

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

**Victimisations reported April 2017– March 2022**

**Ministry of Justice**

## Executive summary

Over 90% of sexual violence is not reported to police.<sup>1</sup> Where it is reported, the majority of victimisations do not progress through the criminal justice system to a conviction. Sexual violence victimisations can also take a long time to progress through the justice system, with around one third of court cases (if they occur at all) taking more than two years to complete after charges are filed.

This report describes the sexual violence victimisations reported to the New Zealand Police between April 2017 and March 2022, and how they have progressed through the criminal justice system. The report is intended to be published annually, providing regular monitoring over time.

Between April 2017 and March 2022, the number of sexual violence victimisations reported to Police and the number of people who reported the victimisations increased by 20%.

For sexual violence victimisations reported in 2019, after two years:

- 42% resulted in court action
- 13% had a conviction
- 8% had a prison sentence.

Trends over time were compared where possible, while accounting for the fact that victimisations reported in more recent years have had less time to progress through the justice system than those reported in earlier years.

For sexual violence victimisations reported in 2019, after two years (compared to two years after those reported in 2017):

- the proportion with an identified perpetrator and with court action was similar
- slightly fewer had ongoing investigations
- fewer were deemed to not be a crime
- slightly more had the victim or witness not in a position to progress
- fewer resulted in a conviction and fewer had prison sentences
- more were still active in court.

Similar trends were also observed when victimisations were compared at one year and three years following reporting, with fewer resulting in conviction and imprisonment and more being still in court in more recent years.

Only half of reported sexual violence victimisations have a Police investigation outcome within six months, but over 90% do within two years; fewer victimisations reported in 2019

<sup>1</sup> The New Zealand Crime and Victims Survey estimated that 8% of sexual violence offences against adults were reported to Police (across pooled survey cycles 1 – 4) (Ministry of Justice, 2022). Available from: <https://www.justice.govt.nz/justice-sector-policy/research-data/nzcvs/>

were still under investigation after two years than in earlier years. In comparison, victimisations with court action are increasingly spending more than two years in court before reaching a final charge outcome (34% in 2019 vs 21% in 2017).

The higher proportion of victimisations still active in court after two years, and the increased length of time spent in court, can likely be attributed to measures put in place in response to the COVID-19 pandemic, including several periods when jury trials were suspended.

In 2020, about half of the people who reported sexual violence victimisations were aged under 18 at the time of the occurrence. When the victims reported to Police, 44% were adults, 41% were children and young people and 15% were historic childhood victims reporting as adults. The number of people reporting historic childhood victimisations has been increasing steadily and is likely to continue as public awareness increases, particularly in response to the Royal Commission of Inquiry into historical abuse in care.

## Terms used in this report

A **reported sexual violence victimisation** is an individual sexual violence offence reported to Police. In this report sexual violence offences are all offences within ANZSOC subdivision 031: Sexual assault (aggravated and non-aggravated sexual assault offences). A victim may experience more than one victimisation over a period of time, from one or more perpetrators.

An **occurrence** is a single criminal incident reported to Police. It may involve multiple offences if the offences are reported at the same time, involve the same people, and either occur at the same time and place or are the same type of offence repeated over time. An occurrence may include one or more victimisations and victims.

A **victim** is an individual person who experienced one or more reported sexual violence victimisations. Some people prefer the term 'survivor' or 'victim-survivor', however for others the term 'victim' validates the harm they have experienced. The use of the term 'victim' in this report is not intended as a value judgement on those who have experienced sexual violence or to exclude those who do not identify with that term.

A **perpetrator** is an individual accused of committing the sexual violence victimisations reported to Police. Some may prefer these people be described as 'alleged' perpetrators or offenders, or defendants (while the charges are prosecuted), and only be described as a perpetrator or offender when found guilty in court. Others would prefer the terminology 'people who offend.' However, for consistency across the different parts of the justice system, and to reflect the perspective of victims who perceive that the person committed sexual violence against them, 'perpetrator' is used.

# Introduction

This report describes the sexual violence victimisations reported to the New Zealand Police between April 2017 and March 2022, and how they have progressed through the criminal justice system, including:

- the outcome of the Police investigation
- the outcome in court and any sentence imposed
- time to progress through the Police investigation and court process
- demographic characteristics of the people who experienced the reported the victimisations
- types of sexual offences reported.

This analysis determined the outcomes for all victimisations at different time points since they were reported to Police. This was undertaken to ensure a fair comparison of victimisations reported at different times; some victimisations will continue progressing through the criminal justice system as more time accrues. The time points included one, two, three and four years since reporting to Police. The primary measure used in this report is the outcome after two years since reporting.

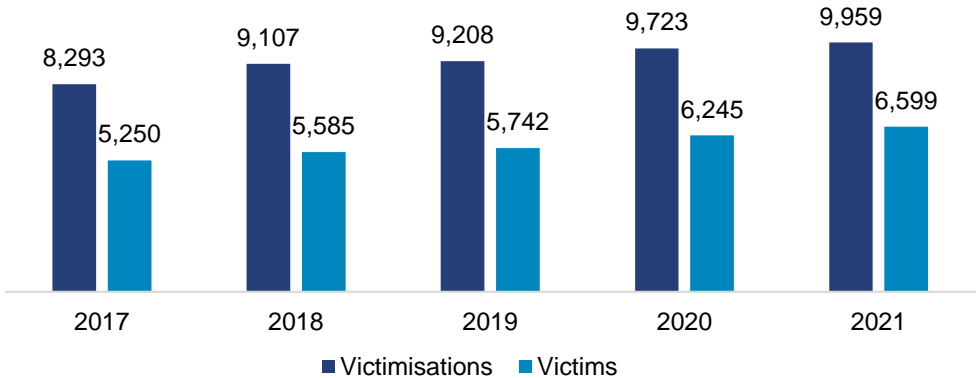
The report is intended to be published annually, providing regular monitoring of system performance.

## Number of victimisations reported

The number of reported sexual violence victimisations has increased since 2017

The number of reported sexual violence victimisations has gradually increased from almost 8,300 in 2017 to almost 10,000 in 2021 (Figure 1). The number of victims has increased correspondingly, from over 5,200 to 6,600.

**Figure 1: The number of reported sexual violence victimisations has increased each year**



Note: Reporting years are counted from 1 April to 31 March of the following year (not calendar years).

Growing reports of sexual violence victimisations could reflect an increase in the incidence of sexual violence and/or increased reporting rates. While the New Zealand population has also increased over this period, the percentage increase was smaller than the percentage increase in people who reported sexual violence. The New Zealand Crime and Victims Survey (Ministry of Justice, 2022) was unable to identify changes in reporting rates of sexual violence across the four cycles of the survey from 2017/2018 – 2020/2021 due to large margins of error as a result of low numbers of adults who reported sexual violence.<sup>2</sup>

## Attrition and progression through the criminal justice system

Figure 2, on the next page, shows that in the two years following sexual violence victimisations reported in 2019, the results were:

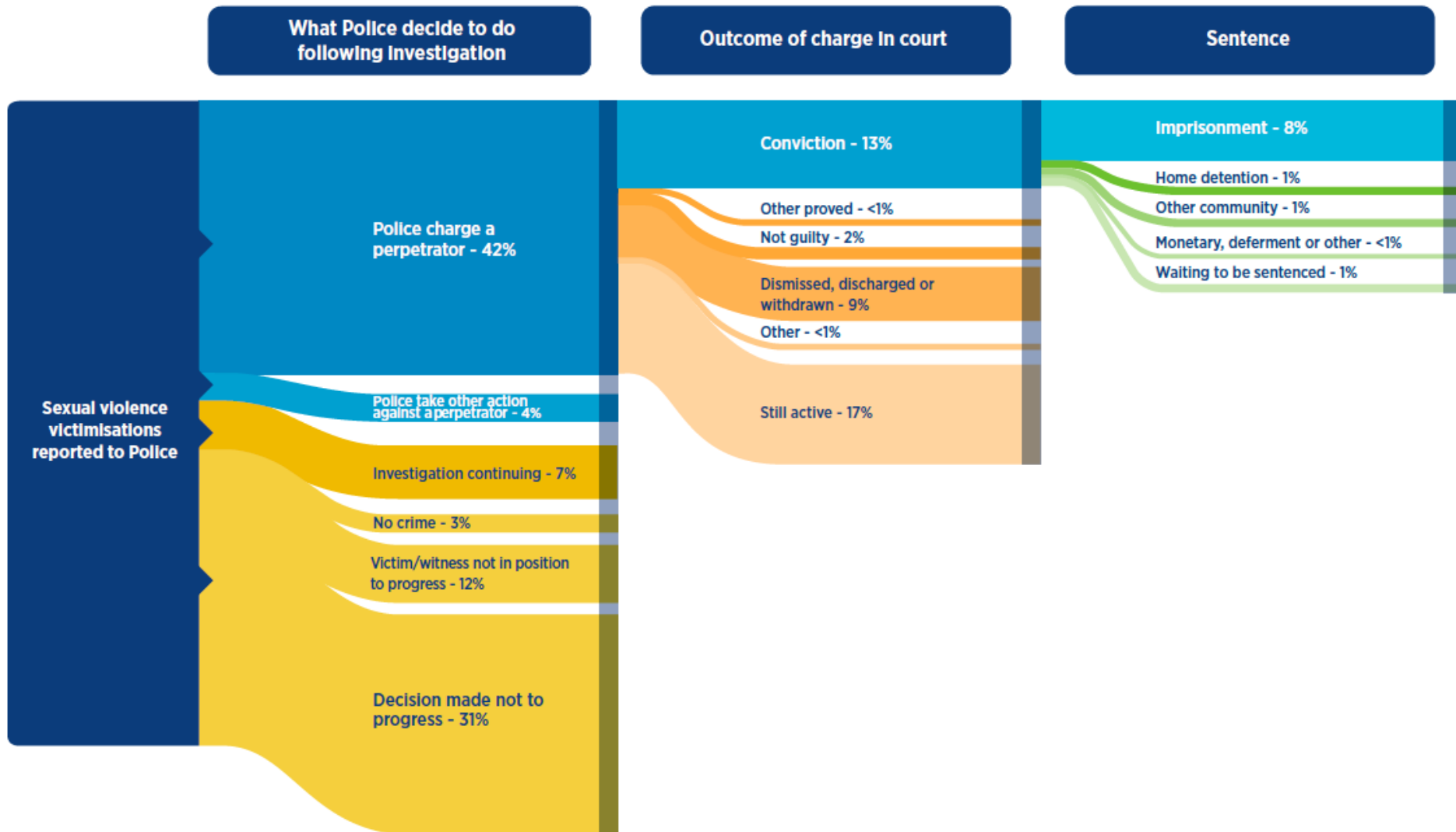
- 46% had Police identifying a perpetrator (with the investigation continuing for another 7%)
- 42% had Police taking court action against a perpetrator (with another 4% resulting in non-court action)
- 13% had a conviction (with another 17% still active in court)
- 8% had a prison sentence (with another 1% waiting to be sentenced).

Points of attrition in the criminal justice system for these reported sexual violence victimisations included:

- Police not taking action against a perpetrator (46%), either because:
  - Police decided not to progress (31%)
  - the victim or witness was not in a position to progress (12%)
  - Police determined no crime had taken place (3%)
- Police taking court action, but the charge was dismissed, discharged or withdrawn (9%)
- Police taking court action, but the charge resulted in a not guilty verdict (2%).

<sup>2</sup> Figures for percentage of sexual violence incidents reported to Police are suppressed for individual survey cycles 1 – 4. Available from: <https://www.justice.govt.nz/assets/Documents/Publications/20220614-NZCVS-Cycle-4-Section-7-Reporting-to-the-Police-final-v0.4.xlsx>

Figure 2: The majority of reported victimisations do not progress through the criminal justice system to a conviction



Note: To ensure a fair comparison of victimisations reported at different times, outcomes for all victimisations are counted two years since they were reported to the Police. Some victimisations will continue progressing through the criminal justice system as more time accrues.

“Other proved” charged outcomes include Youth Court proved outcomes, discharge without conviction, and adult diversion. “Other” charge outcomes include charges where the person was found unfit to stand trial due to mental impairment or not guilty due to insanity. It also includes stays of proceedings, where the court process is stopped indefinitely, usually when proceedings have taken too much time.

## Fewer sexual violence victimisations are resulting in a conviction or prison sentence within two years, as more remain active in court

Table 1, on the next page, compares the two-year investigation and court outcomes for victimisations reported in 2017, 2018 and 2019.<sup>3</sup>

Overall, the proportion of reported victimisations with an identified perpetrator were similar each year, as was the proportion resulting in court action. However, there were some slight differences within the categories where a perpetrator was not identified. In 2019, slightly fewer investigations were continuing after two years (7% vs 9% in 2017 and 10% in 2018) and fewer had investigations that determined no crime had occurred (3% vs 6% in 2017 and 5% in 2018). Over the same period, there was a small increase in the proportion of reported victimisations where the victim or witness was not in a position to progress (12% vs 9% in 2017 and 10%). However, this increase may be a result of improved recording by Police as this outcome option was only introduced in March 2017 and would otherwise have been recorded as the decision made not to progress.

Despite little difference in the proportion of reported victimisations resulting in court action within two years, the proportion of victimisations resulting in a conviction was lower for victimisations reported in 2018 (12%) and 2019 (13%), compared with 2017 (17%). Similarly, although to a lesser extent, the proportion resulting in a prison sentence was also lower in 2018 (7%) and 2019 (8%) than in 2017 (10%). These differences were related to more victimisations still being active in court after two years for victimisations reported in 2018 (16%) and 2019 (17%) compared to 2017 (10%). This can likely be attributed to measures put in place in response to the COVID-19 pandemic, including several periods when jury trials were suspended.

Ministry of Justice official statistics show that overall conviction rates for sexual offences, irrespective of the time taken, have fluctuated over the past ten years, but most recently have been decreasing since 2017/2018.<sup>4</sup> This trend of a decreasing conviction rate is observed across all offence types and is not limited to sexual violence.

<sup>3</sup> Results are not shown for victimisations reported in 2020 because at the time of analysis, two years had not accrued for all victimisations.

<sup>4</sup> Available from: <https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/>

**Table 1: Attrition and progression of reported sexual violence victimisations, two years since reporting in 2017, 2018 and 2019**

Outcome two years since reporting				% of victimisations reported in the year		
Investigation outcome	Proceeding outcome	Charge outcome	Most serious sentence	2017	2018	2019
Perpetrator identified	Court action	Convicted	Imprisonment	10%	7%	8%
			Home detention	3%	2%	1%
			Other community	2%	2%	1%
			Monetary, deferment or other	<1%	<1%	<1%
			Waiting to be sentenced	2%	1%	1%
			<b>Total convicted</b>	<b>17%</b>	<b>12%</b>	<b>13%</b>
			Other proved	<1%	<1%	<1%
			Not guilty	3%	2%	2%
			Dismissed, discharged, withdrawn	9%	9%	9%
			Other	<1%	<1%	<1%
			Still active in court	10%	16%	17%
			No link to court data	<1%	<1%	<1%
			<b>Total court action</b>	<b>41%</b>	<b>41%</b>	<b>42%</b>
			Non-court action			4%
Not proceeded with			<1%	<1%	<1%	
	<b>Total perpetrator identified</b>		<b>45%</b>	<b>44%</b>	<b>46%</b>	
Investigation continuing				9%	10%	7%
Investigation undertaken but Police decide not to proceed against perpetrator	No crime			6%	5%	3%
	Victim/witness not in position to progress			9%	10%	12%
	Decision made not to progress			32%	31%	31%
	<b>Total investigation undertaken but Police decide not to proceed against perpetrator</b>			<b>46%</b>	<b>46%</b>	<b>46%</b>
<b>Total victimisations reported to the Police</b>				<b>100%</b>	<b>100%</b>	<b>100%</b>

Note: Reporting years are counted from 1 April to 31 March of the following year (not calendar years). To ensure a fair comparison of victimisations reported at different times, outcomes for all victimisations are counted two years since they were reported to the Police. Some victimisations will continue progressing through the criminal justice system as more time accrues. Outcomes are not shown for victimisations reported in 2020 because at the time of analysis, two years had not accrued for all victimisations.



## Progress at 1, 2, 3 and 4 years since reporting

In general, conviction and imprisonment rates tend to increase and the proportion still active in court tends to reduce as more time accrues since a victimisation is reported. Therefore, the court outcomes of the reported victimisations have been compared at one-, two-, three- and four-years since reporting to Police.

The proportion of reported victimisations resulting in a conviction and with a prison sentence within one year was highest in 2017 and lower in more recent years (Table 2). For example, 10% of victimisations reported in 2017 resulted in a conviction within one year, but only 7% in 2018 and 2019, and 6% in 2020. A similar pattern can be observed at two- and three-years following reporting.

**Table 2: Conviction and imprisonment rates are lower for victimisations reported in more recent years, despite controlling for comparable lengths of time since reporting**

Time since reporting	% of victimisations reported with conviction			
	2017	2018	2019	2020
1 year	10%	7%	7%	6%
2 years	17%	12%	13%	-
3 years	19%	16%	-	-
4 years	21%	-	-	-
Time since reporting	% of victimisations reported with prison sentence			
	2017	2018	2019	2020
1 year	5%	3%	4%	3%
2 years	10%	7%	8%	-
3 years	13%	10%	-	-
4 years	15%	-	-	-

Note: Reporting years are counted from 1 April to 31 March of the following year (not calendar years). Data is suppressed for years in which the respective number of years since reporting has not accrued for all victimisations.

Over the same period, the proportion of victimisations still active in court after one year is higher for victimisations reported in more recent years (19% in 2017 vs. 26% in 2020) (Table 3).

**Table 3: The percentage of victimisations still active in court is higher for more recently reported victimisations, despite controlling for comparable lengths of time since reporting**

Time since reporting	% of victimisations still active in court			
	2017	2018	2019	2020
1 year	19%	22%	25%	26%
2 years	10%	16%	17%	-
3 years	6%	10%	-	-
4 years	2%	-	-	-

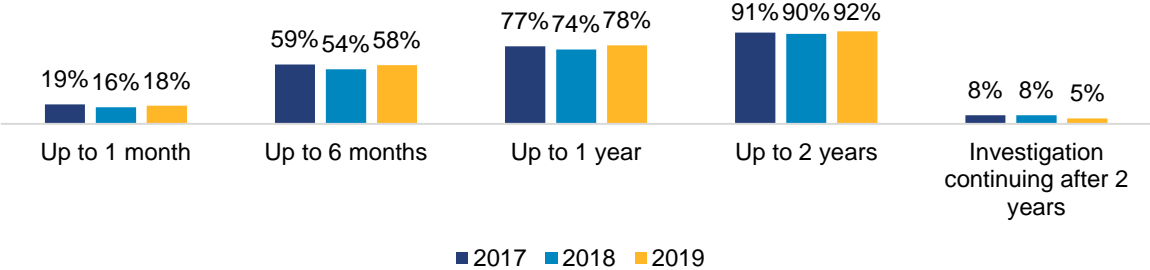
Note: Reporting years are counted from 1 April to 31 March of the following year (not calendar years). Data is suppressed for years in which the respective number of years since reporting has not accrued for all victimisations.

# Time to progress through the criminal justice system

## Sexual violence victimisations are taking longer to get through the court process

Most sexual violence victimisations reported to Police take many months to be investigated. Each year, over half of reported victimisations have an investigation outcome within six months, and over 90% within two years (Figure 3). Compared with victimisations reported in 2017, those reported in 2019 were less likely to remain under investigation after two years (8% vs 5%). However, it is not immediately clear from the data whether this represents a meaningful shift.

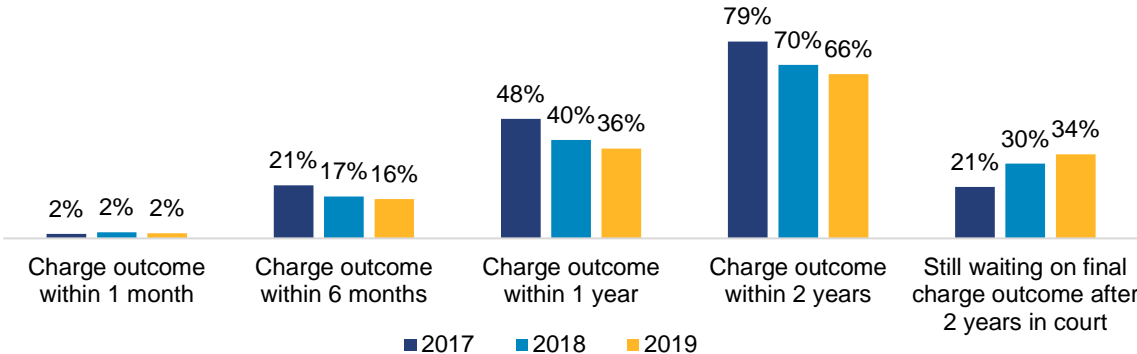
**Figure 3: Over half of reported sexual violence victimisations have an outcome of investigation within six months**



Note: Victimisations that were still under investigation at the time of data extraction are not included, and this is more likely to affect victimisations reported in more recent years. For this reason, victimisations reported in 2020 are not shown. The time from reporting to outcome of Police investigation is unknown for a small proportion of victimisations (<1% each year).

Sexual violence victimisations that make it to court are increasingly spending more than two years in court before reaching a final charge outcome (Figure 4).

**Figure 4: Sexual violence victimisations with court action are taking longer to get through the court process**



Note: This graph counts the time from the first court appearance to the final charge outcome, including any sentencing. Victimisations that did not have court action within 2 years are excluded, so this does not reflect the impact of any change in the time taken to reach a Police outcome. The time from reporting to final charge outcome is unknown for a small proportion of victimisations (<1% each year).

For victimisations reported in 2017, almost half (48%) had a charge outcome within one year, 79% within two years and 21% were still waiting after two years in court. Whereas, for victimisations reported in 2019, only 36% had a charge outcome within one year and 34%

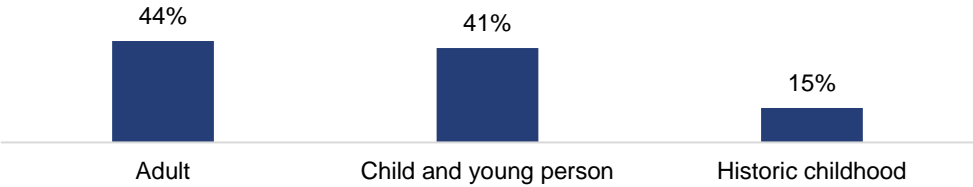
were still waiting after two years. This can be largely attributed to court delays because of the COVID-19 pandemic response, however there is evidence that court processes were beginning to slow down before the first impacts on the courts from COVID-19 came through in March 2020.

## Demographics of people who reported victimisations

Reports of sexual violence across all victim types have increased, particularly adult and historic childhood victims

Almost half (44%) of the people who reported sexual violence victimisations in 2020 were adults aged 18 years or more and 41% were children and young people (Figure 5). Another 15% were historic childhood victims, i.e. they were aged under 18 at the time of offending but were 18 or older at the time of reporting.

**Figure 5: More than half of the people who reported sexual violence victimisations in 2020 were children and young people when the offending occurred**



Note: Victim type was unknown for <1% of victims. Victims can be counted in more than one victim type if they reported multiple victimisations in the same year, so totals can add to more than 100%.

The number of people who reported victimisations increased between 2017 and 2020 for adults, for children and young people and for historic childhood victims. However, the proportion of victims who were children and young people decreased from 45% in 2017 to 41% in 2020 because the increase in the number of historic childhood and adult victims was larger (Figure 6).

**Figure 6: While the overall number of people who reported when they were children and young people increased between 2017 and 2020, the proportion decreased**

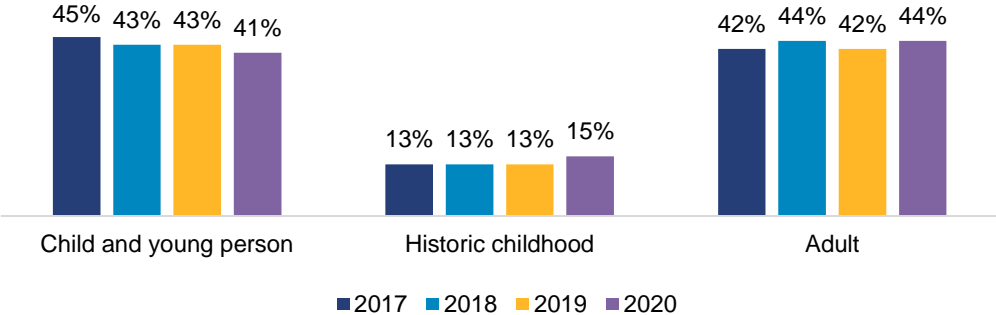
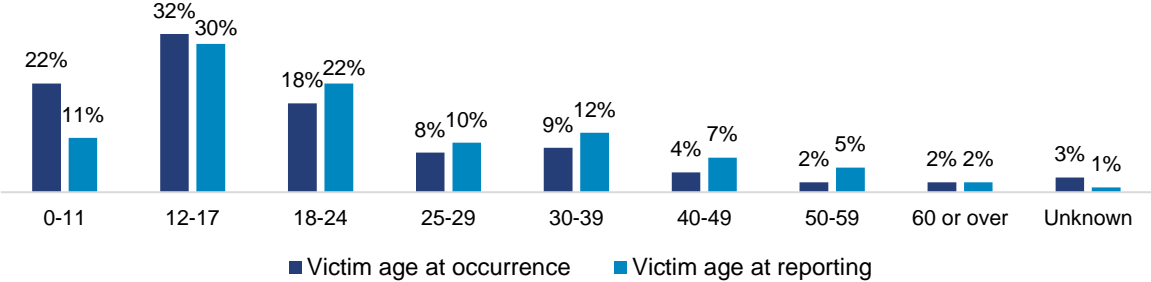


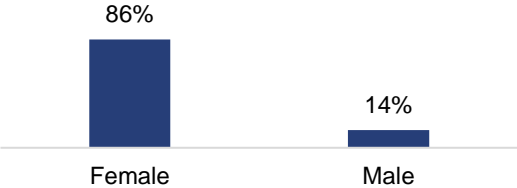
Figure 7 shows about half (54%) of victims were aged under 18 at the time of the occurrence.<sup>5</sup> The age distribution of victims at the time of reporting is slightly older because many victimisations are reported years after they occurred.

**Figure 7: Age distribution of people who report sexual violence victimisations is slightly older than the distribution of age at occurrence**



Most of the people who reported victimisations were female (86% in 2020); 14% were male (Figure 8).

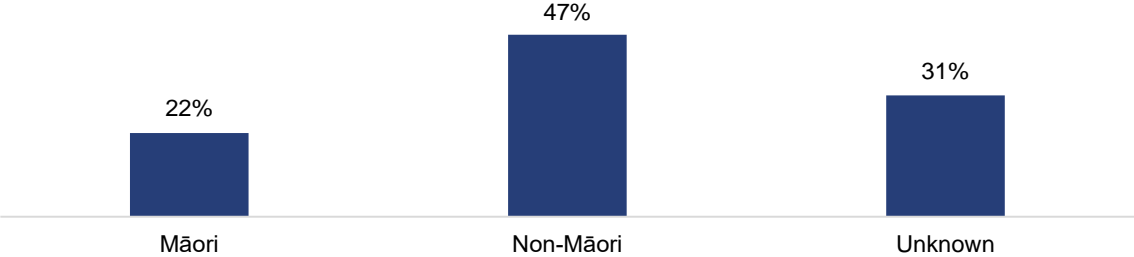
**Figure 8: Most people who reported sexual violence victimisations in 2020 were female**



Note: Gender was unknown for <1% of victims.

Ethnicity is not always collected from victims. Almost a third (31%) of people in 2020 had no ethnicity recorded, which limits how the ethnicity information that is available can be used (Figure 9). The proportion of people with no ethnicity recorded has increased from 24% in 2017.

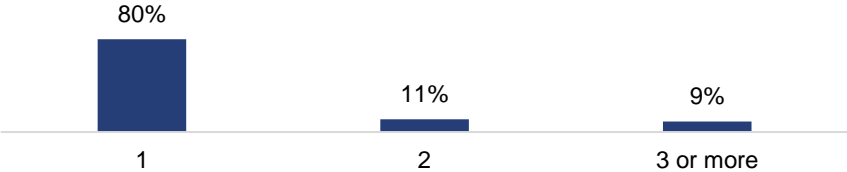
**Figure 9: Ethnicity was unknown for almost a third of people who reported sexual violence victimisations in 2020**



<sup>5</sup> Where victimisations spanned a period of time (e.g. days, months or years), victim age is calculated at the start of the occurrence.

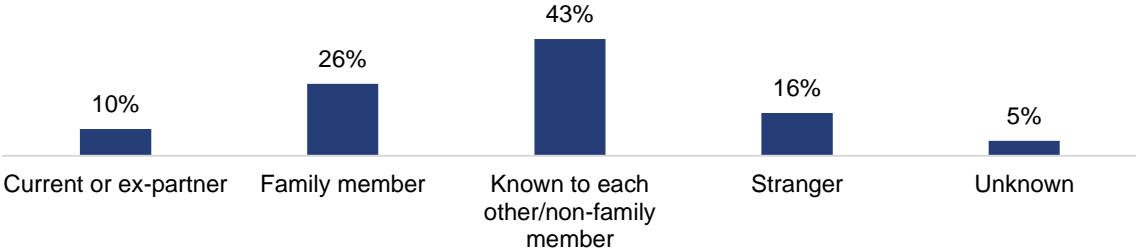
Most people who report experiences of sexual violence to Police each year had a single victimisation (80% in 2020). In 2020, 11% of people had two victimisations and 9% had three or more (Figure 10).

**Figure 10: About 20% of people who reported sexual violence victimisations in 2020 reported more than one offence**



Where a perpetrator is identified, most (79% in 2020) are known to the victim. In 2020, only 16% of identified perpetrators were strangers to the victim, and for 5% the relationship with the victim was unknown.

**Figure 11: Of victimisations where a perpetrator was identified,<sup>6</sup> most were known to the victim**



## Types of offences reported

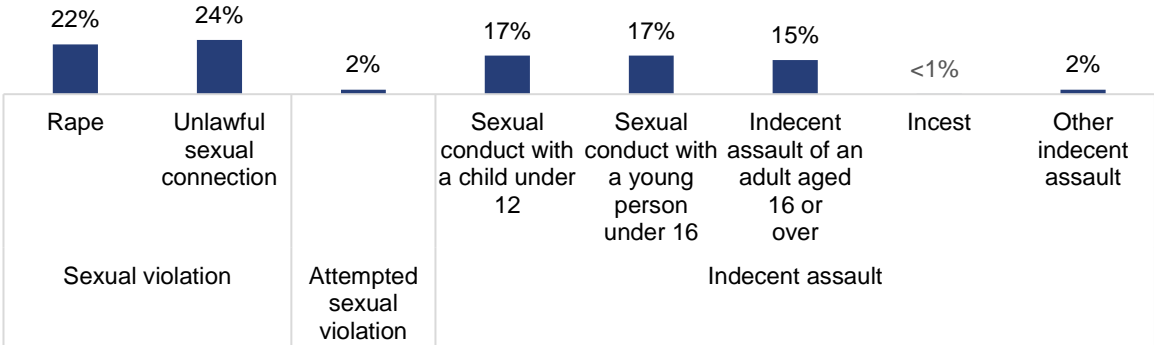
More than half of sexual violence victimisations were indecent assault offences

Most sexual violence victimisations reported in 2020 (Figure 12) were for:

- indecent assault offences (52%)
- sexual violation offences (46%); including rape (22%) and unlawful sexual connection (24%).

<sup>6</sup> Relationship with offender information is only captured if a perpetrator is identified.

**Figure 12: Most sexual violence victimisations in 2020 were indecent assault offences (52%) or sexual violation offences (46%)**

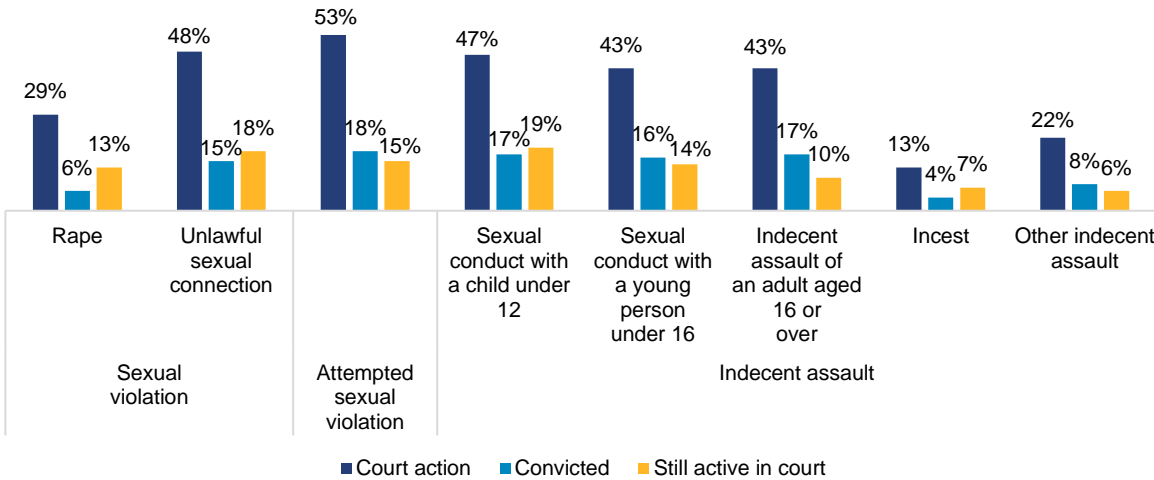


When sexual violence victimisations are reported to Police, they are assigned an offence type. However, if/when court action occurs, the charges that ultimately progress through court may be for a different offence type. For victimisations reported in 2019 that resulted in court action within two years, 10% were charged with a less serious offence (as determined by the Justice Sector Seriousness Score) than what was originally assigned by Police, and 2% were charged with an offence type that was not a sexual assault (such as assault).

**Police taking court action and conviction rates in court differ by offence type**

There are differences in the proportion of reported victimisations that result in Police taking court action, and conviction in court when they are for different offence types. For example, at two years after reporting, rape offences were less likely than other types of sexual violence to have resulted in court action (29%), and only 6% had resulted in conviction (Figure 13). In comparison, 43% of indecent assaults had resulted in court action and 16% had resulted in conviction.

**Figure 13: Reported rape offences are less likely and attempted sexual violation offences more likely to result in court action within 2 years**



## Datasets and linking

This report builds on analysis published in 2019 of the attrition and progression of sexual violence victimisations reported to Police between July 2014 and June 2018.<sup>7</sup> The analytical approach has been adapted to be better suited for annual monitoring, but results are not comparable between reports.

The analysis for the current report uses data provided by Police from their operational database for all sexual violence victimisations reported between April 2017 and March 2022. April 2017 is the earliest that consistent operational Police data for sexual violence victimisations is available. The number of reported victimisations may differ from Police official statistics due to differences in counting rules. Information was included about the victims, the types of offence reported, and the outcome of the investigation. Where a perpetrator was identified, information was also included about the perpetrator(s), what Police decided to do following investigation, and any charges filed.

Where a charge was filed, victimisations were then linked to court data, which holds information on how charges progress through the court. This information was linked using a unique identifier for charges used in both Police and court data.

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<sup>7</sup> Ministry of Justice, 2019. Attrition and progression: Reported sexual violence victimisations in the criminal justice system. Available from: <https://www.justice.govt.nz/assets/Documents/Publications/sf79dq-Sexual-violence-victimisations-attrition-and-progression-report-v1.0.pdf>

### Ministry of Justice Tāhū o te Ture

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