

Financial Assistance to Victims of Sexual Offences

Professor Kathleen Daly
Criminology & Criminal Justice
Griffith University
k.daly@griffith.edu.au

Dr Robyn Holder
Griffith Criminology Institute
Griffith University
r.holder@griffith.edu.au

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Kathleen Daly and Robyn Holder
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www.griffith.edu.au/professional-page/professor-kathleen-daly/
www.griffith.edu.au/criminology-law/griffith-criminology-institute/staff/dr-robyn-holder

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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 | | | | | |
|------------------------------|----|-------|----------|-------|----------|
| | | RP \$ | total \$ | % exp | % max RP |
| | | (1) | (2) | (3) | (4) |
| all (N=291) | | 7,257 | 9,815 | 69 | 71 |
| | % | | | | |
| Cat A (\$5 to 10k) | | | | | |
| rape | 40 | 9,428 | 12,784 | 80 | 80 |
| MSR | 25 | 9,493 | 11,798 | 60 | 80 |
| Cat B (\$1.3 to 3.5k) | | | | | |
| sexual assault | 12 | 3,057 | 5,052 | 62 | 53 |
| indecent treatment child | 23 | 3,067 | 4,766 | 66 | 56 |

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
