

statistical report **21**

rape offences

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Background

Much has been said and written about rape during the past year. The public spotlight has fallen on several cases which have been accompanied by serious assaults and even death. Rape also has attracted the attention of individuals and groups who are concerned with the rights and general well-being of women.

Not surprisingly, debate on such an emotional and sensitive issue has sometimes proceeded on the basis that all reported 'rapes' fall into a single legal/social category. On closer examination, most categories of crime turn out to be more complex than their public stereotypes and rape is no exception. Public understanding can only improve with the provision of more factual information about the offence and the circumstances in which it occurs.

The present report is based on all instances of rape reported to the New South Wales police during 1973 and accepted for investigation by the police as 'genuine' offences. The data used in the analysis has been derived from a combination of two main sources, namely, the incident reports filed by the investigating police and court records in those cases where an alleged offender was apprehended.

Since neither set of documents was compiled with the social researcher in mind, the answers to several important questions must await further research. The Bureau is especially anxious to gain a clearer picture of the background of rape offenders and to examine the extent to which attitudinal or procedural difficulties limit the reporting of rape offences. Nevertheless, there is an advantage in first viewing the problem from the perspective of the relevant state agencies. We are able to chart what happens to rape cases as they progress from being accepted as 'genuine' by the police, through the stage where the victim assists - or fails to

assist - police efforts to apprehend the offender, to the final adjudication by the courts of whether or not the defendant has committed rape or some other associated offence.

Categories of Rape

In New South Wales the offence of rape is covered by a number of sections of the Crimes Act. Rape is the penetration by the male organ of a woman's genitals without her consent. The penalty provided by the Crimes Act is life imprisonment. Consent obtained by threats or terror is not a defence to the charge.

If the consent of the woman is a comprehending and an actual consent even though obtained by false pretences, false representation or other fraudulent means or by the use of intoxicating drugs, then a person would not be guilty of rape but he could be guilty of carnally knowing the woman. A lesser penalty of 14 years imprisonment is provided for this offence. The Crimes Act draws a distinction between females of different ages. The legal charge of rape can only be made when the girl is over the age of ten years. If a person has carnal knowledge of a girl under this age then a charge under Section 67 can be laid. The penalty provided is the same as for rape, that is, life imprisonment. The question of consent does not affect this particular section.

Presentation of the data

Obviously, not all the cases accepted by the Police as genuine will be legally confirmed as such by the courts. On the other hand, the failure to sustain the case against an offender does not necessarily mean that the police erred in their original judgement that an offence had taken place. They may simply have, for a number of reasons, failed to establish a sufficiently strong case against the offender.

To aid the comprehension of the data the tables presented in this report are, for the greater part, based on the total number of reported offences. For the same reason, offences against small children, despite the legal distinction, have been included as instances of rape.

The Victims

In 1973 there were 169 reported rapes investigated and accepted 'as genuine' by the police. The victims of these offences were generally youthful. More than half of their number (52.5 per cent) were 20 years of age or under. One victim was aged six years and two were nine years of age. Approximately one in eight were 15 years of age or younger. Five victims were over 60 years of age:

Table I - Age of Victims

Age	Number	Percentage
Under 16	21	13.5
16 - 20	61	39.1
21 - 29	39	25.0
30 - 39	16	10.2
40+	19	12.2
	<hr/> 156*	<hr/> 100.0

* Age not established in 13 cases.

Approximately two-thirds of the victims (64.4 per cent) were single. One in four (24.6 per cent) were married, and the remainder were widowed, divorced or separated.

The Offenders

Number of Assailants

Two out of three (68.8 per cent) reported rapes involved a single attacker. In one case in six (16.7 per cent) there were two offenders while one case in eight (12.8 per cent) involved between three and six offenders. In two related cases there were 35 offenders:

Table II - Number of Offenders

Number of offenders	Number	Percentage
One	115	68.9
Two	28	16.9
Three	5	2.9
Four	9	5.3
Five	3	1.8
Six	5	3.1
Seven+	2	1.1
	167*	100.0

* Number of offenders not established in two cases

Serious Assaults

The popular stereotype of rape is that of a violent assaultive offence. We will explore this theme in a number of different ways, including the social context in which offences occurred and the prior relationship between victim and assailant. First, however, let us examine the extent to which rape is accompanied by physical violence or what we will term 'serious assaults'.

We can do this by using a standard set of criteria developed by statisticians working in this field.* Obviously, we would include within the violent category offences such as murder and manslaughter. We have also included offences which can be described as 'major assaults' - assaults involving the use of a weapon or committed in the company of another person, and assaults causing, or which might reasonably have caused, serious physical or mental injury. Serious injury includes any condition which would normally be regarded as requiring treatment by a medical practitioner. It includes, therefore, fractures, concussion, internal injuries, severe cuts or stabs requiring stitching, and severe general shock requiring medical attention.

Twenty-two (13.0 per cent) of the 169 cases of alleged rape were accompanied by 'serious' assaults. Five victims (2.0 per cent) died as a result of injuries received in the attack. A further seven (4.0 per cent) suffered injuries which required hospitalisation. The remaining ten who required medical attention suffered from injuries ranging in seriousness from fracture or shock to serious bruising.

* Developed by the Australian Bureau of Statistics in collaboration with New South Wales agencies involved in the compilation of criminal statistics.

The location of the wounds that were inflicted have been classified according to a system previously developed by the Bureau*.

Wound locations in the 22 serious assault cases are shown in the table below. Multiple wounds were inflicted in some cases - the average was almost two and a half (2.4) per case. The relatively large number of head, neck and shoulder wounds reflects the fact that the most common type of weapon used in the attacks was the assailant's own fists.

Table III - Wound Location/Type of Weapon

(In cases of actual assault - N = 22)

Wound location	Number**	Type of weapon	Number**
Chest	3	Firearm	-
Abdomen	3	Knife	3
Head	19	Blunt instrument	2
Back	4	Fists	19
Neck	6	Other	3
Shoulders	2	Not established	2
Vagina	6		
Anus	1		
Legs	5		
Arms	4		

* See Statistical Report No. 9, Gun and Knife Attacks.

** Includes multiple wounds and multiple weapons.

Police investigations amply demonstrate the seriousness of the injuries inflicted in these 22 cases. The head injuries mentioned earlier included one case of brain haemorrhage which resulted in death. In another, the victim sustained a facial fracture, and one woman suffered a fractured jaw. Examples of multiple injuries included, in one woman extensive swelling of the eyes, jaw and ears, bruising of the back, arms and hands and tearing of the perineum. This victim was hospitalised for 11 days.

Threatened Assault

While most of the wounds associated with rape offences resulted from the clubbing and punching inflicted by the assailant a different picture emerged when we examined the 54 cases in which the attacker threatened his victim with a weapon. One in four of these cases involved the use of a firearm. One in two involved the use of a knife:

Table IV - Weapon used to threaten Victim

(Number of relevant cases - N = 54)

Weapon	Number
Knife	28
Firearm	14
Fists*	5
Blunt instrument	1
Other	6

* Possibly understated compared with mechanical devices. Overseas studies suggest that the use of a knife or gun is more likely to be recorded in official records.

Relationship between Victim and Attacker

The evidence presented in the previous section clearly indicates that a substantial number of the reported rape offences in 1973 were accompanied by serious assaults or the threat of serious injury. But the necessity to explore the social context in which the rape offences occurred is underlined by the fact that cases involving serious assault, or the threatened use of a weapon accounted for less than half of those reported. That overt violence played a less prominent part in the remaining 55 per cent of cases reflects perhaps the different social circumstances in which these offences took place.

To test this possibility we have examined the relationship which existed between victim and attacker prior to the offence. In 43 per cent of cases the victim knew the alleged rapist before the offence, usually as a 'friend' or 'acquaintance':

Table V – Relationship between Victim and Attacker

Relationship	Number	Percentage
Family	7	4.2
Friends	25	15.0
Acquaintances	34	20.4
Estranged lovers	2	1.2
Neighbours	4	2.4
Strangers	95	56.8
	<u>167*</u>	<u>100.0</u>

* Nature of relationship not established in two cases.

While it is appropriate to place the remaining 57 per cent of cases in a separate category, the caption 'strangers' is in need of some qualification. It implies the complete absence of any social contact before the offence took place. In fact, the 95 offences involving 'strangers' included six instances in which the victim was attacked after 'hitching a ride', and ten in which she had accepted a lift from a stranger.

It was not always possible to establish a clear picture of the social circumstances in which the offence took place. For example, in 67 cases we do not know whether the offender or his victim were drinking prior to the offence. However, we do know that in one third (34.3 per cent) of the 102 cases for which this type of information was recorded, the two parties had been drinking together. In an almost equal number of cases (30.4 per cent) the offender had been drinking, and in a further 19 per cent the victim had been drinking prior to the offence.

Location

Rape is often depicted as occurring in dark streets and parks or in bushland. In 1973 a number of offences did occur in these places, but almost one in every two took place in a house or flat. In these latter cases, three times out of four the location was the house or flat of the victim. Of the 78 offences which occurred in a house or flat slightly more than a third (36 per cent) involved women who had been voluntarily in the company of the attacker at the time of the offence. In the remaining cases the rapist broke into the victim's house, but even in this category of offence every third case involved a man already known to the rape victim.

To Summarise:

In slightly more than half of the cases which occurred in a house or flat (40/78) the parties were already acquainted prior to the occurrence of the offence.

Relationship - Attacker/Victim
(offence in house/flat)

	Number
Other family	6
Friends	12
Acquaintances	19
Neighbours	3
No prior relationship	38
	—
	78

After a house or flat, the next most frequent location of rape offences was the vehicle belonging to the offender. Of the 24 cases which occurred in these circumstances, 16 involved women who were in the company of the assailant prior to the offence. Approximately half of the 13 women attacked in city parks, and the 20 attacked in bushland, were also in the company of the offender prior to the offence.

Although Table VI shows that only four offences occurred in the streets, in fact, 28 of the 169 victims were accosted in the streets.

Perhaps not surprisingly, almost half (46.1 per cent) of the reported rapes occurred in the four hours between 11.00 p.m. and 3.00 a.m. More offences took place on Fridays,

Saturdays and Sundays. Almost three out of every five (59.0 per cent) rapes occurred over those three days.

Table VI - Place where offence occurred

Location	Number	Percentage
Street	4	2.4
Victim's car	4	2.4
House/flat	78	46.4
City/suburban park	13	7.7
Offender's car	24	14.3
Bushland	20	11.9
Parking lot	2	1.2
Vacant allotment	3	1.8
Beach	1	0.6
Hotel/Motel	1	0.6
Other	18	10.7
	168*	100.0

* Location not established in one case.

When the number of women living in each region of the State is considered, we find that Sydney has a marginally higher number of reported rape offences than Newcastle. Wollongong occupies a position midway between the two extremes of Sydney and the 'rest of State' or country areas:

	Number of rapes	Female population	Rate per 100,000
Sydney	119	1,430,752	0.83
Newcastle	10	131,571	0.76
Wollongong	6	91,251	0.66
Rest of state	33	633,872	0.52
Not established	1		

169

There were no rapes reported in 11 of the 41 local government areas within the Sydney Statistical Division. A further ten local government areas each had one reported rape. The remaining cases were fairly evenly distributed over the rest of Sydney but there were noticeable concentrations in the City of Sydney (13 cases) and a small number of municipalities on the western fringes of the metropolitan area. In the latter region, four L G A's, representing 17 per cent of the city's female population, accounted for 27 per cent of Sydney's total offences.

Apprehending the Offender

More than half (54.7 per cent) of the victims reported the offence within an hour and a half of its occurrence. Nine out of ten offences (90.7 per cent) were reported within twelve hours.

Table VII - Time taken to report Offence

	Number	Percentage
$\frac{1}{4}$ hour or less	18	10.7
$\frac{1}{4}$ - $\frac{1}{2}$ hour	22	13.0
$\frac{1}{2}$ - $\frac{3}{4}$ hour	15	8.9
$\frac{3}{4}$ - 1 hour	16	9.5
1 - $1\frac{1}{4}$ hours	7	4.1
$1\frac{1}{4}$ - $1\frac{1}{2}$ hours	10	5.9
$1\frac{1}{2}$ - $2\frac{1}{2}$ hours	19	11.3
$2\frac{1}{2}$ - $3\frac{1}{2}$ hours	9	5.3
More than $3\frac{1}{2}$ hours	45	26.6
Not established	8	4.7
	169	100.0

One would think the length of time taken to report a rape would seriously affect the chances of the police apprehending the offender. Surprisingly, this expectation was not borne out by the results of the present study. Of the 161 cases in which the reporting time was established, it is true that up to a point the longer the interval

between the occurrence of the offence and the police being notified, the more likely the offender was to be apprehended. For example, an offender was arrested in 72 per cent of the 116 cases reported in $3\frac{1}{2}$ hours or less. However, an arrest was made in 84 per cent of the 45 cases which took longer than $3\frac{1}{2}$ hours to report.

Unexpected as these findings were, there is also the possibility that the length of time taken to report an offence reflects the nature of the relationship between offender and victim. Perhaps those who took longer to report rape offences were better acquainted with the attacker; more certain of his identity, but in a state of conflict about whether they should report the offence.

There is strong evidence to support this interpretation. When we classify the relationship between victims and their attackers into just two categories, namely, 'strangers' and those who were 'acquainted', we find that a significantly larger number of cases involving unacquainted people were reported in the first $3\frac{1}{2}$ hours:

	Strangers (N=91) %	Acquainted (N=76) %
$3\frac{1}{2}$ hours or less	82.4	60.3
More than $3\frac{1}{2}$ hours	17.6	39.7

An arrest was made in every case where the parties had been acquainted before the offence. On the other hand, no arrest was made in a significant number (41.7 per cent) of the cases involving attacks by strangers.

Table VIII - Time taken to notify Police by Arrest

	Offender a stranger		Offender an acquaintance	
	Arrested	Not arrested	Arrested	Not arrested
3½ hours or less	42	33	41	-
More than 3½ hours	11	5	27	-
	53	38	68	-

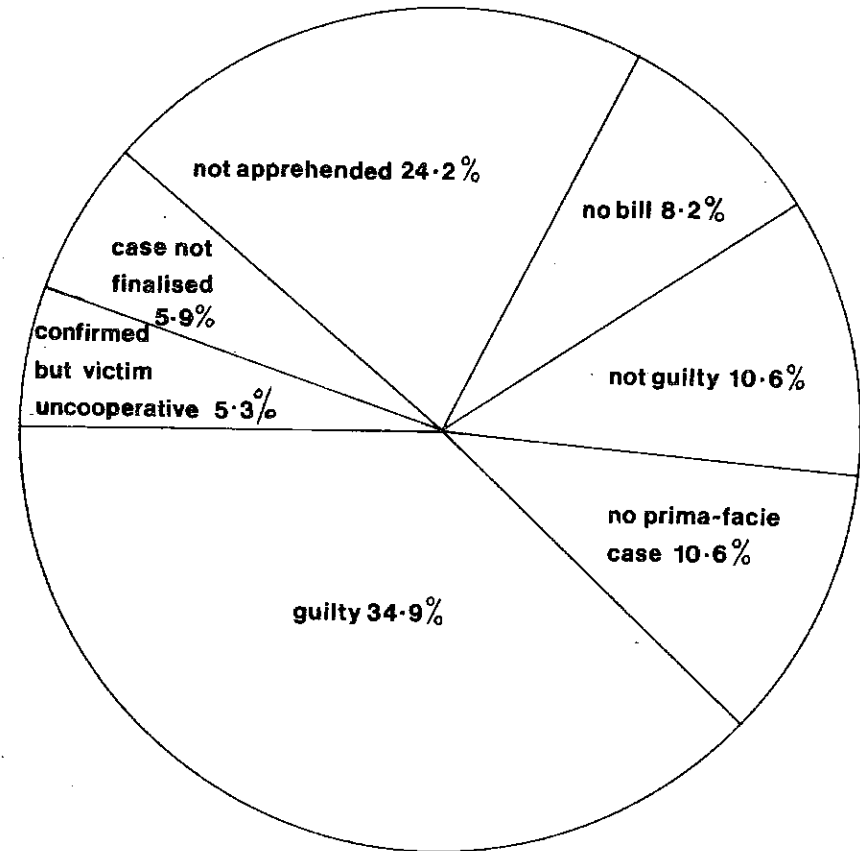
The table above shows that even where the offender was a stranger there was a greater likelihood of an arrest occurring in those offences reported after three and a half hours. Admittedly, the number of cases involved was small but the fact that delayed reporting was somewhat more often associated with serious injury may have resulted in an even more intensive attempt to apprehend the attacker.

Penalties

In examining the general outcome to the 169 cases of reported rape during 1973, it needs to be noted that our enquiries terminated in July 1974. However, with the exception of ten cases which were still before the courts, it is unlikely that the accompanying picture will be drastically altered by further arrests. It is possible to infer this because in substantially more than half of the 117 cases in which the alleged offender was apprehended, the arrest took place within two days of the offence. More than four out of five (84 per cent) of the arrests took place within a week. On the other hand, only one arrest occurred six months or more after the offence.

In constructing a general picture of the outcome to the cases of reported rape, we should first note that in one case in four (24.2 per cent) no one was apprehended for the offence. In one case in twenty the police were unable to proceed with their inquiries because the victim was uncooperative. In a further 18 cases (10.6 per cent) the prosecution was unable to establish a prima facie case in the lower court and in another 14 cases (8.2 per cent) a 'no bill' was found.*

Of the remaining 87 cases, ten had not been completed by the end of the study period and 59 terminated in a conviction although not necessarily for rape.



* The term 'no bill' refers to those cases in which the Attorney General, in the right of the Crown, on the advice of the Solicitor General, does not proceed with the prosecution.

Two thirds of the convictions were for the offence of rape or assault with intent to rape. However, the final outcomes ranged from murder to common assault:

Table IX - Convictions in Cases of Reported Rape

	Number
Rape	32
Attempt rape	2
Assault with intent to rape	5
Carnal knowledge	4
Indecent assault	7
Common assault	3
Assault causing actual bodily harm	1
Murder	3
Abduction	1
	58

All of the 32 offenders convicted of rape were sentenced to a term of imprisonment. In three cases out of four the sentence was for six years or more; in a quarter the term of imprisonment exceeded ten years.

Table X - Penalties for Rape and Related Offences

	Rape	Attempt rape	Assault, intent rape
Recognizance	-	-	1
Imprisonment:			
2 - 3 years	1	-	1
3 - 4 years	2	-	-
4 - 5 years	2	-	1
5 - 6 years	3	2	-
6 - 7 years	5	-	2
7 - 8 years	8	-	-
8 - 9 years	3	-	-
9 - 10 years	-	-	-
10 years+	8	-	-
	32	2	5

