviewing the suspect. In over a third of these cases the reason for this delay was caused by not being able to locate the suspect. In just under one-third of these cases (31%, n= 9) the delay was caused by the police evidence gathering.

Appendix C

Logistic regression

Logistic regression is a multivariate technique that can be used to predict a dependent variable with two mutually exclusive categories from a set of independent variables. The logistic regression model can be written in the following terms.

$$Log\left(\frac{p}{1-p}\right) = \hat{a} + \beta_1 \text{ x } X_1 + \beta_2 \text{ x } X_2 + \ldots \beta_k \text{ x } X_k$$

Where p = estimated probability of having the characteristic of interest (the predicted probability of success

$$Log\left(\frac{p}{1-p}\right) = \text{ predicted odds of success}$$

â = sample based intercept

X1= independent variables, i=1,2,...k

β1 = sample based regression coefficients

The regression was run on SPSS v12.0.1 running under Windows XP pro SP2.

Forward conditional was the selected method for entering the variables. The forward conditional method for entering the variables was selected on the grounds that this study was exploratory in nature and the principal aim was to identify, from a long list of potential variables, a sub-set which predicted victim/withdrawal or case outcome. It has not been designed to build or develop a set of theories around the progression of rape cases.

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