Financial Assistance to Victims of Sexual Offences

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1. Financial Assistance and Victims’ Experiences (FAVE) project

- Partner is Victim Assist Queensland (VAQ)
- Project addresses significant problem: lack of knowledge on state-based schemes for crime victims
- Created quantitative dataset to analyse victim profile, outcomes, and assessor discretion
2. Context
- QLD one of four financial assistance jurisdictions (others are VIC, NSW, ACT)
- Began December 2009; Act amended to take effect July 2017
- Primary victims: process and eligibility
- Expenses (not all receive) and recognition payment (all receive): total $75,000 + $500 legal
- Recognition payment (to 1 July 2017): $5,000 to $10,000 (category A); $1,301 to $3,500 (category B)

3. FAVE methods
- Three studies: all of sexual offences (large dataset, on-line survey, interviews)
- FAVE-SoR dataset: 291 cases (lodged and payment determined during 1 July 2012 to 31 December 2013)
- Variables drawn from VAQ admin data and Statement of Reasons (SoR). SoR gives an assessor’s rationale for payments to each victim.
- All data and documents de-identified

4. Profile of cases (N=291)
- 87% female victims
- 12% Aboriginal or Torres Strait Islander victims
- 98% reported to the police
- 100% male offenders (for 68% of known cases)
- victim-offender relationships
  - 47% family members or relatives
  - 44% well-known or known to victim
  - 9% stranger
5. Profile of victims: unexpected findings

* #1: age of victim
At time of offence or when it began
- 46% under 12 years
- 78% under 18
- All males under 18
Mean age: males (10.2); females (16.5)

* #2: on-going victimisation
- 48% on-going: one week to over 5 yrs
- On-going cases: median 1.4 years (33% > 3 yrs)

6. Payments

<table>
<thead>
<tr>
<th></th>
<th>RP ($)</th>
<th>total ($)</th>
<th>% exp</th>
<th>% max RP</th>
</tr>
</thead>
<tbody>
<tr>
<td>all (N=291)</td>
<td>1,257</td>
<td>7,805</td>
<td>69</td>
<td>71</td>
</tr>
<tr>
<td>Cat A ($5 to 10k)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>rape</td>
<td>40</td>
<td>9,428</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>MSR</td>
<td>25</td>
<td>9,493</td>
<td>60</td>
<td>80</td>
</tr>
<tr>
<td>Cat B ($1.3 to 3.5k)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sexual assault</td>
<td>12</td>
<td>3,057</td>
<td>62</td>
<td>53</td>
</tr>
<tr>
<td>indecent treatment</td>
<td>23</td>
<td>3,067</td>
<td>66</td>
<td>56</td>
</tr>
</tbody>
</table>

Highlighting findings on payments

- Top line: average RP is $7,250; total payment (including expenses), $9,800; about 7 in 10 victims receive expenses; a similar share receives maximum RP
- Averages can be misleading
- The percent receiving expenses varies by type of offence: rape (80%), MSR (60%), sexual assault (62%), indecent treatment (66%). Why?
- The percent receiving the maximum RP varies for category A (80%) and B (53 to 56%) offences. Why?
7. Assessor discretion: concepts

- Do societal ideas of 'real rape' and 'credible victims' – drawn from research in criminal justice – affect amounts awarded for the recognition payment?
- 'Real rape': stranger, public setting, serious physical injury, weapon use, multiple assailants
- 'Credible victims': no risk-taking behaviour before offence, resist by screaming or hitting assailant, report to authorities right away

8. Assessor discretion: method and analysis

- SoRs coded for 'real rape' and 'credible victim' elements; 'seriousness' elements drawn from the Act; about 25 variables
- Problem: SoRs written for another purpose, not with research in mind; not sufficiently detailed
- Results are suggestive, not definitive
- Analysed rape and sexual assault cases with female victims 12 and older
- Expected 'seriousness' elements but (ideally) not 'real rape' or 'credible victims' to affect outcomes

9. Assessor discretion: findings

**Rape** (statistically significant)

- 'Real rape': stranger relations, physical force/violence, or any 'real rape' element, more likely to receive maximum RP
  
  E.g., 92% of stranger cases received maximum, compared to 73% of non-stranger cases; 89% with any 'real rape' element received maximum compared to 65% without any element

- Credibility: two negative credibility items or any negative credibility item, less likely to receive maximum

- Seriousness: mention of a series of crimes, more likely to receive maximum
9. Assessor discretion: findings (cont.)

**Sexual assault** (statistically significant)
- Credibility: when offence reported within 3 days or 7 days, more likely to receive maximum RP
- Seriousness: mention of younger aged victim (less than 18) or of any seriousness element, more likely to receive maximum

10. Summary and implications
- Assessor discretion (noting limitations): RP affected by societal ideas of 'real rape' and 'credible victims'
- Implications for other jurisdictions
- Profile of victims (young age and on-going victimisation) challenges images of sexual offence victims from surveys and research literature
- 'Average' outcomes can be misleading
- Australian jurisdictions must do more with the information they have: to understand, improve, and inform victims, victim advocates, and general public