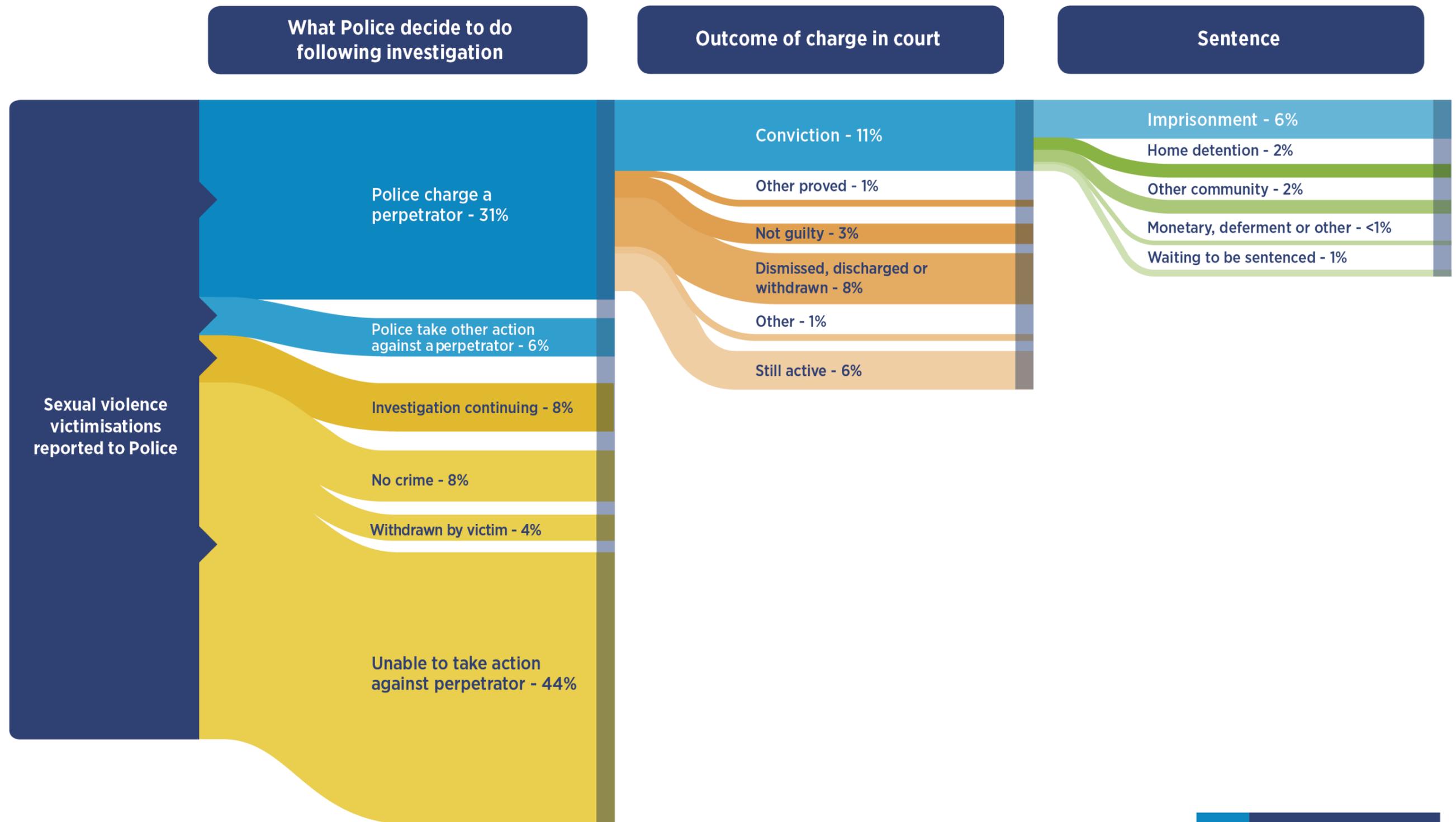


Points of attrition and progression for sexual violence victimisations in the criminal justice system



Note: This includes all sexual violence victimisations reported to Police between July 2014 and June 2018 and the latest investigation and court outcomes recorded in early 2019.

Attrition and progression of reported sexual violence victimisations in the criminal justice system

Attrition is the proportion of reported sexual violence victimisations that do not progress through the criminal justice system to a conviction.

This diagram shows the proportion of the 23,739 sexual violence victimisations reported to Police between July 2014 and June 2018 that progressed to court action and subsequently conviction, by early 2019. Each victimisation is represented once, showing the most serious outcome at the Police investigation, court and sentencing stages. If the diagram was magnified, you could see one line for each victimisation. The percentage of reported victimisations is represented by the width of each line.

The analysis included all sexual violence victimisations reported to Police, including both adult and child victims:

- 61% occurred when the victim was a child or young person (aged 17 years or younger)
- 53% were reported when the victim was an adult
- 55% were indecent assault, which was more frequently reported by children and young people
- 43% were sexual violation (including rape and unlawful sexual connection), which was more frequently experienced and reported by adults.

There is substantial attrition for sexual violence victimisations

Most attrition occurred at the investigation stage. By early 2019, only:

- 31% of the victimisations reported to Police resulted in a perpetrator being charged
- 11% resulted in a conviction (or 36% of victimisations where a perpetrator was charged)
- 6% had a prison sentence (or 55% of victimisations with a conviction).

This means that if only 10% of sexual violence is reported to Police,¹ for every 100 victimisations only three results in a perpetrator being charged, and only one results in a conviction.

As well as having a substantial rate of attrition, sexual violence victimisations take a long time to progress through the system. Because of this, some victimisations were still being investigated or were involved in the court process when the analysis was performed in early 2019. This had the largest impact on victimisations reported in 2017/2018. Over time the proportion of victimisations with a conviction and prison sentence will increase as the active charges are finalised.

What Police decide to do following an investigation

By early 2019, action had been taken against a perpetrator for 37% of victimisations reported between 2014/2015 and 2017/2018; Police charged a perpetrator (court action, 31%) or took other action against them (non-court action, 6%, including formal and informal warnings, or referrals to youth aid and/or family group conferences for children and young people).

For 8% the Police investigation was still continuing in early 2019. This is an interim investigation outcome which may ultimately result in action against a perpetrator. Alternatively, following investigation Police may be unable to proceed against a perpetrator.

For more than half (56%) of victimisations reported to Police, an investigation was undertaken but Police were unable to proceed against a perpetrator at that time. From a Police perspective, the outcome of these investigations has not been finalised (although they are not being actively investigated), as they may be resumed if new evidence becomes available later. However, from a victim perspective, this non-action will likely be perceived differently.

There are several reasons an investigation may be undertaken but Police are unable to proceed against a perpetrator, including where:

- Police deemed no crime had occurred (8%)

- the victim withdrew from the process (4%)²
- Police were unable to take action for another reason (44%) - including where a perpetrator was not identified, there was insufficient evidence to prosecute, it was deemed not in the public interest to prosecute, the perpetrator was deceased or mentally incapacitated, or no formal complaint was made by the victim.

Outcome of charge in court and sentencing

In total, 11% of reported victimisations received a conviction and 1% had an 'other proved' outcome, including where the perpetrator was discharged without conviction, or the charge was proved in the Youth Court. In other instances, the perpetrator was found not guilty (3%), or the charge was dismissed, discharged or withdrawn (due to insufficient or new contradictory evidence, victims or witnesses no longer willing to cooperate, the charge being replaced with another, or procedural reasons; 8%). 'Other' outcomes include where the perpetrator was found unfit to stand trial or not guilty by reason of insanity (1%). For 6% of all reported victimisations, the charge was still active in court in early 2019.

After a perpetrator is convicted they receive a sentence. The most serious sentence type is imprisonment (6%). The next most serious sentence was home detention (2%), followed by other community sentences (community detention, intensive supervision, community work and supervision; 2%). Monetary, deferment and other sentences (less than 1%) include being ordered to pay reparation to the victim, ordered to come up for sentence if called upon, and being committed to a secure hospital or facility. About 1% of victimisations resulted in a conviction but were waiting to be sentenced in early 2019.

There have been some changes over the last four years

There were some differences in progression over the four years, including:

- victimisations reported in the most recent year (2017/2018) were more likely to result in court action, and less likely to have other non-court action (despite a larger proportion of investigations continuing) than in 2014/2015
- fewer victimisations were deemed to be 'no crime' each year.

However, many comparisons over time were problematic as in each successive year a higher proportion of victimisations had investigations that were continuing or charges that were still active in court or awaiting sentencing. Additionally, a Police system change in 2017 introduced several new outcomes, including 'withdrawn by victim'.

Between 2014/2015 and 2017/2018, the number of reported victimisations increased, due to more victims reporting and more victimisations recorded per occurrence. The largest increase was seen in the most recent year.

More information about changes over time and how progression differs for different victims and sexual offence types are available in the full report.

Data notes

Police victim and perpetrator data was linked to court data to create this diagram. The percentages on the diagram may not sum to 100% due to rounding. The diagram does not include lines where a link could not be made between the datasets (3% of victimisations where Police charged a perpetrator, and less than 1% of victimisations where Police took other action could not be linked to a perpetrator or court record).

More information about this analysis is available in the full report: *Attrition and progression: Reported sexual violence victimisations in the criminal justice system*.

¹ Ministry of Justice (2015). *2014 New Zealand Crime and Safety Survey: Main findings*, Wellington: Ministry of Justice.

² Note that the proportion where the victim withdrew is underrepresented as the specific 'withdrawn by victim' outcome category was only introduced and used from early 2017 onwards, and these outcomes will have otherwise been recorded in 'unable to take action'. Refer to the full report for more information.